



COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Venetian Republic

Venice, Palazzo Ducale, 22 October 2022

Prot. No. DPL2022221000014

Senders

Veneto National Liberation Committee
Venetian National Authority-Council of Ministers
National Parliamentary Council of the Veneto People
State Attorney General's Office
Legal Affairs Office of the Legislative Council of the Veneto People.

Recipients

To United Nations Secretary General António Guterres. A. Office of Legal affairs
Mr. Miguel de Serpa Soares. 760 United Nations Plaza, New York, NY 10017, USA

To - 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

To International Committee of the Red Cross, 19 Avenue de la Paix, 1202 Genève - SUISSE

To His Excellency Attorney, Mr. Karim Asad Ahmad Khan, International Criminal Court,
Oude Waalsdorperweg 10 - 2597 The Hague AK - THE NETHERLANDS

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

"The OECD is bound by the principles and objectives defined by the Helsinki Act of 1975 and the Paris Charter
of 1990"

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

To the Secretary General of the Council of the European Union Jeppe Tranholm-Mikkelsen c / o President of
the European Council Charles Michel, Rue de la Loi - Weststraat, 175
1049 Brussels - BELGIUM

To the Minister of Foreign Affairs of the Italian State, Antonio Tajani
Piazzale della Farnesina, 1 00135 Rome - ITALY



COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

To the President of the Italian Republic, Sergio Mattarella
Quirinal Palace, Piazza del Quirinale 00187 Rome - ITALY

To the President of the Council of Ministers of the Italian Republic, Giorgia Meloni
Via dell'impresa, 89 - 00186 Rome - ITALY

To the Minister for Regional Affairs and Autonomies, Roberto Calderoli
Via della Stamperia 7 - 00187 Rome - ITALY

Human Rights Council
Committee on the Elimination of Racial Discrimination (CERD) Committee on Economic, Social and Cultural Rights (CESCR) Committee on Human Rights (CCPR)
Committee on the Elimination of Discrimination Against Women (CEDAW)
Committee against Torture (CAT)
Committee on the Rights of the Child (CRC)
Committee on Migrant Workers (CMW)
Subcommittee on the Prevention of Torture (SPT)
Committee on the Rights of Persons with Disabilities (CRPD)
Committee on Forced Disappearances (EDC)
United Nations High Commissioner for Refugees (UNHCR)
Office for the Coordination of Humanitarian Affairs (OCHA)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
Inter-agency Standing Committee (IASC)
DESA (Department of Economic and Social Affairs)
Commission on the Status of Women (CSW)
Division for the Advancement of Women (DAW)
United Nations Population Fund (UNFPA)
United Nations Children's Fund (UNICEF)
United Nations Entity for Gender Equality and Women's Empowerment (UN-Women)
United Nations Development Program (UNDP).

The government executive of the Council of Ministers approves the request of the Veneto National Liberation Committee of Europe and the Public Prosecutor's Office, for the approval of the law of the Veneto Parliament, the Constitutive Act of the Veneto State People's Court and the Act Constitutive of the International Court of Justice for the Self-Determination of Peoples. (CIGAP)

Constitutive Act of the People's Court of the Veneto State in reference to the articles of the Swiss constitutional adoption and of the International Court of Justice for the self-determination of peoples. (CIGAP).

By virtue of the right of self-determination-self-decision-self-identification of peoples, we freely decided our political status with the adoption of the Swiss Constitution.

Constitutive Act of the People's Court of the Veneto State



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Art. 29 General procedural guarantees

- 1 In proceedings before judicial or administrative authorities, everyone has the right to equal and fair treatment, as well as to be judged within a reasonable time.
- 2 The parties have the right to be heard.
- 3 Anyone who does not have the necessary means is entitled to the procedure being free of charge if his cause does not seem to have no probability of success. He also has the right to free legal aid if the presence of a lawyer is necessary to protect his rights.

Art. 29a Guarantee of the judicial process in legal disputes everyone has the right to be judged by a judicial authority.

Art. 30 Judicial procedures

- 1 In judicial cases, everyone has the right to be tried by a court based on the law, competent on the merits, independent and impartial. The courts of exception are prohibited.
- 2 In civil actions, the defendant has the right to have the case judged by the court of his domicile. The law may provide for another forum.
- 3 The hearing and the delivery of the sentence are public. The law may provide for exceptions.

Art. 31 Deprivation of liberty

- 1 No one can be deprived of liberty except in the cases provided for by law and in the manner prescribed by it.
- 2 Anyone who is deprived of liberty has the right to be informed immediately, in a language which he understands, of the reasons for this deprivation and of the rights he is entitled to. He must be given the opportunity to assert his rights. In particular, he has the right to have his close relatives warned.
- 3 Anyone who is imprisoned on a preventive basis has the right to be promptly translated before the judge. Judge decides continuation of detention or release Every person in pre-trial detention has the right to be tried within a reasonable time.
- 4 Whoever is deprived of liberty in an extrajudicial way has the right to contact the judge at any time. The latter decides as soon as possible on the legality of the measure.

