



COMITATO LIBERAZIONE NAZIONALE VENETO
(Art. 96.3 I° Protocollo Convenzione di Ginevra 1977 – legge n.762 del 11 dicembre 1985)



PROT.N. DPL03062100015

Palazzo Ducale, Venice 26 May 2021.

"Peace cannot be separated from freedom because no one can be at peace without freedom"

Public international treaty establishing the International Organization sui generis Union Peoples of Europe.

The present treaty "Peoples of Europe" is governed by the international law of the Convention of Vienna. Treaties concluded between states, other subjects of international law and individuals with direct democracy.

To His Excellency, General Secretary of the United Nations, Mr. António Guterres, U.N. Office of Legal Affairs, Mr. Miguel de Serpa Soares, 760 United Nations Plaza - New York - N.Y. 10017 - USA.

To U.N. - OHCHR, Ms. Michelle Bachelet Jeria, Palais Wilson - Rue de Paquis, 52 CH-1201 Genève - SUISSE.

Haut Commissariat des Nations Unies pour les réfugiés (UNHCR), Rue de Montbrillant 94, 1201 Genève - SUISSE.

International Committee of the Red Cross, 19 Avenue de la Paix, 1202 Geneva - SWITZERLAND.

To the O.E.C.D. - Organization for Economic Co-operation and Development (OECD) General Secretary, Mr. Angel Gurría, 2 Rue André Pascal, 75775 Paris Cedex 16 - FRANCE.

To the High Representative of the European Union for Foreign Affairs and Security Policy, Mr. Josep Borrell, c/o European Commission, Rue de la Loi - Weststraat 200, 1049 Brussels BELGIUM.

BIS - Centralbahnplatz 2, 4051 Basel - SWITZERLAND.

World Bank, 1818 H. Street NW, Washington, DC 20433, USA.

Performed by:

Federal Department of Foreign Affairs of the Veneto National Liberation Committee

Government of the National Council of the Veneto People

Organization for the Liberation of the Venetian Territories

Venetian National Authority



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Legal Affairs Office of the Legislative Council of the Veneto People.

United Nations General Secretary, Mr. António Guterres "Universal human rights are not disjointed from the right of peoples to self-determination ". Obligations reflected in the resolution of the General Assembly 1514 (XV).

To the General Secretary of the Organization for Economic Co-operation and Development (OECD), Mr. Angel Gurría: "The OECD is bound by the principles and objectives defined by the 1975 Helsinki Act and the 1990 Paris Charter ".

In order to create a legal reference for the activities of the E.U. on human rights and in democracy, the Council on 29 April 1999 adopted regulations 975/1999 and 976/1999 on the development and strengthening of democracy and the rule of law and respect for human rights.

The right of self-determination of the peoples of Europe, as a rule of *ius cogens*: one country two systems, to protect the safeguard of fundamental rights.

The Contracting Parties to this Convention,

considering the fundamental importance of treaties in the history of international relations, recognizing the increasing importance of treaties as a source of international law as a means of developing peaceful collaboration between nations, whatever their regimes constitutional and social are, noting that the principles of free consent and good faith as well as the *pacta sunt servanda* are universally recognized, stating that disputes relating to treaties must, like other international disputes, be settled with peaceful means and according to the principles of justice and international law, recalling the decision of the peoples of the United Nations to create the necessary conditions for the maintenance of justice and compliance with the obligations arising from the treaties, aware of the principles of international law contained in the Charter of the United Nations, such as the principles concerning the equality of rights of peoples and their right to dispose of themselves, the sovereign equality and independence of all States, non-interference in the internal affairs of States, the prohibition of making use of threats or use force and universal and effective respect for human rights and fundamental freedoms for all, convinced that the codification and the progressive development of the law of the treaties made by this Convention will serve the purposes of the United Nations set out in the Charter, which are those of maintaining international peace and security, of developing friendly relations between nations and to implement international collaboration, affirming that the norms of customary international law, *jus cogens-erga omnes*, will continue to regulate matters not governed by the provisions of this agreement,

(preamble)



the Peoples of Europe, in creating an ever closer Union among themselves, have decided to share a peaceful future based on common values. Aware of its spiritual and moral heritage, the Union of the Peoples of Europe is founded on the indivisible and universal values of human dignity, of freedom, equality and solidarity; it is based on the principle of democracy and on principle of the rule of law. It places the person at the center of its action by establishing citizenship Union and by creating an area of freedom, security and justice. The Union of Peoples of Europe contributes to the safeguarding and development of these common values while respecting the diversity of cultures, of religions, customs and traditions of the peoples of Europe and foundation in Christian principles; it strives to promote one balanced and sustainable development and ensures the free circulation of people, services and goods and capital, as well as the freedom of establishment, always in compliance with the rules in force in each sovereign State. For this purpose, protection must be strengthened of fundamental rights, in the light of the evolution of society, social progress and scientific and technological developments, making these rights more visible in a Charter. This Constitutional Charter reaffirms, in compliance with the competences and tasks of the Union and the principle of subsidiarity, rights deriving from international obligations, human rights and fundamental freedoms, as well as the jurisprudence of the International Court of Justice. The enjoyment of these rights gives rise to responsibilities and duties towards others as well as the human community and future generations.

With this Treaty, the contracting parties establish among themselves the European Union of Peoples of Europe, hereinafter referred to as the "Union of Peoples of Europe", to which the Member States, International Organizations and natural persons with direct democracy, attribute competences to achieve their common goals.

This Treaty marks a new stage in the process of creating an ever more closer Union between the Peoples of Europe, in which decisions are taken as transparently as possible and as close as possible to the citizens, through direct democracy.

The Peoples of Europe Union is based on this Treaty and has legal value.

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of individuals belonging to minorities. These values are common to the Member States in a characterized society from pluralism, from non-discrimination, from tolerance, from justice, from solidarity and equality between women and men.

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union offers its citizens an area of freedom, security and justice without internal borders, in which the free movement of persons is ensured together with appropriate measures for as regards external border controls, asylum, immigration, prevention of crime and the fight against it.
3. The Union establishes an internal market. It strives for the sustainable development of Europe based on balanced economic growth and price stability, on a social economy of highly competitive market, which



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aims at full employment and social progress and on a high level of protection and improvement of the quality of the environment. It promotes scientific and technological progress.

The Union fights social exclusion and discrimination and promotes justice and social protection, equality between women and men, solidarity between generations and the protection of rights of the minor. It promotes economic, social and territorial cohesion and solidarity between member states.

It respects the richness of its cultural and linguistic diversity and monitors the safeguarding of the development of the European cultural heritage.

The Union establishes an economic and monetary union whose conventional currency is the Zecchino, a currency which must be the result of the various forms of credit regulation of the individual states and which considers the different economic and productive structures of each state; the Zecchino is the conventional currency of the states and of the regulations between states, without prejudice to the possibility of each state to issue its own currency or monetary and financial instruments capable of supporting the local economy, precisely as a principle of freedom of each one, of the sovereignty of the peoples. For this purpose, the Zecchino would represent the monetary unit resulting from a basket of state currencies and the central bank would act as lender of last resort and clearing house in Confederation transactions and would guarantee the necessary exchange rate elasticity aimed at overcoming local crises without this turns into unfair competition with other economies of the confederate states. Everyone is free to join the common currency or not, it being understood that leaving the confederation also implies leaving this monetary system and vice versa. In order to harmonize the economic system common to the Confederate States, the common currency must be accompanied by common measures in terms of taxation, so that monetary policy and fiscal policy can interact without leaving just one the task of how to achieve a general economic equilibrium of the Confederal system.



In relations with the rest of the world, the Union of the Peoples of Europe affirms and promotes its values and interests, contributing to the protection of its citizens. Contributes to peace, security, to the sustainable development of the Earth, to solidarity and mutual respect between peoples, al free and fair trade,



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the eradication of poverty and the protection of human rights, in particular the rights of the child and the strict observance and development of international law, in particular to respect the principles of the United Nations Charter.

The Union pursues its objectives by appropriate means, based on the competences attributed by this Treaty.

This Treaty is concluded for an unlimited period.

This Treaty will be ratified by the High Contracting Parties the instruments of ratification and will be deposited at the government of the Veneto National Liberation Committee.

This Treaty will enter into force upon ratification.

This Treaty, drawn up in a single copy in the Bulgarian, Czech, Danish, Estonian, Finnish, French, Greek, English, Irish, Italian, Latvian, Lithuanian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish, Swedish, German, Hungarian and Venetian. The lyrics in each of these equally authentic languages, they will be deposited in archives of the Veneto government, which will send a certified copy to each of the governments of the other signatory states.

This Treaty may also be translated into any other language.

Therefore, the Union of Peoples of Europe of the International Organization sui generis "Union of Peoples of Europe" recognizes the rights, freedoms and principles set out below:

Transitional adoption of the Federal Constitution of the Swiss Confederation.