Art. 32 Criminal Procedure

- 1 Everyone is presumed innocent as long as he is not convicted with a final judgment.
- 2 The accused has the right to be informed as soon as possible and in full on the charges against him. He must be given the opportunity to assert his rights of defense.
- 3 The sentenced person has the right to have the sentence examined by a higher court. The cases in which the People's Court judges as a single instance are excluded.

Art. 143 Eligibility

Anyone with the right to vote is eligible to the People's Court.

Art. 144 Incompatibility



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1 The functions of member of the Council of Ministers, of Parliament and of judge at the Federal Supreme Court are incompatible.

full-time judges of the People's Court cannot hold any other office in the service of the Veneto State, nor engage in other gainful activities.

The law may provide for other incompatibilities.

Art. 145

The judges are elected for six years, the chancellor elected for four years.

Art. 146 Responsibility of the State

The State is liable for damages unlawfully caused by its bodies in the exercise of official activities.

Art. 168

The parliamentary assembly elects the members of the People's Court

Art. 188 Statute of the People's Court

1 The People's Court is the supreme judicial authority of the Veneto State.

2 The law establishes its organization and procedure.

3 The People's Court enjoys administrative autonomy.

Art. 189 Competences of the People's Court

1 The People's Court judges disputes for violation:

a. to the law of the Veneto State;

b. of international law;

c. of interprovincial law

d. of the provincial constitutional law.

And. municipal autonomy and other guarantees that the provinces grant to other public law bodies.

f. federal and provincial provisions on political rights.

2 The Federal Supreme Court also judges disputes between the state and the provinces and between the provinces.

Art. 190 Determining right

The laws of the Veneto State and international law are decisive for the People's Court and for the other authorities in charge of applying the law.

Art. 191 Possibility of referring to the People's Court

1 The law guarantees the possibility of referring to the People's Court.



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- 2 It may provide for a minimum litigious value for disputes that do not concern a fundamental legal issue.
- 3 In certain special areas, the law may exclude the possibility of referring to the People's Court.
- 4 The law may provide for a simplified procedure for complaints that are manifestly unfounded.

Art. 191a Other judicial authorities of the Veneto State

- 1 The Veneto State establishes a Criminal Court; the Court judges in the first instance the criminal cases that the law attributes to the jurisdiction of the Veneto state. The law may confer other powers on it.
- 2 The Veneto state establishes judicial authorities to judge public law disputes relating to the sphere of competence of the state administration.
- 3 The law may provide for other judicial authorities of the Veneto State.

Art. 191b Judicial authorities of the provinces

- 1 The provinces establish judicial authorities to judge civil and public law disputes as well as criminal cases.
- 2 They can establish interprovincial judicial authorities

Art. 191c Independence of the judge

In their judicial activity, the judicial authorities are independent and are subject to law only. Any citizen of the Veneto State can participate as a member of the People's Court by drawing lots.

Constitutive Act of the International Court of Justice for the Self-Determination of Peoples. (CIGAP)

The International Court of Justice for the Self-Determination of Peoples. (CIGAP)

Legal basis

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 Covenant 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 Trade Agreements)

Resolution 545 (VI) of the General Assembly of February 5, 1952 (Inclusion in the International Covenant or 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 proceedings of its eighth session, 14 April - 14 June 1952 (E / 2256)

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

Resolution 637 C (VII) of the General Assembly of December 16, 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)



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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 presented by Chile, China, Egypt, India, Pakistan and the Philippines (E / CN.4 / L / 381, 1954)

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

Economic and Social Council, Report of the Social Committee to the Economic and Social Council, 26 July 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, Philippines, 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 respect for the right of peoples and nations to self-determination)

Economic and Social Council, Report of the Commission on Human Rights on the proceedings of its eleventh session, 5 April - 29 April 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 (Recommendations relating to 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 Secretary General, "Historical Summary of the Discussions Relating to the Question of the Permanent Sovereignty of Peoples and Nations over their Natural Wealth and Resources" (A / AC.97 / 1, 12 May 1959) Economic and Social Council, Report of the United Nations Commission on Permanent Sovereignty over Natural Resources on the works of the first and second sessions, May 18-22, 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", December 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 Permanent Sovereignty over 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, revised draft resolution presented by Chile (A / AC.97 / L.3 / Rev.2, May 18, 1961)



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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 December 19, 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 14 December 1962 (A / PV.1193 - 1194)

Resolution 1803 (XVII) of the General Assembly of 14 December 1962 (Permanent sovereignty over 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 refrain, in their international relations, from resorting to the threat or use of force against the territorial integrity or political independence of a State or in any other incompatible way for 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 - Condemnation of the use of force by the Libyan regime against protesters 1970 issued unanimously on November 26, 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 Charter of the United Nations

International Criminal Court - I.C.C.

Binding Judgments and Advisory Opinions of the International Court of Justice, ICJ

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 (UNGPs).