Statute

In the name of Almighty God, the Peoples of Europe, aware of their responsibility towards creation,

Resolved to renew the confederal alliance and to consolidate its internal cohesion, in order to strengthen freedom and democracy, independence and peace, in a spirit of solidarity and openness in the world,

Determined to live their multiplicity in unity, mutual consideration and respect, aware of common achievements as well as of their responsibilities towards future generations,

Aware that free is only he who uses his freedom and that the strength of a people is commensurate with welfare of the weakest of its members, they gave themselves this Constitution.

First title: General provisions



Art. 1

The Peoples of Europe constitute the European Confederation of the Peoples of Europe.

Art. 2 Purpose

The Confederation of Peoples of Europe protects the freedom and rights of peoples and safe-guards independence and the security of the country.

It sustainably promotes common prosperity, internal cohesion and cultural plurality of the country.

It ensures equal opportunities for citizens as much as possible.

It is committed to the lasting preservation of the natural foundations of life and to an inter-national order just and peaceful.

Art. 3 Federalism

Peoples are sovereign, although their sovereignty is not limited by the Federal Constitution and exercise all rights not delegated to the Confederation.

Legal basis: Codification.

International legal norms recognize that every human being has innate rights, therefore in-violable, inalienable and imprescriptible, which therefore pre-exist the written law. The individual is original subject of sovereignty and comes before the state and the system of states. By virtue of the rights which are equally inherent in each of its members, even the universal human family it is an original collective subject that comes before the system of states and the

single state. Some innate rights (to existence, identity, self-determination) are also re-cognized by human communities that have the character of a people. Everyone has the right to respect their own personal identity, physical and mental integrity, health and the enjoyment of their assets.

No one should be discriminated for reasons related to race, sex, religion or for other reasons contrary to international law. According to resolution 18/6, an international order democratic and equitable requires the realization, inter alia, of the following: a. The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development; b. The right of peoples and nations to permanent sovereignty over their wealth and natural resources; c. The right of every human person and of all peoples to development; d. The right of all peoples to peace; e. The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation between all states; f. International solidarity, as a right of persons and individuals; g. The promotion and consolidation of transparent,



democratic international institutions, fair and accountable in all areas of cooperation, in particular through implementation the principle of full and equal participation in the respective decision-making mechanisms; h. The right to an equal participation of all, without any discrimination, in the national and global decision-making process; i. The principle of equal regional and gender representation in the composition of the staff of the United Nations system; j. The promotion of an international order of information and communication that is free, fair, effective and balanced, based on international cooperation to establish a new balance and greater reciprocity in the international flow of information, in particular correcting inequalities in the flow of information to and from developing countries; k. Respect for cultural diversity and the cultural rights of all, as pluralism cultural increases, contributes to a wider exchange of knowledge and understanding of cultural contexts, promotes the application and enjoyment of universally accepted human rights around the world and promotes stable and friendly relations between peoples and nations around the world; l. The right of every person and of all peoples to a healthy environment and international cooperation strengthened that effectively responds to the assistance needs of national efforts adaptation to climate change, particularly in developing countries that promotes the fulfillment of international agreements in the field of mitigation; m. Promoting equal access to the benefits of international distribution of wealth through enhanced international cooperation, particularly in international economic, commercial and financial relationships; n. The enjoyment by all of the ownership of the common heritage of humanity in relation to the public right of access to culture; o. The shared responsibility of the nations of the world for the management of economic development social and social issues, as well as threats to international peace and security, should be exercised multilaterally.

We are in the presence of an important achievement of juridical civilization: the Self-determination of Peoples from the "beginning" of politics becomes a "fundamental right" expressly recognized by the universal (written) law of human rights. Universal human rights are not divorced from the right of peoples to self-determination. Equality of rights and self-determination of peoples. Participating States respect the equality of the rights of peoples and their right to self-determination. By virtue of the principle, equality of rights and self-determination of peoples, all peoples have always the right, in full freedom, to determine when and how they want their political regime internal and external, without external interference and to pursue their political, economic, social and cultural development as they wish. The human right to development also implies the full realization of the right of peoples to self-determination which includes, on the basis of the provisions of both international pacts on human rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. Convinced that the effective respect for human rights implies respect for the rights of peoples, we have adopted the Universal Declaration of Peoples' Rights.

RIGHT TO EXISTENCE

Article 1



Every people has the right to exist.

Article 2

Every people has the right to respect their national and cultural identity.

Article 3

Every people has the right to peacefully preserve their territory and to return to it in case of expulsion.

Article 4

No one, for reasons of national or cultural identity, can be the subject of massacre, torture, persecution, deportation, expulsion or being subjected to life conditions that could compromise the identity or integrity of the people to which it belongs.

RIGHT TO POLITICAL SELF-DETERMINATION

Article 5

Every people has the inalienable and inalienable right to self-determination. It decides its political status in full freedom and without any external interference.

Article 6

Every people has the right to break free from any direct or indirect colonial or foreign domination and any racist regime.

Article 7

Every people has the right to a democratic government that represents all citizens, without distinction of race, sex, belief or color and capable of ensuring effective respect human rights and fundamental freedoms for all.

ECONOMIC RIGHTS OF PEOPLES

Article 8

Each people has the exclusive right to their natural wealth and resources. It has the right to repossess it if it has been stripped of it and to recover the compensation paid unjustly.

Article 9



Since scientific and technical progress is part of the common heritage of humanity, every people has the right to participate.

Article 10

Every people has the right to have their work properly valued and to have international ex-changes have place on equal and fair conditions.

Article 11

Every people has the right to give themselves the economic and social system they have cho-sen and to pursue its own way of economic development in full freedom and without external interference.

Article 12

The economic rights set out above must be exercised in a spirit of solidarity between the peoples of world, considering their respective interests.

RIGHT TO CULTURE

Article 13

Every people has the right to speak their language, to preserve and develop their culture, thus contributing to the enrichment of the culture of humanity.

Article 14

Each people has the right to their own artistic, historical and cultural riches.

Article 15

Every people has the right not to have a culture that is foreign to it imposed on it.

RIGHT TO THE ENVIRONMENT AND COMMON RESOURCES

Article 16

Every people has the right to the conservation, protection and improvement of their environ-ment.

Article 17

Every people has the right to use the common heritage of humanity such as the high seas, the bottom of the seas, the extra atmospheric space.

Article 18



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In exercising the rights listed above, every people must considering the need to coordinate the needs of their own economic development and those of solidarity among all the peoples of world.

The contracting parties hereby, considering the fundamental importance of the treaties in history of international relations, recognizing the increasing importance of treaties as a source of international law and as a means to develop peaceful collaboration between nations, whatever their constitutional and social regimes, noting that the principles of free consent and good faith as well as the pacta sunt servanda standard are universally applicable recognized, stating that treaty disputes must, as well as other international disputes, be composed by peaceful means and according to the principles of justice of international law, recalling the decision of the peoples of the United Nations to create the necessary conditions for the maintenance of justice and compliance with the obligations arising from the treaties, aware of the principles of international law contained in the Charter of the United Nations, such as the principles concerning the equality of rights of peoples and their right to dispose them-selves, sovereign equality and independence of all states, non-interference in internal state affaires, the prohibition on making use of threats or the use of force and universal effective respect of human rights and fundamental freedoms for all, convinced that codification and the progressive development of the law of the treaties implemented by this Convention will benefit for the purposes of the United Nations set forth in the Charter, which are to maintain peace and the international security, to develop friendly relations between nations and to im-

plement international collaboration, agree that the norms of customary international law will continue to settle matters not governed by the provisions of this letter convention.

Pursuant to international human rights law, the person with the right to self-determination it is the people as a distinct subject from the state. The sui generis international organization Peoples of Europe, has international legal personality, by virtue of which it can be considered a subject of independent legal imputation; is an international organization. It has ownership of rights and obligations within international law and can act independently with respect to the States. It can be included in the concrete manifestation of international subjectivity also of immunity and privileges. The founding act determines the structure and objectives of the Organization sui generis Peoples of Europe, lists the powers attributed to achieve the intended purposes. With the effective use of these powers, in acting concretely on the international level, to make her an actress of the international community, therefore eligible to be the holder of legal personality, in full real capacity to exercise all the functions of the principle of effectiveness. The principle of effectiveness in law is the principle that provides for concrete execution of what is established by substantive law, or by the rules that are part of the legal system. It is the principle on which the protection of rights is based, when this becomes effective in the individual concrete case. The promotion of peace and human rights are among the priorities of politics of the International Organization sui generis Peoples of Europe. The protection of individual people and their dignity is therefore central. Every human being must be able to live free from fear, out of need and in peace. The International Organization sui generis Peoples of Europe is committed in this sense not only in the field but also in international organizations. The human right development also implies the full realization of the right of peoples to self-determination which includes, on the



basis of the provisions of both International Covenants Rights of human beings, the exercise of their inalienable right to full sovereignty over all their wealth and natural resources.

Resolution 61/178 of 20 December 2006

Resolution 61/295 of 13 September 2007

April 14, 1952 - Commission on Human Rights, United Nations, New York. Resolution of the General Assembly of Nations 1803 (XVII) on "Permanent sovereignty over natural resources"

Declaration on the right to development

Resolution 421 (V) of the General Assembly of 4 December 1950 (Draft International Pact on Human Rights and Implementing Measures: Future Work of the Commission on Human Rights)

Resolution 523 (VI) of the General Assembly of 12 January 1952 (Integrated economic development and commercial agreements)

Resolution 545 (VI) of the General Assembly of 5 February 1952 (Inclusion in the International Covenant or in the Covenants on Human Rights of an article relating to the right of peoples to self-determination)

Economic and Social Council, Report of the Commission on Human Rights the work of his eighth session, April 14 - June 14, 1952 (E / 2256)

Human Rights Commission, draft resolution presented by Chile (E / CN.4 / L.24, 16 April 1952)

Resolution 637 C (VII) of the General Assembly of 16 December 1952 (The right of peoples and nations to self-determination)

Resolution 626 (VII) of the General Assembly of 21 December 1952 (Right to freely exploit wealth and natural resources)

Resolution 738 (VIII) of the General Assembly of 28 November 1953 (The right of peoples and nations to self-determination)

Commission on Human Rights, joint draft resolution tabled by Chile, China, Egypt, India, Pa-kistan and Philippines (E / CN.4 / L / 381, 1954)

Economic and Social Council, Report of the Commission on Human Rights on the work of his tenth session, 23 February -16 April 1954 (E / 2573)



Economic and Social Council, Report of the Social Committee to the Economic and Social Council, July 26, 1954 (E / 2638)

Resolution 545 G (XVIII) of the Economic and Social Council of 29 July 1954 (Recommendations on international respect for the rights of peoples and nations to self-determination)

Third Committee of the General Assembly, joint draft resolution presented by Bolivia, Chile, Costa Rica, Egypt, Greece, Haiti, Indonesia, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philip-pines, Saudi Arabia, Syria and Yemen (Report of the Third Committee, A / 2829, 4 December 1954)

Report of the Third Committee to the General Assembly (A / 2829, 4 December 1954).

General Assembly resolution 837 (IX) of 14 December 1954 (Recommendations on international compliance of the right of peoples and nations to self-determination)

Economic and Social Council, Report of the Commission on Human Rights on the work of his eleventh session, April 5 - April 29, 1954 (E / 2731)

Resolution 586 D (XX) of the Economic and Social Council of 29 July 1955 (Recommendations relating to international respect for the right of peoples and nations to self-determination)

Resolution 1188 (XII) of the General Assembly of 11 December 1957 (Relative Recommendations international respect for the right of peoples and nations to self-determination)

Report of the Third Committee to the General Assembly (A / 4019, December 3, 1958)

General Assembly, Verbatim of the 788th plenary meeting of the thirteenth ordinary session, held on 12 December 1958 (A / PV.788)

General Assembly Resolution 1314 (XIII) of 12 December 1958 (Recommendations concerning international respect for the rights of peoples and nations to self-determination)

Commission on Permanent Sovereignty over Natural Resources, note from the General Secretary "Historical summary of the discussions relating to the question of the permanent sovereignty of peoples and of nations on their wealth and natural resources "(A / AC.97 / 1, 12 May 1959)

Economic and Social Council, Report of the United Nations Commission on Sovereignty permanent on natural resources on the works of the first and second session, 18-22 May 1960 (E / 3334)



Commission on Permanent Sovereignty over Natural Resources, United Nations Secretariat, Preliminary study, "The Status of Permanent Sovereignty over Natural Wealth and Resources", 15 December 1959 (A / AC.97 / 5 and Corr. 1 and Add. 1)

Commission for Permanent Sovereignty over Natural Resources, United Nations Secretariat, revised study, "The Status of Permanent Sovereignty over Natural Wealth and Resources," De-cember 27 1960 (A / AC.97 / 5 / Rev.1 and Corr. 1 and Add. 1)

Economic and Social Council, Report of the United Nations Commission on Sovereignty stand-ing on natural resources on the proceedings of its third session, May 1961 (E / 3511)

United Nations Commission on Permanent Sovereignty over Natural Resources, draft resolution presented by Chile (A / AC.97 / L.3, 10 May 1961)

United Nations Commission for Permanent Sovereignty over Natural Resources, draft revised resolution presented by Chile (A / AC.97 / L.3 / Rev.2, May 18, 1961)

United Nations Commission on Permanent Sovereignty over Natural Resources, draft resolution I of 22 May 1961, (A / AC.97 / 10 reproduced in the Commission Report, E / 3511, annex)

Resolution 847 (XXXII) of the Economic and Social Council of 3 August 1961

Report of the Second Committee to the General Assembly (A / 5060, December 15, 1961)

General Assembly Resolution 1720 (XVI) of 19 December 1961 (Permanent Sovereignty over natural resources)

General Assembly, Summary Reports of Meetings nos. 798-821, 834 -835, 841, 842, 845-846, 848, 850, 861, 864 and 876-877 held in the Second Committee from 3 October to 14 December 1962 (A / C.2 / 17 / SR.798-821, 834 -835, 841, 842, 845-846, 848, 850, 861, 864 and 876-877)

General Assembly, Second Committee, draft resolution approved by the Second Committee on 3 December 1962 (A / C.2 / L.705)

Report of the Second Committee to the General Assembly (A / 5344 / Add.1, December 1962)

General Assembly, Verbatim of plenary meetings nos. 1193-1194, held on December 14th 1962 (A / PV.1193 - 1194)

Resolution 1803 (XVII) of the General Assembly of December 14, 1962 (Permanent sovereignty on natural resources).

United Nations General Assembly Resolution 41/128 of 4 December 1986



United Nations General Assembly Resolution A / 64 / L.63 / Rev.1

Right of national and ethnic groups to freely decide their own destiny: Art. 2 of the Treaty of Tartu of 02 February 1920 (USSR-Estonia)

Atlantic Charter Declaration of principles of agreed international policy (1941)

United Nations Charter: Article 1, paragraph 2, and Article 55

Human Rights Declaration of 1948

Resolution 217 A (III) - Universal Declaration of Human Rights - 10.12.1948

Resolution 1514 (L) XV / 1960 - Declaration on the granting of the independence of the Colonial peoples

Resolution 2200 / A of 1966 - International Covenant for Civil and Political Rights and International Covenant on economic, social and cultural rights

Resolution 2625 (XXV) / 1970 - the principle that States abstain, in their international relations, from the use of the threat or use of force against territorial integrity or independence policy of a state or in any other way incompatible with the purposes of the United Nations

Resolution 3314 (XXIX) / 1974 - Definition of aggression with reference to 2625 (XXV) / 1970

Resolution 55/2 - United Nations Millennium Declaration - 20.09.2000

Resolution 41/128 - Declaration on the right to development - UNO 04.12.1986

CDS Resolution 276 - Condemns the use of force by the Libyan regime against protesters 1970 issued unanimously on 26.11.2011 and referred for the first time a state to the International Criminal Court

COM (2012) 748: Proposal for a COUNCIL EU DECISION

Declaration of acceptance of the jurisdiction of the International Criminal Court Art. 94 of the United Nations Charter

International Criminal Court - I.C.C.

Binding Judgments and Advisory Opinions of the International Court of Justice, I.C.J.

2001 codification by the CDI



UNCTAD / GDS / APP / 2013/1 - Report on "Loss of Palestinian tax revenue in Israel under the Paris Protocol on economic relations. "

United Nations Guiding Principles on Business and Human Rights (UNGPR)

The UN "Protect, Respect and Remedy" Framework for Business and Human Rights

A. Human Rights Council, "Resolution 8/7

Resolution 18/6

Resolution adopted by the General Assembly on 22 June 2017 (A / 71 / L.73 and Add.1)] 71/292.

General Assembly: Reiterating that all peoples have an inalienable right to exercise their Sovereignty and Integrity of their National Territory

Resolution 65/118 of 10 December 2010

Resolution 65/119 of 10 December 2010

Resolution 71/122 of 6 December 2016

Conference for Security and Cooperation in Europe (1975)

African Charter on the rights of men and peoples (so-called Banjul Charter adopted in 1981)

Jurisprudence of the Canadian Supreme Court 25506 of 20.8.1998 - 2 SCR 217 - 112 (b)

Court of Justice: community directive 85/577 - 89/665

Art. 19 of the Nice Charter - Treaty on European Union and art. 47 of the Charter of Fundamental Rights.

Declaration by the High Representative of the European Union for foreign affairs and politics of security, Catherine Ashton, who on November 20, 2012, reiterated that the EU has recognized the National Coalition of Syrian Revolution and Opposition Forces as a legitimate representative of the aspirations of the Syrian people.