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



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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 the exercise of 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 Security Policy, Catherine Ashton, who on 20 November 2012 reiterated that the EU 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 in 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 own constitutional order. The self-determination of peoples is 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 all States have a legally recognized interest, in the name and on behalf of the international 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 for the protection of fundamental values of the international community (see 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 human rights law, 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 consists in 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 own constitutional order. Affirmed in the Atlantic Charter (14 August 1941) and in the Charter of the United Nations (26 June 1945; art.1, paragraphs 2 and 55), the principle of self-determination of peoples is reaffirmed in the Declaration of the General Assembly on the independence of peoples colonial (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 recommends that UN member states refrain from forceful actions aimed at opposing 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 may preclude their implementation. The International Court of Justice has admitted that the principle of self-determination of peoples has a customary nature. In 1969, with the Vienna Convention, the States accepted the concept of jus cogens, but on condition that the State invoking the imperative character of this international norm was ready to accept the mandatory jurisdiction of the International Court of Justice (CIG) in this matter. . Recalling the resolutions of the General Assembly 523 (VI)



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of 12 January 1952 and 626 (VII) of 21 December 1952, Taking into account its resolution 1314 (XIII) of 12 December 1958, with which it established the Commission on permanent sovereignty over resources natural resources and charged with conducting a full investigation into the state of permanent sovereignty over wealth and natural resources as a basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening, and also decided that, in conducting the comprehensive investigation of the state of permanent sovereignty of all peoples and nations with respect to their natural wealth and resources, due attention should be paid to the rights and duties of states under international law and the importance of encouraging international cooperation in development economic development of developing countries, Taking into account its resolution 1515 (XV) of 15 December 1960. The of The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and the well-being of the people of the state concerned. Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the United Nations Charter and hinders the development of international cooperation and peacekeeping.

Jus cogens-Erga Omnes obligations and mandatory rules.

Draft articles on the responsibility of the State of the Commission of international law (2001) the Draft articles on the international responsibility of the states of the Commission of international law 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 a mandatory rule of general international law". Furthermore, Articles 40 and 41 of the Project impose on 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 the relevant factual situation as legitimate. The 2001 codification by the CDI. The two constituent elements of the unlawful act: a) the violation of an international law binding on the State and b) the attribution of the conduct to the State. The unlawful fact (violation + attribution) involves a new legal relationship, called international responsibility. Types of policy violations. The DTA distinguishes three types of violations of rules according to a temporal classification: 1) Violations determined by a behavior defined in time, but whose effects may persist. (e.g. illegitimate expropriation). 2) Ongoing violations (eg hostage holding). 3) Violations consisting of a plurality of acts (eg Metaclad). Attribution of unlawful behavior. 1) the unlawful conduct is carried out by a body of the State (art. 4 CDI). 2) The unlawful behavior 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 acting under the control of the State (art. 8): CIG sentences Nicaragua and Bosnia / Serbia. The content of the liability relationship: the legal consequences. Obligation of reparation for the responsible State. The repair can be divided into: a) restitution; b) expression of apologies and guarantees of non-repetition; c) compensation. Repair in the broad sense. Protest as a remedial strategy for violated legal norms. In judicial litigation, the finding of the offense has a remedial effect (see Cameroon / Nigeria, Gabcikovo Nagymaros and OMC). The primary obligation to terminate the illicit Jus cogens and mandatory regulations is also relevant. the 2001 draft of articles on the international responsibility of states of the International Law Commission, 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 a mandatory rule of general international law". Furthermore, Articles 40 and 41 of the Project impose on 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.



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The qualification of self-determination obligations as erga omnes obligations 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 de l'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 has not yet 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, to this end, the obligation: a) to ensure, with due respect for the culture of the populations concerned, their political, economic, social and educational progress, their just treatment and their protection against abuse; b) to develop the self-government of the populations, to take into due consideration the political aspirations and to assist them in the progressive development of their free political institutions, in harmony with the particular circumstances 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 the social, economic and scientific purposes set out in this article ; e) to regularly transmit to the Secretary General, for information purposes and with the limitations that may be required by security and constitutional considerations, statistical data and other information of a technical nature, regarding the economic, social and educational conditions in the territories referred to I am respectively responsible, except 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 occupation. See, ex multis, R. Ago, *The requirement of effective 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, *War occupation*, in *Encyclopedia of Law*, 1979, p. 720 ff .; A. Bernardini, *Iraq: illicit occupation, popular resistance, Iraqi self-determination*, in *Journal of International Legal Cooperation*, 2003, p. 29 ff .; S. Silingardi, *War Occupation and Obligations of Occupying Powers in the Economic Field*, in *International Law Review*, n. 4/2006, p. 978 and following; M. Arcari, *Authorization by the Security Council, protection of human rights and military occupation in Iraq: the Al-Jedda case before the British judges*, in *International Law Journal*, n. 4/2006, p. 1083 and following; A. Gattini, *War occupation*, in S. Cassese (a curadi), *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 ff .; A. Gioia, *The Belligerent Occupation of Territory*, in A. De Guttry, H. Post, G. Venturini (ed.), *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 of internal means of recourse in situations of illegitimate territorial occupation*, in *Rivista di Legge Internazionale*, n. 3/2011, p. 799 and following; N. Course, *Military occupation and protection of 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 ruling by the Supreme Court of Israel*, in *Human Rights and International Law*, no. 3/2012, p. 679 and following; A. Annoni, *The "hostile" occupation 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: a) any further agreement between the parties regarding the