The content of the principle of self-determination of peoples consists of obligations for the states of the International Community not to prevent or even hinder the self-determination of peoples, understood as the freedom of the same to self-determine their constitutional order. Self-determination of peoples constitutes a fundamental principle of contemporary international law, by virtue of which all peoples have the right to decide independently on their own political, economic and social order. The International Court of Justice has characterized it as a principle from which the so-called obligations derive erga omnes, in whose respect they have an interest legally recognized all states, in the name and on behalf of the international



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Community (C.I.J., 30.6.1995, Case Concerning East Timor, Portugal v. Australia; C.I.J., 9.7.2004, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion). According to part of the doctrine, the principle has become part of the *ius cogens*, that is, of that core of mandatory rules to protect the fundamental values of the international community (cf.

Brownlie, I., *Principles of Public International Law*, VII ed., Oxford, 2008, 511; Cassese, A., *Self-Determination of Peoples. A Legal Reappraisal*, Cambridge, 1995, 140). Under international law of human rights, the subject with the right to self-determination is the people as a subject distinct from the state. The content of the principle of self-determination of peoples it consists of obligations for the states of the International Community not to impede or even hinder self-determination of peoples, understood as their freedom to self-determine their own constitutional order. Affirmed in the Atlantic Charter (August 14, 1941) and in the Charter of United Nations (June 26, 1945; art.1, par. 2 and 55), the principle of self-determination of peoples is reaffirmed in the Declaration of the General Assembly on the independence of colo-

nial peoples (1960); in the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966); in the Declaration of principles on friendly relations between states, adopted by the General Assembly in 1970, which recommended UN member states to refrain from forceful actions aimed at counteracting the realization of the principle of self-determination and recognizes the right of peoples to resist, also with the support of other States and the United Nations, to acts of violence that can preclude its implementation. The International Court of Justice has admitted it as the principle self-determination of peoples is of a customary nature. In 1969, with the Convention of Vienna, the states accepted the concept of *jus cogens* but on condition that the state it invoked the imperative nature of this international standard was ready to accept the mandatory jurisdiction of the International Court of Justice (CIG). Remembering the resolutions of the General Assembly 523 (VI) of 12 January 1952 and 626 (VII) of 21 December 1952, considering its resolution 1314 (XIII) of 12 December 1958, with which it established the Commission on permanent sovereignty over natural resources and charged with conducting a full investigation on the state of permanent sovereignty over wealth and natural resources as a constituent of basis of the right to self-determination, with recommendations, where necessary, for its strengthening, and further decided that, in conducting the full investigation into the state of permanent sovereignty of all peoples and nations with respect to their natural wealth and resources, it should pay due attention to the rights and duties of states under international law and the importance of encouraging international cooperation in economic development of developing countries. Considering its resolution 1515 (XV) of 15 December 1960, the right of peoples and nations to permanent sovereignty over their natural wealth and resources they must be exercised in the interest of their national development and the well-being of persons of the State concerned. The violation of the rights of peoples and nations to sovereignty on their wealth and natural resources is contrary to the spirit and principles of the Charter of United Nations and hinders the development of International Co-operation and maintenance of peace.



Jus Cogens-Erga Omnes obligations and mandatory rules.

Draft articles on the responsibility of the State of the International Law Commission (2001)

The Draft articles on the international responsibility of states of the International Law Commission of 2001, in art. 26, states that "no provision of this chapter excludes the unlawfulness of any act of a State that does not comply with an obligation deriving from an imperative rule of general international law". Furthermore, Articles 40 and 41 of the Project impose to the States, in the event of serious violations of obligations deriving from mandatory rules, the obligation to cooperate to put an end to the violation by lawful means, as well as the obligation not to recognize how legitimate the relative factual situation. The 2001 codification by the CDI. The two constituent elements of the unlawful act: a) the violation of a binding international standard for the state and b) the attribution of the conduct to the state. The

unlawful fact (violation + attribution) it involves a new juridical relationship, called international responsibility. Types of violations of rules: the DTA distinguishes three types of breaches of rules according to a temporal classification: 1) Violations determined by a behavior defined in time but whose effects can persist. (e.g. illegitimate expropriation). 2) Ongoing violations (eg hostage holding). 3) Violations consisting of a plurality of acts (eg Metaclad). Behavior attribution illicit. 1) the unlawful behavior is carried out by a body state (art. 4 CDI). 2) The unlawful conduct is carried out by one or more individuals authorized by the State to exercise government authority (art.5 CDI). 3) The unlawful behavior is carried out by subjects whom act under the control of the State (art. 8): C.I.G. sentences Nicaragua and Bosnia / Serbia. The content of the liability relationship: the legal consequences. Obligation of reparation to the responsible State. The repair can be divided into: a) restitution; b) an expression of apology and guarantees of non-repetition; c) compensation. Repair in the broad sense. The protest as a restorative strategy for violated legal norms. In judicial litigation, the assessment of the offense has a remedial effect (see Cameroon / Nigeria, Gabčíkovo Nagymaros and OMC). The primary obligation to terminate the illicit Jus cogens and mandatory regulations is also relevant. the Draft articles on the international responsibility of the States of the International Law Commission of 2001, in art. 26, states that "no provision of this chapter excludes the unlawfulness of any act of a state that does not comply with an obligation deriving from an imperative rule of general international law". Furthermore, Articles 40 and 41 of the Project impose to the states, in the event of serious violations of obligations deriving from mandatory rules, the obligation to cooperate to end the violation by lawful means.

The qualification of self-determination obligations obligations erga omnes is also found in the preamble of the resolution adopted by the Institut de droit international, at the 2005 Krakow session, on "Obligations erga omnes in International Law": *Annuaire of the Institut de droit international*, vol. 71-II (2005), 2006, p. 287.



Art. 73 of the Charter of the United Nations, states: «The Members of the United Nations, who have or assume responsibility for the administration of territories whose population does not yet have achieved full autonomy, recognize the principle that the interests of the inhabitants of these territories are pre-eminent and accept as a sacred mission the obligation to promote as much as possible, within the framework of the international peace and security system established by this Statute, the well-being of the inhabitants of these territories and, for this goal, the obligation: a) to ensure, with due respect for the culture of the populations concerned, their political, economic and social and educational progress, their fair treatment and their protection against abuse; b) to develop self-government of populations, considering political aspirations and to assist them in the progressive development of their free political institutions, in harmony with the circumstances details of each territory and its populations

and their different degree of development; c) to strengthen international peace and security; d) to promote constructive development measures, to encourage research and to collaborate with each other and, when and where appropriate, with specialized international institutes, for the practical achievement of social, economic and scientific principles set out in this article; e) to transmit regularly to the General Secretary, a purpose of information and with the limitations that may be required by security and considerations constitutional data, statistical data and other news of a technical nature, regarding the economic, social and educational conditions in the territories for which they are respectively responsible, with the exception made for those territories to which Chapters XII and XIII apply ».

The right of peoples to self-determination constitutes in fact a sufficient principle to justify the relevance of international rules on territorial employment. V., ex multis, R. Ago, Il requirement of the effectiveness of employment in international law, Rome, 1934; F. Capotorti, The occupation in the law of war, Naples, 1949; A. Migliazza, The war occupation, Milan, 1949; G. Ballardore Pallieri, War Law, Padua, 1954, p. 300 and following; C. Curti Gialdino, Employment bellica, in Encyclopedia of Law, 1979, p. 720 ff. ; A. Bernardini, Iraq: illegal occupation, popular resistance, Iraqi self-determination, in the Journal of International Legal Cooperation, 2003, p. 29 ff. ; S. Silingardi, War occupation and obligations of the occupying powers in the economic field, in the Journal of international law, n. 4/2006, p. 978 and following; M. Arcari, Authorization from the Security Council, protection of human rights and military occupation in Iraq: the Al-Jedda case before the British judges, in International Law Review, n. 4/2006, p. 1083 and following; A. Gattini, War occupation, in S. Cassese (a cura di), Dictionary of public law, Milan, 2006, p. 3889 and following; A. Carcano, The occupation of Iraq in international law, Milan, 2009; Y. Arai-Takahashi, The Law of Occupation. Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law, Boston / Leiden, 2009; I. Di Bernardini, The protection of human rights under a belligerent occupation regime in the case of Iraq, in Human Rights, n. 3/2009, p. 27 and following; A. Gioia, The Belligerent Occupation of Territory, in A. De Guttry, H. Post, G. Venturini (edited by), The 1998-2000 War between Eritrea and Ethiopia: An International Legal Perspective, The Hague, 2009, p. 351 and following; S. Vezzani, On the previous exhaustion internal remedies in situations of illegitimate territorial occupation,



in *Rivista of international law*, n. 3/2011, p. 799 and following; N. Course, Military occupation and protection of the private property, in *Human Rights and International Law*, n. 1/2012, p. 5 and following; M. Pace, Exploitation of natural resources and war occupation in a recent Supreme Court ruling of Israel, in *Human Rights and International Law*, n. 3/2012, p. 679 and following; A. Annoni, The occupation "Hostile" in contemporary international law, Turin, 2012; E. Benvenisti, *The international Law of Occupation*, Oxford, 2012.

The third paragraph of art. 30 of the Vienna Convention in fact provides that, in the interpretation of the treaties, "in addition to the context, the following will be considered: a) any subsequent agreement between the parties about the interpretation of the treaty or the implementation of the provisions therein contained; b) of any further practice followed in the application of the treaty with which it comes ascertained the agreement of the parties relating to the interpretation of the treaty; c) of each standard relevant to international law, applicable to relations between the parties. See, for all, S. Sur, *L'interprétation en droit international public*, Paris, 1974; M.K. Yass en, *Interprétation des traités d'après la Convention de Vienne*, in *Recueil des cours de l'Académie de droit international*, vol. 116, 1976, p. 44 and following; M. Bos, *Theory and Practice of Treaty Interpretation*, in *Netherlands International Law Review*, 1980, p. 3 and following; S. Bariatti, *The interpretation of international conventions of uniform law*, cit. ; R. Kolb, *Interprétation et création du droit international*, Brussels, 2006; R. Gardiner, *Treaty Interpretation*, Oxford, 2008; L. Gradoni, *Rules of interpretation difficult to interpret and fragmentation of the principle of systemic integration*, in *Rivista of international law*, 2010, p. 809 and following; E. Feola, *The principles on the interpretation of the treaties in the recent jurisprudence of the International Court of Justice in the Dispute Regarding case Navigational and Related Rights (Costa Rica v. Nicaragua)*, in *The International Community*, 2011, p. 473 and following; C. Ragni, *Interpretation of the treaties and "standard of review" in the jurisprudence of the International Court of Justice: reflections on the "whaling in the Antarctic" affair*, in *Journal of International Law*, 2014, p. 725 ff .. More recently v. also S. Bariatti, *The agreement in the system of sources and the law of treaties*, in S.M. Carbone, R. Luzzatto, A. Santamaria (edited by), *Institutions of international law*, cit., p. 104 ff. Articles 1 and 55 of the Charter of the United Nations, assumes a particular direct significance in reference to non-autonomous territories. In particular, the principle of self-determination is configured as a right of the peoples, whose application constitutes an indispensable requirement in the decolonization process. The competence of states to conclude agreements relating to occupied territories has been the subject of at least a precedent. This is the case of Namibia, which is the subject of the consultative opinion of the International Court of Justice of 21 June 1971, available at <http://www.icj-cij.org/docket/files/53/5594.pdf>, relating to the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970). In this opinion the Court, underlining the illegitimacy of the South African presence in the territory of the Namibia, has sanctioned the invalidity of the acts carried out by South Africa relating to this territory. On the effects of the treaties with respect to third States, see p. E. Jimenez De Arechaga, *Treaty Stipulations in*



Favor of Third States, in American Journal of International Law, 1956, p. 338 ff. ; P.-F. Smets, Les effets des traités internationaux à l'égard des Etats tiers, Paris, 1966; F. Cahier, Le problème des effets des traités à l'égard des Etats tiers, in Recueil des cours de l'Académie de droit international, vol. 143, 1974, p. 589

and following; C. Rozakis, Treaties and Third States: a Study in the Reinforcement of the Consensual Standards in International Law, in Österreichische Zeitschrift für öffentliches Recht und Völkerrecht, 1975, p. 1 ss. ; M. Fitzmaurice, Third Parties and the Law of Treaties, in Max Planck Yearbook of United Nations Law, 2002, p. 37 ff. The principle of self-determination of peoples has also been invoked in the context of the Nagorno Karabakh question relating to the conflictual relationship between Azerbaijan and the ethnic Armenian majority of Nagorno Karabakh, supported by Armenia. On the conflict v. S. Forlati, The ECHR and the Nagorno-Karabakh Conflict - Applications Concerning "Historical Situations" and the Difficult Quest for Legal Certainty, in Human Rights and International Law, 2012, p. 402 and following; N. Ronzitti, Nagorno Conflict-Karabakh and international law, Turin, 2014. Vienna Convention on the law of treaties, art. 53: «Any treaty which, at the time of its conclusion, is in conflict with one another is void with a mandatory rule of general international law. For the purposes of this Convention, an imperative rule of general international law means a rule that has been accepted and recognized by the international community of states as a whole as rule to which no derogation is allowed and which can only be modified by one new rule of general international law having the same character ". Likewise, also art. 64 of the Convention attributes particular importance to jus cogens, disposing that "if a new peremptory norm of general international law arises, any existing treaty that conflicts with this rule becomes null and void ". The consequences of the nullity of the treaty are governed by art. 71, which provides, on the one hand, that if the treaty is void under Article 53, "the parties are required: a) to eliminate, for as far as possible, the consequences of any act performed on the basis of a provision that is in contrast with the mandatory rule of general international law; and b) to do so that their mutual relations comply with the binding norm of general international law". On the other hand, "in the case of a treaty that becomes null and ends according to the article 64, the termination of the validity of a treaty: a) frees the parties from the obligation to continue to implement the treaty; b) does not affect any right, obligation or legal situation of the parties that have arisen due to the execution of the treaty before its termination its validity; however, these rights, obligations or situations cannot be preserved subsequently and to the extent that their conservation does not conflict with the new one imperative rule of general international law ". For a general analysis of the causes of disability of the treaties see, for all, F. Capotorti, L'extinction et la suspension des traités, in Recueil des cours de l'Académie de droit international, vol. 134, 1971, p. 415 and following; J. Verhoeven, Invalidity of Treaties: Anything New in / under the Vienna Conventions ?, in E. Cannizzaro (ed.), The Law of Treaties Beyond the Vienna Convention, Oxford, 2011, p. 297 et seq; T.O. EliLlas, Problems concerning the Validity of Treaties, in Recueil des cours de l'Académie de droit international, vol. 134, 1971, p. 134 ff. On the scope of art. 103 of the Charter see P. De Sena, Individual sanctions of Security Council, art. 103 of the United Nations Charter and relations between regulatory systems, in F. Salerno (edited by), "Individual" sanctions of the Security



Council and fundamental procedural guarantees, Padua, 2010, p. 46 ff., Which, analyzing the Yusuf and Al Barakaat International cases Foundation c. Council, (Court, T-306/01, judgment 21 September 2005) and Kadi v. Council and Commission (General Court, T-315/01), ruled out that the jurisprudence of the Court of Justice has brought back the art. 103 to a customary norm of jus cogens, under which the obligations deriving from the Charter would also be suitable to bind the Union regardless of its own accession to the Charter. In any case, with the aforementioned sentences, as well as with the Ayadi sentence c. Council (Court, T-253/02, judgment 12 July 2006), the Court also explicitly recognized the existence of jus cogens, as a nucleus of precepts from which it is not possible to derogate and which are imposed on everyone, including the Union. On the subject, cf. E. Rebasti, Beyond the policy of conditionality: the external action of the European Union and compliance with the mandatory rules of international law, in A. Caligiuri, G. Cataldi, N. Napoletano (edited by), The protection of human rights in Europe. Between state sovereignty and supranational orders, Padua, 2010, p. 173 ff., S. Koury, L'obligation de non-reconnaissance de la Communauté européenne et de ses États membres au regard de l'accord d'association CE-Maroc: responsabilité étatique et droit international coutumier, in K. Arts, V. Chapaux, P. Pinto Leite (edited by), Le droit international et la question du Occidental Sahara, Leiden, 2009, p. 165 and following; M. Dawidowicz, Trading Fish or Human Rights in Western Sahara? Self-Determination, Non-Recognition and the EC-Morocco Fisheries Agreement, in D. French (ed.), Statehood, Self-Determination and Minorities: Reconciling Tradition and Modernity in International Law, Cambridge, 2013, p. 250 and following Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, opinion of 22 July 2010, in I.C.J. Reports, 2010, p. 403 ff., P. 438, par. 82). On the jurisprudence of the International Court of Justice in matters of self-determination of peoples, cf. CASSESE, The International Court of Justice and the Right of Peoples to Self-Determination, in LOWE, FITZMAURICE (eds.), Fifty Years of the International Court of Justice: Essays in Honor of Sir Robert Jennings, Cambridge, 1996, p. 351 ff., And ZYBERI, Self-Determination through the Lens of the International Court of Justice, in Netherlands International Law Review, 2009, p. 429 ff. L'actio popularis ou la défense de l'intérêt collectif devant les juridictions internationales, Paris, 2004, pp. 298-299. See CRAWFORD, Third report on State responsibility, UN Doc. A / CN.4 / 507, March 15, 2000, par. 94. South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, sent. July 18, 1966, in I.C.J. Reports, 1966, p. 6 et seq., P. 47, par. 88: «the argument amounts to a plea that the Court should allow the equivalent of an "actio popularis", or right resident in any member of a community to take legal action in vindication of a public interest. But although a right of this kind may be known to certain municipal systems of law, it is not known to international law as it stands at present ". For a comment see. POPE, The reports, cit., P. 633 and following in relation to the deal East Timor, the issue had not been addressed by the Court, which it had limited itself to ruling out its competence in