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interpretation of the treaty or the implementation of the provisions contained therein will be taken into account ; b) of any further practice followed in the application of the treaty with which the agreement of the parties is ascertained in relation to the interpretation of the treaty; c) any relevant rule of 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 di LEGA INTERNATIONAL*, 2010, p. 809 and following; E. Feola, *The principles on the interpretation of treaties in the recent jurisprudence of the International Court of Justice in the case of Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, in *The International Community*, 2011, p. 473 and following; C. Ragni, *Interpretation of treaties and "standards 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 United Nations Charter, assumes a particular direct significance in reference to non-autonomous territories. In particular, the principle of self-determination is configured as a right of peoples, the application of which constitutes an indispensable requirement in the process of decolonization. The competence of States to conclude agreements relating to occupied territories has been the subject of at least one precedent. This is the case of Namibia, 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, emphasizing the illegitimacy of the South African presence in the territory of Namibia, sanctioned the invalidity of the acts carried out by South Africa relating to this territory. On the effects of the treaties vis-à-vis 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, *The 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 was also invoked in the context of the Nagorno Karabakh question concerning 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-Karabakh conflict and international law*, Turin, 2014. Vienna Convention on the law of treaties, art. 53: «Any treaty which, at the time of its conclusion, conflicts with a mandatory rule of general international law is void. For the purposes of this Convention, a mandatory rule of general international law means a rule that has been accepted and recognized by the international community of States as a whole as a rule from which no derogation is permitted and which can only be modified by a new rule of general international law having the same character ». Similarly, art. 64 of the Convention attributes particular importance to jus cogens, providing that "if a new imperative rule of general international law arises, any existing treaty that conflicts with this rule



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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 pursuant to article 53, "the parties are required: a) to eliminate, as far as possible, the consequences of any act carried out on the basis of a provision that is contrary to the mandatory rule of general international law; and b) to ensure that their reciprocal relations comply with the binding norm of general international law". On the other hand, "in the case of a treaty that becomes void and terminates under 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 as a result of the execution of the treaty before the termination of its validity; however, said rights, obligations or situations cannot be retained afterwards except to the extent that their conservation does not conflict with the new peremptory norm of general international law". For a general analysis of the causes of invalidity 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 the 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 cases of Yusuf and Al Barakaat International Foundation v. 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 art. 103 to a customary norm of jus cogens, by virtue of which obligations deriving from the Charter would also be suitable to bind the Union regardless of its accession to the Charter. In any case, with the aforementioned sentences, as well as with the Ayadi v. Council (Court, T-253/02, sentence 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. Caligi uri, G. Cataldi, N. Napolitano (ed.), *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 the 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 Sahara occidental*, Leiden, 2009, p. 165 and following; M. Dawi dowicz, *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 the matter 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 defense 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 ff., P. 47, par. 88: «the argument amounts to a plea that the Court should allow the equivalent of an "actio popularis", or right



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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 East Timor affair, the issue had not been addressed by the Court, which had limited itself to excluding its jurisdiction in application of the so-called principle of Monetary Gold (see, for a summary of these aspects of the sentence, PICONE, POPA, Jurisdiction of the International Court of Justice and erga omnes obligations, in PICONE, International Community, cit., p. 693 et seq.). Instead, it had been widely discussed by the parties and deepened, with divergent results, by some judges in the opinions attached to the judgment: 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 on 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 favorable to the legitimacy of such countermeasures (limited, however, to the hypothesis of serious erga omnes offenses), TAMS, Enforcing, cit., P. 198 and following; 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 and following; 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 and following; 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) which, in art. 5 lett. c), provides for the faculty 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, Obligations erga omnes and codification of the responsibility of States, in Magazine. Par. 3 of the comment of the International Law Commission on art. 54 of the project (in particular the measures adopted against South Africa for its segregationist policy: see UN Doc. Of international law, 2005, p. 893 ff., P. 940 ff. A / 56/10, p. 352), inter alia, the trade sanctions recommended by the Organization for African Unity against Portugal in 1963, 1964 and 1973 for the latter's refusal to allow the exercise, by the colonial populations subjected to its administration, of the right of self-determination (see FOCARELLI, The 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 oil-producing Arab states against Israel and its allies to obtain the liberation of the occupied Arab territories (KATSELLI PROUKAKI, op. cit., p. 122 et seq.); the measures adopted by Western states against the Soviet Union in response to the invasion of Afghanistan (SICILIANOS, Les réactions décentralisées à l'illicite, Paris, 1990, p. 157 et seq.), and so on. In the context of the practice of 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 results in the admissibility of the premature recognition of national liberation movements and various forms of assistance to arising in the context of civil conflicts against colonial or racist regimes (hypotheses that will be analyzed as autonomous guarantees of the principle below, in par. 6): v. for 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 the 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; VILLALPANDO, Le codificateur et le juge face à la responsabilité internationale de l'État: interaction between