application of the so-called, principle of monetary gold (see, for a summary of these aspects of the sentence, PICONE, PAPA, Jurisdiction of the International Court of Justice and obligations erga omnes, in PICONE, International Community, cit., p. 693 et seq.). It had been instead it was widely discussed by the parties and in-depth, with divergent results, by some judges in the opinions attached to the sentence: see, also for the necessary references, TAMS, Enforcing Obligations Erga Omnes in International Law, Cambridge, 2005, pp. 185-186. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), sent. July 20, 2012, in I.C.J. Reports, 2012, p. 422 ff., P. 448 et seq., Par. 64 ff., On which v. POPE, Interest in acting before the International Court of Justice and protection of collective values in the judgment in the case of Belgium v. Senegal, in Human Rights and International Law, 2013, p. 79 ff. Par. 6 of the comment on art. 54 of the articles on liability, UN Doc. A / 56/10, p. 355. But see, for a reading of the practice in favor of the legitimacy of such countermeasures (limited, however, to the hypothesis of serious offenses erga omnes), TAMS, Enforcing, cit., p. 198 ff. ; DAWIDOWICZ, Public Law Enforcement without Public Law Safeguards? An Analysis of State Practice on Third-party Countermeasures and Their Relationship to the UN Security Council, in British Yearbook of International Law, 2007, p. 333 ss. ; KATSELLI PROUKAKI, The Problem of Enforcement in International Law. Countermeasures, the Non-injured State and the Idea of International Community, London / New York, 2010, p. 90 ss. ; SICILIANOS, Countermeasures in Response to Grave Violations of Obligations Owed to the International Community, in CRAWFORD, PELLET, OLLESON (eds.) The Law of International Responsibility, Oxford, 2010, p. 1137 ff. The resolution of the Institut de droit international (cited above, note 5) that, in art. 5 lett. c), provides the option for all States, in response to the serious violation of an erga omnes obligation, to carry out countermeasures not involving the use of force. V. PICONE, Erga Omnes Obligations and Codification of State Responsibility, in Magazine. Par. 3 of the comment of the International Law Commission on art. 54 of the project (in particular the measures taken against South Africa for its segregationist policy: v. A Doc. Of international law, 2005, p. 893 ff., P. 940 and following A / 56/10, p. 352), are, inter alia, also in relief the trade sanctions recommended by the Organization for African Unity against Portugal in 1963, 1964 and 1973 due to the latter's refusal to allow the exercise by the colonial populations subject to its administration, the right of self-determination (v. FOCARELLI, Countermeasures in international law, Milan, 1994, pp. 39-40, 68; DAWIDOWICZ, Public Law Enforcement, cit., Pp. 399-400); the oil embargo decided in 1973 by the Arab oil producing states against Israel and its allies to obtain the liberation of occupied Arab territories (KATSELLI PROUKAKI, op. cit., p. 122 ff.); the measures adopted by the States Western-ers against the Soviet Union in response to the invasion of Afghanistan (SICILIANOS, Les réactions décentralisées à l'illicite, Paris, 1990, p. 157 ff.), And so on. As part of the practice collective countermeasures in response to violations of the principle of self-determination of peoples, many authors also consider the suspension of the prohibition of interference which takes place in the admissibility of the

premature recognition of national liberation movements and various ones forms of assistance to insurgents in the context of civil conflicts against colonial or racist regimes (hypotheses that will be analyzed as auto-



nomous guarantees of the principle *infra*, in par. 6): v. to example CARELLA, State responsibility for international crimes, Naples, 1985, p. 198. Others, on the other hand, also qualify as a countermeasure the disavowal of situations created by violation of self-determination: thus CASSESE, *Self-Determination*, cit., p. 158. Separate opinion of Judge Kooijmans, in I.C.J. Reports 2004, p. 219 ff., P. 231, par. 40; and, in doctrine, PICONE, *Obligations erga omnes*, cit., P. 931; VIL-LALPANDO, *Le codificateur et le juge face à la responsabilité internationale de l'État: interaction between the CDI and the CIJ in the détermination des règles secondaires*, in *Annuaire français de droit international*, 2009, p. 39 ff., P. 56; CRAWFORD, *Responsibilities for Breaches of Communitarian Norms: An Appraisal of Article 48 of the ILC Articles on Responsibility of States for Wrongful Acts* Responsibility, in FASTENRATH et al. (eds.), *From Bilateralism to Community Interest. Essays in Honor of Judge Bruno Simma*, Oxford, 2011, p. 224 ff., Pp. 231, 234; PICONE, POPE, *op. cit.*, pp. 689-690. Prohibition to recognize the situation resulting from the serious violation of the right to self-determination and to provide assistance to its maintenance: CHRISTAKIS, *L'obligation de non-reconnaissance des situations créées par le recours illicite à la force ou d'autres actes enfreignant des règles fondamentales*, in TO-MUSCHAT, THOUVENIN (eds.), *The Fundamental Rules of the International Legal Order: Jus Cogens and Obligations Erga Omnes*, Leiden / Boston, 2006, p. 127 ff. ; TALMON, *The Duty not to "Recognize as Lawful" a Situation Created by the Illegal Use of Force or Other Serious Breaches of a Jus Cogens Obligation: An Obligation without Real Substance ?*, *ibid.*, p. 99 and following; DAWIDOWICZ, *The Obligation of Non-Recognition of an Unlawful Situation*, in *The Law of International Responsibility*, cit., p. 677 ff. On the prohibition of assistance, cf. instead JØRGENSEN, *The Obligation of Non-Assistance to the Responsible State*, *ibid.*, P. 687 and following TALMON, *The Duty*, cit., Pp. 103, 117 ff. ; DAWIDOWICZ, *The Obligation of Non-Recognition*, cit., Pp. 683-684; PICONE, *The role*, cit., P. 968, par. 8 of the comment on art. 41, UN Doc. A / 56/10, p. 289. *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, opinion of 21 June 1971, in I.C.J. Reports, 1971, p. 16 ff., Pp. 55-56, par. 122 ff. *Ibid.*, P. 56, par. 125: "the non-recognition of South Africa's administration of the Territory should not result in depriving the people of Namibia of any advantages derived from inter-national co-operation. In particular, while official acts performed by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid, this invalidity cannot be extended to those acts, such as, for instance, the registration of births, deaths and marriages, the effects of which can be ignored only to the detriment of the inhabitants of the Territory". On the interpretative problems raised by this passage, see. CRAWFORD, *Third Party Obligations*, cit., Par. 49 ff. CHRISTAKIS, *op. cit.*, p. 144 and following; TALMON, *The Duty*, cit., P. 112; DE

BRABANDERE, VAN DEN HERIK, *Les obligations des États tiers et des Acteurs non étatiques relatives au commerce des produits en provenance du Territoire palestinien occupé*, in *Revue belge de droit international*, 2012, p. 147 ff., P. 150 and following This meaning broad is also obtained from par. 5 of the comment on art. 41: for the Commission the obligation not to recognition entails the duty for states to refrain from any act that may entail also implicitly the recognition of the lawfulness of the situation created by the offense (UN Doc. A / 56/10, p. 287). Decision 2000/384 / EC, ECSC of the Council and the Commission, of

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19 April 2000, relating to the conclusion of a Euro-Mediterranean agreement establishing an association between the European Communities and their member states, on the one hand, and the State of Israel, on the other, in G.U.C.E. L 147 of 21 June 2000, p. 1 ss. The agreement, in defining its territorial scope, it merely refers generically to the territory of the State of Israel. On the subject, cf. HAUSWALDT, Problems under the EC-Israel Association Agreement: The Export of Goods Produced in the West Bank and the Gaza Strip under the EC-Israel Association Agreement, in *European Journal of International Law*, 2003, p. 591 ss., As well as the considerations of CRAWFORD, Third Party Obligations, cit., Par. 50-51 and DE BRABANDERE, VAN DEN HERIK, op. cit., pp. 156-157. REBASTI, Beyond the policy of conditionality: the external action of the European Union and compliance with the mandatory rules of international law, in CALIGIURI, CATALDI, NAPOLETANO (edited by), *protection of human rights in Europe: between state sovereignty and supranational systems*, Padua, 2010, p. 173 ff., P. 199 ff. See, in the same line, lastly, par. 9 of the Parliament resolution of 5 July 2012 on EU policy in the West Bank and East Jerusalem (2012/2694 (RSP)), in which Parliament calls for "full and effective implementation of the current Union legislation and EU-Israel bilateral agreements to ensure that the EU control, that are "technical agreements", does not allow products from Israeli settlements to be imported into the European market under the preferential conditions provided for in the agreement of EU Israel Association ". According to the Court, "art. 83 of the EC-Israel Association Agreement must be interpreted as meaning that products originating in the West Bank do not fall within the territorial scope of that agreement and therefore cannot benefit from the scheme preferential from the same instituted ": Court of Justice, judgment of 25 February 2010, Case C-386/08, Signature Brita GmbH v. Hauptzollamt Ham-burg-Hafen, in *Collection*, 2010, p. I-1289, period 53. On the sentence v. the comments of HARPAZ, RUBINSON, The Interface Between Trade, Law, Politics and the Erosion of Normative Power Europe: Comment on Brita, in *European Law Review*, 2010, p. 551 ff. and MAR-TINES, Rules on the origin of products and territorial application of the Agreement of association with Israel under review by the Court of Justice, in *European integration studies*, 2010, p. 691 ff. Thus KATTAN, The Wall, Obligations Erga Omnes and Human Rights: The Case for Withdrawing the European Community's Terms of Preferential Trade with Israel, in *The Palestine Yearbook of International Law*, 2004-2005, p. 71 ff., Pp. 88-89. The partnership agreement in the fisheries sector between the European Union and the Kingdom of Morocco (see Regulation (EC) no. 764/2006 of

the Council of 22 May 2006 concerning the conclusion of a partnership agreement in the fisheries sector between the European Community and the Kingdom of Morocco, in the Official Gazette and L 141 of 29 May 2006, p. 1 ss.), Which entered into force on February 28, 2007, confers on boats flying the flag of member states of the Union fishing rights in exchange for a financial consideration (both set out in the attached protocol), in waters under sovereignty and into the jurisdiction of Morocco (very generic and unusual formula in other treaties of the same guy). The spatial scope does not therefore expressly include the waters off the Western Sahara, so the question of the compatibility of the agreement with art. 41, par. 2, of the draft of the International Law Commission has an essentially interpretative nature. When the first protocol expired, the European Parliament initially decided not to approve the conclusion of a new protocol



by the Council, which however did not alter substantially the terms of the previous one. However, it was a momentary paralysis: v. Council Decision 2013/720 / EU, of November 15, 2013, concerning the signature, on behalf of the European Union, of the protocol between the European Union and the Kingdom of Morocco which establishes the possibilities fishing and the financial contribution provided by the partnership agreement in the sector of fishing between the European Union and the Kingdom of Morocco, in the Official Gazette L 328 of 7 December 2013, p. 1 ss. (for a comment see MILAN, The new fisheries protocol between the European Union and Morocco and the rights of the Sahrawi people over natural resources, in Human rights and international law, 2014, p. 505 et seq.). On the subject v. MILAN, The New Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco: Fishing Too Far South, in Anuario Español de Derecho Internacional, vol. XXII, 2006, p. 413 and following; CHAPAUX, La question de l'accord de pêche conclu entre les Communautés européennes et le Maroc, in CHAPAUX, ARTS, LEITE (dirs.), Le droit international et la question du Sahara occidental, Porto, 2009, p. 217 and following; ETIENNE, The accord de pêche CE-Maroc: quels remèdes juridictionnels européens à those illicéité internationale ?, in Revue belge de droit international, 2010, p. 77 ff. ; REBASTI, Beyond the policy of conditionality, cit., especially p. 198 ff. The situation appears even more critical in terms of the implementation of the prohibition of providing assistance in the maintenance of situations created by serious erga omnes offenses (which for the International Law Commission concerns those behaviors that ex post facto contribute to preserving the situation produced by the offense), a prohibition that it imposes States not to offer technical, economic or financial assistance. In his 2012 report, the special rapporteur on the human rights situation in the Palestinian territories occupied since 1967, Richard Falk, highlighted numerous cases of foreign companies operating in the settlements illegal Israel, with their activities profit from the occupation and contribute to expansion of settlements in the Palestinian territories (UN Doc. A / 67/379, 19 September 2012, para. 38 ss.). Hence the invitation to civil society to carry out a boycott against these companies (ibid., Par. 99). In March 2013, a fact-finding mission set up by the Human Rights Council of United Nations concluded that 'business enterprises have enabled,

facilitated and profited, directly and indirectly, from the construction and growth of the settlements ” and urged governments "To take appropriate measures to ensure that business enterprises domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, that conduct activities in or related to the settlements respect human rights throughout their operations “(Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, UN Doc. A / HRC / 22/63, 7 February 2013, paragraphs 96 and 117 respectively). Finally, see the resolution of the Human Rights Council entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan », A / HRC / 25 / L.37 / Rev.1, 27 March 2014, in which, among other things, the States are urged to "take appropriate measures to encourage businesses domiciled in their territory and/or under their jurisdiction, including



those owned or controlled by them, to refrain from committing or contributing to gross human rights abuses of Palestinians "(par. 11). the Declaration on Palestine of the XIV Ministerial Conference of the Movement of non-aligned countries, held in Durban from 17 to 19 August 2004, in particular lett. b) of par. 5, in which ministers recommend to member states «to undertake measures, including by means of legislation, collectively, regionally and individually, to pre-vent any products of the illegal Israeli settlements from entering their markets [...], to de-cline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall and other illegal activities in the Occupied Palestinian Territory '(recommenda-tion later more times renewed by the Movement). On the breach by the EU and its members of the ban assistance in maintaining the situation resulting from serious vio-lations of the right to self-determination of the Palestinian people committed by Israel cf. CRAWFORD, Third Party Obligations, cit., Paragraphs 84-85, 138, and DUBUISSON, op. cit., p. 42 ff. V. widely PICONE, Obligations erga omnes, cit., P. 951 and following; ID., The role of the injured State, cit., P. 970 and following and in accession ALAIMO, International Responsibility of States, in Legal Encyclopedia. Update, vol. XVI, Rome, 2008, p. 10, according to which art. 41, par. 3 together with art. 54 "damage to international law a central role in the discipline of international responsibility is evolving ". GRADE, op. cit., pp. 137 ff., 193 ff., Which speaks of an overturning of typical relationships between third States and warring parties, complete with regard to conflicts related to colonial domination, racist or foreign and still partial with regard to those related to internal aspects of the principle. RONZITTI, The wars of national liberation, Pisa, 1974; IOVANE, The protec-tion of values fundamental in international law, Naples, 2000, p. 359. Various resolutions of the General Assembly, they can be cited to confirm the legitimacy of the assistance of third States to the National Libe-ration Movements fighting for self-determination. See the Declaration on friendly relations be-tween sta-tes, UN Doc. A / RES / 25/2625, 24 October 1970 ("peoples are entitled to seek and to receive support in accordance

with the purposes and principles of the Charter ") or the res. 3070 (1973) of 30 November 1973 (in which the Assembly, in paragraph 3, invited the States to give "moral, material and any other assistance to all peoples struggling for the full exercise of their inalienable right to self-determination "), or the res. 35/227 of 6 March 1981, relating to the situation in Namibia (in which it was asked in section 6 "increased and sustained support and material, financial, military and other assistance "for the People's Organization of South West Africa (South West African People's Organization - SWAPO) in its fight for self-determination. See also art. 20 of the African Charter of Human and Peoples' Rights, which, after having proclaimed in par. 1 that «all peoples shall have [...] the unquestionable and inalienable right to self-determination ", provides in par. 3 that «all peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural ". According to CASSESE, Le droit international and the question de l'assistance aux mouvements de libération nationale, in Revue belge de droit international, 1986, p. 307 ff., P. 323, humanitarian assistance would indeed constitute the object of an obligation for third States. CASSESE, op. ult. cit., p. 324 ff. (according to which,



however, admissibility of this form of aid would in any case be subject to two conditions: that the beneficiaries «ne se livrent pas à des actes de terrorisme "and respect the fundamental principles of humanitarian law); GRADE, op. cit., p. 141 and following; PALMISANO, op. cit., p. 126 ff. It doesn't make much sense to include among the special guarantees for the implementation of the principle of self-determination, the prohibition, for Third States, to provide armed support, both direct and indirect, to the State that represses in violent way the self-determination of the people subjected to its control (see for this thesis GRADE, op. cit., p. 130 et seq.). This prohibition, in fact, derives from the same primary rule it imposes States to respect the self-determination of all peoples, both those under their control and those subject to the control of others: for example LATTANZI, Self-determination of peoples, in *Digesto delle Discipline Pubblicistiche*, vol. II, Torino, 1987, p. 4 ss., pp. 24-25. V. in this sense, par. 3 of art. 1 common to the United Nations Covenants, as interpreted by the United Nations Human Rights Committee in the General Comment n. 12: «[p]aragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination » (Human Rights Committee, General comment No. 12: Article 1 (Right to self-determination), 13 march 1984, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.9 (Vol. I), 27 may 2008, pp. 123-124). V. RONZITTI, op. cit., p. 116 ss.; CASSESE, Self-Determination, cit., pp. 184, 199 ss.; GRADO, op. cit., p. 133 ss.; CORTEN, *L'applicabilité problématique du droit de légitime défense au sens de l'article 51 de la Charte des Nations Unies aux relations entre la Palestine et Israël*, in *Revue belge de droit international*, 2012, p. 67 ss., p. 72 ss.; FABBRICOTTI, *Legittima difesa e*