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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, POPA, op. cit., pp. 689-690. Prohibition to recognize the situation resulting from the serious violation of the right of self-determination and to assist in 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 TOMUSCHAT, 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 international 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 broad meaning is also derived from par. 5 of the comment on art. 41: for the Commission, the obligation of non-recognition entails the duty for States to refrain from any act that may even implicitly entail 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 of the Commission of 19 April 2000 concerning the conclusion of a Euro-Mediterranean agreement establishing an association between the European Communities and their Member States, of the one part, 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, limits itself to referring 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 et seq., 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), *The protection of human rights in Europe: between state sovereignty and legal systems supranationals*, Padua, 2010, p. 173 ff., P. 199 ff. See, in the same line, lastly, par. 9 of the European Parliament resolution of 5 July 2012 on EU policy in the West Bank and East Jerusalem (2012/2694 (RSP)), in which the Parliament calls for "full and effective implementation of existing Union legislation and bilateral agreements EU-Israel to ensure that the EU control mechanism, ie the "technical agreements", does not allow products from Israeli settlements to be imported into the European



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market under the preferential conditions provided for in the EU Israel Association Agreement ". 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 preferential regime established by the same ": Court of Justice, judgment of 25 February 2010, Case C-386/08, Firma Brita GmbH v. Hauptzollamt Hamburg-Hafen, in Collection, 2010, p. I-1289, paragraph 53. On the judgment v. comments by 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 MARTINES, Rules on the origin of products and territorial application of the Association Agreement with Israel under review by the Court of Justice, in *Studies on European integration*, 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 Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (see Council Regulation (EC) No 764/2006 of 22 May 2006 on the conclusion of a partnership agreement in the field of fishing between the European Community and the Kingdom of Morocco, in the *Official Gazette* and L 141 of 29 May 2006, p. 1 et seq.), which entered into force on 28 February 2007, confers fishing rights in exchange for vessels flying the flag of Member States of the Union financial compensation (both established in the attached protocol), in the waters subject to the sovereignty and jurisdiction of Morocco (a very generic and unusual formula in other treaties of the same type). 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. Upon expiry of the first protocol, the European Parliament initially decided not to approve the conclusion of a new protocol by the Council, which however did not substantially alter the terms of the previous one. However, it was a momentary paralysis: v. Council Decision 2013/720 / EU of 15 November 2013 concerning the signing, on behalf of the European Union, of the protocol between the European Union and the Kingdom of Morocco establishing the fishing opportunities and the financial contribution provided for by the partnership agreement in the fisheries sector between the European Union and the Kingdom of Morocco, in G.U.U.E. L 328 of 7 December 2013, p. 1 ss. (for a comment see MILAN, The new fishing protocol between European Union and Morocco and the rights of the Sahrawi people on 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 between the European Communautés 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 with regard to the implementation of the prohibition on providing assistance in the maintenance of situations created by serious erga omnes offenses (which for the International Law Commission has as its object those behaviors that ex post facto contribute to preserving the situation produced by illicit), a prohibition that requires States not to offer technical, economic or financial assistance. In his 2012 report, Richard Falk, the special rapporteur on the human rights situation in the Palestinian territories occupied since 1967, highlighted numerous cases of foreign companies operating in Israel's illegal settlements and benefiting from the occupation and their activities. contribute to the expansion of settlements in the Palestinian territories (UN Doc. A / 67/379, 19 September 2012, par. 38 et seq.). Hence the call 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 United Nations Human Rights Council concluded that "business enterprises have



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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 , March 27, 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 prevent any products of the illegal Israeli settlements from entering their markets [...], to decline 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 "(recommendation subsequently renewed several times by the Movement). On the non-fulfillment by the EU and its members of the prohibition of assistance in maintaining the situation resulting from the serious violations of the right of 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. See widely PICONE, Obligations erga omnes, cit., P. 951 and following; ID., The role of the injured State, cit., P. 970 and following and in adherence to 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 "give the evolving general international law a central role in the discipline of international responsibility". GRADE, op. cit., pp. 137 ff., 193 ff., Which speaks of a reversal of the typical relations between third States and warring parties, complete with regard to conflicts related to colonial dominations, 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 protection of fundamental values of the international law, Naples, 2000, p. 359. Various resolutions of the General Assembly can be cited to confirm their legitimacy of the assistance of third states to national liberation movements fighting for self-determination. See Declaration on Friendly Relations Between States, 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 par. 6 was asked "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 struggle for self-determination. See also art. 20 of the African Charter of Human and Peoples' Rights, which, after having proclaimed in paragraph 1 that "all peoples shall have [...] the unquestionable and inalienable right to self-determination ", provides in paragraph 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 et la question de assistance aux mouvements de libération nationale, in Revue belge de droit international, 1986, p. 307 ff., p. 323, humanitarian assistance would indeed constitute the 'subject of an ob bligo for third States.