autodeterminazione dei popoli, in TANZI, LANCIOTTI (a cura di), *Usò della forza e legittima difesa nel diritto internazionale contemporaneo*, Napoli, 2012, p. 255 ss.; PALMISANO, op. cit., p. 129. Sulla vicenda v., per tutti, TANCREDI, *The Russian Annexation of the Crimea: Questions Relating to the Use of Force*, in *Questions of International Law*, 2014, Zoom-out I, www.qil-qdi.org. For a framing of the riots of the Arab Spring within the scope the right of self-determination of populations oppressed by authoritarian regimes v. for example the speech by the President of the United States, Barack Obama, to the State Department on the 9th May 2011 (Remarks by the President on the Middle East and North Africa, www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa%20); and, in doctrine, PAUST, *International Law, Dignity, Democracy, and the Arab Spring*, in *Cornell International Law Journal*, 2013, p. 1 ss. On the subject v. largely PICONE, *Considerations on nature the resolution of the Security Council in favor of a "humanitarian" intervention in Libya*, in *Human Rights and International Law*, 2011, p. 213 ff. For this notation see AKANDE, *Self Determination and the Syrian Conflict - Recognition of Syrian Opposition as Sole Legitimate Representative of the Syrian People: What Does This Mean and What Implications Does It Have*, in *EJIL: Talk !*, December 6, 2012. See AKANDE, *Which Entity is the Government of Libya and Why Does It Matter ?*, in *EJIL: Talk !*, June 16, 2011; ID., *Self Determination and the Syrian Conflict*, cit. ; TALMON,



Recognition of Opposition Groups as the Legitimate Re-presentative of a People, in Chinese Journal of International Law, 2013, p. 219 ff. Thus AKANDE, Would It Be Lawful For European (or other) States to Provide Arms to the Syrian Op-position, in EJIL: Talk !, January 17, 2013. According to AMOROSO, The role of the recognition of insurgents in promoting the principle of self-determination internal: considerations in the light of the "Arab spring", in Federalismi.it, 21/2013, p. 38, the premature recognition of the insurgents, in these cases, would constitute «a collective reaction of the international community to the violation of the right to self-determination (internal) of the peoples of Libya and Syria ». On this point, see widely RUYSS, Of Arms, Funding and «Nonlethal Assistance» - Issues Surrounding Third-State Intervention in the Syrian Civil War, in Chinese Journal of International Law, 2014, p. 13 et seq., Pp. 48 ss., 52. With regard to the conflict in Libya cf. e.g. SPENCER, France Supplying Weapons to Libyan Rebels, in The Telegraph, 29 June 2011, www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8606541/France-supplying-weapons-to-Libyan-rebels.html. In favor of the supply of weapons to the Syrian re-bels, v. instead the statement of the British Foreign Minister to Parliament of 10 January 2013, www.gov.uk/government/speeches/foreign-secretary-updates-parliament-on-syria; as well as, for the United States, statements by the White House Deputy National Security Advisor, Ben Rhodes, of 13 June 2013 www.whitehouse.gov/the-press-office/2013/06/13/statement-deputy-national-security-advisor-strategic-communications-ben-. For further references, see. Furthermore HENDERSON, The Provision of Arms and "Non-lethal" Assistance to Governmental and Opposition Forces, in University of New South Wales Law Journal, 2013, p. 642 ff., P. 657 ff. See the decision

2013/255 / CFSP of the Council of 31 May 2013 on restrictive measures against Syria, in the Official Gazette and L 147 of 1 June 2013, p. 14 et seq., And point 2 of the declaration of Foreign Affairs Council on Syria adopted on 27 May 2013 (www.consilium.europa.eu/ue_docs/cms_data/docs/pressdata/EN/foraff/137315.pdf). The principle of self-determination of peoples as a source of erga omnes obligations, represents one of the essential principles of contemporary international law, protects a collective interest of the International Community understood as a whole, establishes erga omnes obligations, that is obligations due by all States. Confirmed by the jurisprudence of the International Court of Justice and the codification work of the International Law Commission in matters of state liability.

The rule set for the protection of fundamental interests - rectius: of an obligation erga omnes - ipsius animi promptitudinem is configured for the institutive-constitutive code of the Stat-ute of Rome, United Nations Statute, Council of Europe Statute, Inter-American Court of Human Rights, African Court of Human and Peoples' Rights. International law recognizes to the indi-vidual an international personality, deriving from the circumstance that the conventions on human rights make it the recipient of the rules contained therein, namely the UN pacts on civil and political rights and on economic, social and cultural rights. All peoples have the right to self-determination. By virtue of this right, they freely decide on their political status. The law of peoples as an extension of the fundamental concepts of his conception of justice as fairness to the



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sphere of international society, understood as a political society. The rights universal humans are not separated from the right of self-determination of peoples: equality of the rights and self-determination of peoples. Participating States respect the equality of rights of peoples and their right to self-determination. Self-determination is the right of the Peoples to freely choose the political, economic, social regime. The participating States reaffirm the universal importance of respect and effective exercise by the peoples of equal rights and self-determination, for the development of friendly relations between them as well as between all states. They also recall the importance of the commitment to sanction and eliminate any form of violation of this principle. From the obligations, rights and duties deriving from the rules of international law of the rule of law: all powers rest on treaties freely and democratically undersigned. By virtue of the principles that characterize the rule of law, on the judicial protection of peoples in self-determination, self-determination, self-identification, solemnly proclaimed and recognized. Where there is a conflict between human rights internationally recognized and rights of states, the former must prevail.

DETERMINED to mark a new stage in the European integration process undertaken with the institution of the European Communities,

INSPIRED by the cultural, religious and humanistic heritage of Europe, from which the universal values of the inviolable and inalienable rights of the person, of freedom, of democracy, equality and the rule of law,

RECALLING the historical importance of the end of the division of the European continent and the necessity to create solid foundations for the construction of the future Europe,

CONFIRMING their attachment to the principles of freedom, democracy and respect human rights and fundamental freedoms, as well as the rule of law,

CONFIRMING their attachment to fundamental social rights as defined in the Charter European Social Policy signed in Turin on October 18, 1961 and in the Community Charter of Social Rights workers' fundamentals of 1989,

WISHING to intensify solidarity between their peoples while respecting their history, culture and traditions,

WISHING to further strengthen the democratic and efficient functioning of the institutions in order to enable them to fulfill more effectively, in an institutional context unique, the tasks entrusted to them,

DETERMINED to achieve the strengthening and convergence of their economies and to establish an economic and monetary Union policy, in accordance with the provisions of this Treaty and the Treaty on the Functioning of the European Union, a single and stable currency,

DETERMINED to promote the economic and social progress of their peoples, considering the principle of sustainable development in the context of the completion of the internal market and the strengthening



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cohesion and environmental protection, as well as implementing policies aimed at to ensure that the progress made on the road to economic integration goes hand in hand with parallels progress in other areas,

DETERMINED to establish a common citizenship for the citizens of their countries,

DETERMINED to implement a common foreign and security policy that includes progressive definition of a common defense policy, which could lead to a common defense in accordance with the provisions of Article 42, thus strengthening Europe's identity and its independence for the purpose to promote peace, security and progress in Europe and in the world,

DETERMINED to facilitate the free movement of persons while ensuring safety of their peoples, with the establishment of an area of freedom, security and justice, in accordance with the provisions of this Treaty,

DETERMINED to continue the process of creating an ever closer Union among the Peoples of Europe, in which decisions are taken by citizens with direct democracy, in accordance with principle of subsidiarity,

FORECAST the further steps to be taken for the development of European integration,

HAVE DECIDED to establish the Peoples of Europe Union

Any signatory can withdraw from this treaty at any time. This constitutes adherence to the Rome and United Nations Statute. The International Court of Justice is the Court of reference.

IN WITNESS WHEREOF, the undersigned plenipotentiaries have affixed their signatures at the bottom of this letter Treaty.

The Contracting Parties to this Convention,

date, May 26, 2021

Done in Venice, on twenty-sixth day of May two thousand and twenty-one

list of signatories

States

International organizations

People with direct democracy



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Head of legal affairs of the Veneto National Liberation Committee of Europe, Franco Paluan.