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CASSESE, op. ult. cit., p. 324 ff. (according to which, however, the admissibility of this form of aid would still 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. On the other hand, it does not make much sense to include among the special guarantees for the implementation of the principle of self-determination the prohibition, for third States, of providing armed support, both direct and indirect, to the State that violently represses the self-determination of the people subject to its control. (see for this thesis GRADO, op. cit., p. 130 ss.). This prohibition, in fact, derives from the same primary rule that requires States to respect the self-determination of all peoples, both those subject to their own control and those subject to the control of others: so for example LATTANZI, Self-determination of peoples, in Digest of Disciplines Publications, vol. II, Turin, 1987, p. 4 et seq., Pp. 24-25. See in this sense par. 3 of art. 1 common to the United Nations Covenants, as interpreted by the United Nations Human Rights Committee in General Comment no. 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), March 13, 1984, in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI / GEN / 1 / Rev.9 (Vol. I), May 27, 2008, pp. 123-124). V. RONZITTI, op. cit., p. 116 and following; CASSESE, Self-Determination, cit., Pp. 184, 199 ff. ; GRADE, op. cit., p. 133 and following; CORTEN, The applicability 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 ff., P. 72 and following; FABBRICOTTI, Legitimate defense and self-determination of peoples, in TANZI, LANCIOTTI (edited by), Use of force and legitimate defense in contemporary international law, Naples, 2012, p. 255 and following; PALMISANO, op. cit., p. 129. On the affair see, for all, 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 an overview of the Arab Spring uprisings within the scope of the right of self-determination of populations oppressed by authoritarian regimes, see for example, the speech by the President of the United States, Barack Obama, to the Department of State on May 9, 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. extensively PICONE, Considerations on the nature of the Security Council resolution 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 Representative 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 Opposition, in EJIL: Talk !, January 17, 2013. According to AMOROSO, The role of insurgent recognition in promoting the principle of internal self-determination: 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 (internal) self-determination 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 ff., 52. With regard to the conflict in Libya cf. for example SPENCER, France Supplying Weapons to Libyan Rebels, in



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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 rebels, v. instead the statement of the British Foreign Minister to Parliament of 10 January 2013, www.gov.uk/government/speeches/foreignsecretary-updates-parliament-on-syria; as well as, for the United States, the statements of the White House Deputy National Security Advisor, Ben Rhodes, of June 13, 2013 www.whitehouse.gov/the-press-office/2013/06/13/statement-deputy-national-security-advisor-strategic-communicationsben-. For further references, see also 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 Council Decision 2013/255 / CFSP of 31 May 2013 concerning restrictive measures against Syria, in the Official Gazette and L 147 of 1 June 2013, p. 14 et seq., And point 2 of the Foreign Affairs Council declaration 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 as a whole, establishes erga omnes obligations, that is, obligations payable by all States. Confirmed by the jurisprudence of the International Court of Justice and by the codification work of the Commission of international law on the responsibility of States.

The provision for the protection of fundamental interests - rectius: of an erga omnes obligation - ipsius animi promptitudinem is configured for the codified institutive-constitutive statute of the Rome Statute, United Nations Statute, Council of Europe Statute, Inter-American Court of Human Rights, African Court of Human and Peoples' Rights. International law recognizes the individual as an international personality, deriving from the circumstance that human rights conventions make him a 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 of 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 sphere of international society, understood as a political society. Universal human rights are not divorced from the right of peoples to self-determination: equal rights and self-determination of peoples. The participating States respect the equality of rights of peoples and their right to self-determination. Self-determination is the right of peoples to freely choose the political, economic, social regime. The participating States reaffirm the universal importance of peoples' respect for and effective exercise of equal rights and self-determination, for the development of friendly relations among themselves as well as among 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 international norms of law of the rule of law: all powers rest on freely and democratically signed treaties. 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 internationally recognized human rights and the rights of states, the former must prevail.

The International Court of Justice for the Self-Determination of Peoples is established on the basis of legal science, the rule of law and the United Nations Charter as the main jurisdictional body protected by the rights of the United Nations, is constituted and functions in accordance with the provisions of this Charter.

International Court of Justice for the Self-Determination of Peoples

Statute



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Preamble

Considering that peoples are increasingly exposed to serious and systematic violations of their rights and systematic violations of their fundamental rights by military regimes most often of a dictatorial character and by the increasingly penetrating domination of neo-colonial structures and groups in vast areas of the world, and of ideologies and political practices that despise or neglect the needs and rights of peoples;

Considering that such violations of the essential rules of the international community and in particular the crimes of genocide and apartheid, the imperialist and neocolonial exploitation of peoples and minorities, the systematic oppression of peoples and other human groups are perpetrated without the international community organized is capable of effectively preventing the perpetration of such crimes and violations and putting an end to them;

Considering in particular that the organizations of the organized international community, while on the one hand have developed rules and principles enunciating the fundamental rights of peoples, are nevertheless unable to apply these rules or to ensure their effectiveness through the application of sanctions adequate or criteria for reparation for the damage suffered, especially through binding international procedures that can guarantee compliance with them by governments and transnational companies or other colonial or neo-colonial power groups;

Considering that it is equally necessary to deepen the analysis of the economic and social political causes of crimes against peoples in relation to imperialism, neo-colonialism and the consequent violations of the rights of minorities and individuals;

Considering that as long as the international community does not recognize and establish international bodies capable of putting an end to the aforementioned violations, it is the task of the political and trade union groups to set themselves the goal of promoting the rights of peoples, minorities and individuals, supported by the world public opinion, to create international structures capable of polarizing the attention of governments, political and trade union movements, world public opinion on the serious and systematic violations of the rights of peoples, and the related violations of the rights of minorities and individuals as well as the economic, political and social causes of such violations;

Skills and functions:

Art. 1

The CIGAP judges on any type of serious and systematic violation of the rights of peoples whether such violations are committed by states, or by other non-state authorities, or by private groups or organizations, as well as where appropriate, according to the principles of Nuremberg, the personal responsibilities of their authors. Above all, the Tribunal is competent to rule on any type of international crime, in particular on crimes against peace and humanity, on any violation of the fundamental rights of peoples and minorities, on serious and systematic violations of the rights and freedoms of individuals referred to in the legal instruments considered in art. 2., against environmental crimes that will be punished such as genocide, war crimes and crimes against humanity.

The Tribunal is not competent to rule on particular cases of violation of the rights and freedoms of the individual, except when there is a relationship with a violation of the rights of peoples.

Art. 2

The mission of the Tribunal is to promote universal and effective respect for the fundamental rights of peoples, determining whether these rights are violated, examining the causes of such violations and denouncing their perpetrators to world public opinion. The Tribunal applies the international principles of *JUS*



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COGENS as an expression of universal legal awareness, in particular of the Nuremberg principles; adopts the Algiers Declaration on the Fundamental Rights of Peoples and applies the fundamental legal instruments of the United Nations, in particular the Universal Declaration and the International Covenants on Human Rights, the Declaration on Friendly Relations between States, the resolutions of the General Assembly on decolonization and the new international economic order, the Charter of Economic Rights and Duties of States as well as the Convention on the Prevention and Suppression of the Crime of Genocide. The Tribunal also applies any other international, universal or regional legal instrument aimed at developing, updating or broadening the meaning and contents of the texts that refer to the rights of peoples and the right to self-determination of the patient and the civil liability of the doctor, Charter of the fundamental rights of the European Union (Nice Charter) which affirmed the respect, in medicine, of the free and informed consent of the individual and the Oviedo Convention. The patient's right to self-determination can only be exercised through a consent that is personal, i.e. manifested by the patient capable of understanding and willing, explicit, clearly manifested and unequivocal, specific, because it must indicate in a timely manner the health treatments proposed or the intervention to be performed, current, because it must be provided at the time of the intervention or medical treatment, free, because it must not be the result of the constraints of others, aware, as expressed only after having received the necessary information and informed, as through adequate information the patient is informed by the doctor about the risks and consequences, even negative ones, that the medical treatment may entail. The civil liability of the doctor for the violation of the information obligations, damage from the infringement of the right to self-determination. The relevance of the patient's right to self-determination is such that the doctor's failure to comply with the information obligation may be the source of his civil liability and consequently cause damage from damage to the right to self-determination. The CIGAP pursues the destruction of the environment which is considered a crime against humanity.

Art. 3

Any government, international body (governmental or non-governmental), national liberation movement, political or trade union group, group of private citizens can invest the Tribunal for the violations of fundamental rights proclaimed in the legal instruments mentioned in art. 2.

Art. 4

At the request of the same persons and groups, the Tribunal may give an advisory opinion on matters within its competence.

Art. 5

The Presidency of the Tribunal can conduct an investigation or study on any type of international situation of violation of the fundamental rights of peoples and minorities or of serious and systematic violations of the rights and freedoms of minorities and individuals.

Composition

Art. 6

The Tribunal is made up of at least 35 members. 1) The members of the court are appointed by the Venetian Parliament for the right and liberation of peoples. 2) The members of the Tribunal, as well as the Secretary General, must enjoy the highest moral consideration and must meet the requirements required by the exercise of high legal functions or be recognized experts, jurists or political, religious or moral personalities of well-known competence.

Art. 7

1) The members of the Tribunal are appointed for three years. Their mandate is renewable.
2) The members of the Tribunal lose their office when one of the requisites is not fulfilled. The decision is taken by the Parliamentary Council with a majority of 2/3 of the members present, on the recommendation of



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the members of the Tribunal. The request that a member of the Tribunal be dismissed can only be made with a majority of 2/3 of the members present or representatives.

3) The members of the Tribunal elect the President for three years, and the Vice-Presidents who make up the Presidency of the Tribunal for four years.

Art. 8

1) The presidency designates for each session of the Tribunal, relating to a case or group of cases, 11 judges who will meet to rule on the case or cases referred to the Tribunal. These judges are chosen from the general list of members of the Tribunal.

2) The judges chosen for a specific session elect the President of the session itself.

Art. 9

When the Court is overloaded, and only in case of urgency, the presidency can set up one or more "chambers" each composed of seven judges to judge the selected cases.

Operation

Art. 10

1) A Secretariat headed by a Secretary General and a Deputy Secretary General is set up at the Court, assisted by 3 Deputy General Secretaries, appointed by the Parliamentary Council on the proposal of the Court. 2) The members of the secretariat must be persons of recognized integrity and competence.

Art. 11

In particular, the Secretary General exercises the following functions: 1) records the requests received by the Court. 2) reports to the Presidency on each registered request and specifically on the underlying facts and on the international instruments to which reference is made.

Art. 12

Given the Secretary's report and the elements it has gathered, the presidency decides whether to file the request or submit it to the Court. In the latter case, the presidency designates one or more speakers who can also be chosen from outside the members of the Court. Any decision to dismiss a request is communicated to the members of the Court who can, in the presence of minor elements, request that the case be taken into consideration again. This faculty can be exercised only once. The rapporteur (s) proceed, with the assistance of the Secretariat, to investigate the case with the mandate: - to collect all the evidence against and to the detriment and to cite all the witnesses;

- to be available to the Court to facilitate the verification and assessment of the authenticity and truthfulness of the facts and evidence;

- to inform the Court of the applicable legal rules.

Art. 13

The presidency annually sends a report to the Parliamentary Council in which it lists all the cases that have been submitted, as well as the reasons for which they have been declared admissible or not admissible or manifestly unfounded or unclassifiable.

Art. 14

The presidency from the moment it declares an acceptable request strives to obtain the collaboration of governments, authorities or private groups involved and provides them with the widest opportunity to submit evidence and arguments.

Art. 15

Every government, authority, private group involved is informed of the allegations or requests that concern them, as soon as they are declared admissible by the presidency or the presidency has decided to proceed ex officio to an investigation concerning them. It is possible to participate at any stage of the proceedings. Even if



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the person in question refuses to recognize the competence of the Court, all the documents concerning the process in which he is involved will be communicated to him in good time.

Art. 16

The presidency may designate a general rapporteur from among the members of the Tribunal or outside it, in charge of gathering any information, evidence or document that can be invoked in favor of the accused party if the latter decides not to participate in the hearing. This speaker special participates in the debates and, with an advisory vote, in the resolutions relating to the case entrusted to him.

Art. 17

1) If it deems it useful for promoting respect for the fundamental rights of peoples, minorities or individuals, the Tribunal may make itself available to the interested parties in view of an amicable consultation. 2) The Court draws up a report containing a brief exposition of the facts and solutions adopted, if it obtains an agreement that is acceptable to the interested parties and that is inspired by compliance with the applicable international legal instruments. 3) The Court decides what follow-up to give to the aforementioned report in order to promote respect for the fundamental rights of peoples, minorities and individuals.

Art. 18

The sessions of the Tribunal and the hearings of the Tribunal chambers are public. The deliberations are held behind closed doors. The members of the Tribunal designated as rapporteurs do not participate in the deliberations relating to the case that they have instructed.

Art. 19

The Court can validly deliberate with a quorum of 7 members in the case provided for by art. 8 and 5 members in the case provided for in art. 9. Judgments and consultative opinions are taken by an absolute majority of the members. In the event of a tie, the vote of the president of the session or of the panel of judges is decisive. No member of the Tribunal may be represented, not even by another member. As regards the resolutions provided for in art. 7 - paragraph 2-3 - and art. 10 - paragraph 1 - the members of the Tribunal can delegate another member. No member can have more than one proxy.

Art. 20

The judgments of the Tribunal are final. Together with the other decisions of the Tribunal, they are communicated to interested parties, the Secretary-General of the United Nations, relevant international bodies, governments and the press.

Art. 21

The Court gives itself an internal regulation and procedural rules.

Art. 22

The Court is based in Venice. It may meet and carry out its functions in any other place.

Art. 23

Any proposal to amend the Statute is addressed to the presidency. If the proposal is made by 10 members of the Tribunal, it is transmitted with the opinion of the Presidency and with the consent of the Parliamentary Council for the Law and Liberation of Peoples, to all members of the Tribunal. Any amendment to the statute is adopted by a majority of the members of the Tribunal.

Judges enjoy, from the moment of their election and for the duration of their mandate, the immunities recognized by international law for diplomatic agents. During the exercise of their functions, they also enjoy the diplomatic privileges necessary for the exercise of their functions.

Establishment agreement.



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The Veneto Self-Determination Committee is founded on the principle of the rule of law, with treaties approved freely and democratically by all.

Approval of the President of the Parliament

Approval by the President of the Council of Ministers

Approval by the President of the State Attorney General

Approval by the President of the Veneto National Liberation Committee

Adoption by signed ratification of accession.

States, International Governmental Organizations, International Non-Governmental Organizations, citizens of each State with direct democracy.

Signatories