Venetian Republic

Venezia, Palazzo Ducale, 02 February 2023

PROT.N. PRO20230202009

Attorney General's Office of the Veneto People's Court. Attorney General, Nicola Liviero

Recipients:

To the kind attention Secretary General of the United Nations His Excellency, António Guterres

A. Office of Legal affairs, Mr. Miguel de Serpa Soares, 760 United Nations Plaza, New York, NY 10017 - USA

Chancellor of the International Court of Justice

International Court of Justice Peace Palace Camegieplei, 2 2517 KJ The Hague The Netherlands,

at Chancellery

Senders:

Attorney General's Office of the Veneto People's Court

Veneto National Liberation Committee

Government of the Veneto Council of Ministers

National Parliamentary Council of the Veneto People

Governor of Banca Nazionale Veneta (Venetian National Bank)

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

Object

Accession ratification for mandatory jurisdictional acceptance of the Statute of the

International Court of Justice, Article 36/ Article 38/ Article 65/ Article 67/ Article 68 of the Statute of the International Court of Justice

Article 37/38/39/40 of the IV Hague Convention 1907.

Charter of the United Nations Article 96.

Request for an Advisory Opinion to the International Court of Justice

Attorney General's Office of the Veneto People's Court

Attorney General for the protection of the Veneto State, His Excellency Nicola Liviero.

Having heard the favorable opinion of the Committee of international law experts of the Veneto National Liberation Committee, of the President of the Veneto National Authority of the Veneto National Liberation Committee, of the President of the government executive of the Council of Ministers, of the President of the Veneto Parliament and of the Governor of the Banca Nazionale Veneta (Venetian National Bank), in his capacity as Attorney General of the People's Court of Veneto, I request an advisory opinion from the distinguished (excellent) International Court of Justice for the office of the Attorney of the International Court of Justice for People's Self-Decision (CIGAP), competent for crimes of genocide, crimes against humanity, violation of laws, conventions of war and ethnic cleansing Article 1, Article 3, Article 4, Article 5, of the Statute of the International Court of Justice for Self-Decision of Peoples. (CIGAP)

Question: ***Recognize that mass human rights violations, committed in peacetime and in the name of profit, can be as serious as traditional war crimes.***

The codification, decreed by the International Criminal Court, of environmental crime as a crime against humanity and genocide is comparable with the violation of the mandatory obligation of the human right of self-determination of peoples through the permanent sovereignty to freely dispose of their wealth and natural resources, without prejudice to the obligations arising from international economic cooperation based on the principle of mutual interest and international law?

Can a people, under any circumstances, be deprived of their means of subsistence?

Legal basis

Resolution 61/178 of December 20, 2006 -

Resolution 61/295 of September 13, 2007 -

Apr. 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

General Assembly Resolution 421(V) 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 January 12, 1952 (Integrated Economic Development and Trade Agreements)

Resolution 545 (VI) of the General Assembly of 5 February 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 Human Rights Commission on the proceedings of its eighth session, April 14 - June 14, 1952 (E/2256)

Human Rights Commission, draft resolution presented by Chile (E/CN.4/L.24, April 16, 1952) adopted by the commission on 8 May 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 December 21, 1952 (Right to freely exploit natural wealth and resources)

Resolution 738 (VIII) of the General Assembly of November 28, 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 Human Rights Commission 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 tabled 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 July 29, 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 December 12, 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, Secretary-General's Note, "Historical Summary of Discussions Related to the Question of the Permanent Sovereignty of Peoples and Nations Over Their Natural Wealth and Resources" (A/AC.97/1, May 12, 1959)

Economic and Social Council, Report of the United Nations Commission on Permanent Sovereignty over Natural Resources on the proceedings of its 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 Wealth and Resources, United Nations Secretariat, Revised Study, "The Status of Permanent Sovereignty over Natural Wealth and Resources," Dec. 27, 1960 (A/AC.97/5/Rev.1 & Corr. 1 & 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 on Permanent Sovereignty over Natural Resources, Revised Draft Resolution submitted 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 Commission Report, E/3511, annex)

Resolution 847 (XXXII) of the Economic and Social Council of August 3, 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 & 876-877 held on Second Committee Oct. 3-Dec. 14, 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 Second Committee December 3, 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 December 14, 1962 (A/PV.1193 - 1194)

Resolution 1803 (XVII) of the General Assembly of December 14, 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 Agreed Declaration of Principles of International Policy (1941) Charter of the United Nations: Article 1, paragraph 2, and Article 55

Declaration of Human Rights of 1948.

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

Resolution 1514(L)XV/1960 – Declaration on the granting of Independence to Colonial peoples

Resolution 2200/A of 1966 – International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights

Resolution 2625(XXV)/1970 - the principle that States shall 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 way inconsistent 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 - 09.20.2000 Resolution 41/128 -

Declaration on the right to development - U.N. 04.12.1986 Resolution CDS 276 - Condemnation of use of force by the Libyan regime against demonstrators 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 Article 94 of the Charter of the United Nations

Judgments of the International Criminal Court - I.C.C.

Judgments and binding advisory opinions of the International Court of Justice, ICJ 2001 Codification by the CRC

UNCTAD/GDS/APP/2013/1 – Report on "Loss of Palestinian tax revenues in Israel under the Paris Protocol on Economic Relations." United Nations Guiding Principles on Business and Human Rights (UNGP).

The UN "Protect, Respect and Remedy" Framework for Business and Human Rights U.N. Human Rights Council, "Resolution 8/7

18/6 resolution

Resolution adopted by the General Assembly on June 22, 2017 (A / 71 / L.73 and Add.1)] 71/292. General Assembly: Reaffirming that all peoples have an inalienable right to exercise their sovereignty and the 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 Co-operation 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 Charter of Nice - Treaty on European Union and art. 47 of the Charter of Fundamental Rights.

Adherence to the 1961 Vienna Convention on Diplomatic Relations

Adherence to the 1963 Vienna Convention on Consular Relations

Adherence to the Vienna Conventions of 1969 on special issues (attached facsimile diplomatic passport, facsimile civil passport).

Adherence to the 2013 United Nations Arms Trade Treaty.

Statement by the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, who reiterated on 20 November 2012 that the EU has recognized the National

Coalition of Syrian Revolution and Opposition Forces as the 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 impede or even hinder the self-determination of peoples, understood as their freedom 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 autonomously decide their own political, economic and social order. The International Court of Justice has characterized it as a principle from which so-called obligations derive. erga omnes, in respect of which 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, i.e. of that nucleus 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 holder of the right to self-determination is the people as an entity 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 impede or even hinder the 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 United Nations Charter (June 26, 1945; art. 1, para. 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 the Member States of the United Nations refrain from acts of force aimed at countering 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 the condition that the State which invoked the imperative nature of this international law was ready to accept the compulsory jurisdiction of the International Court of Justice (IGC) in this matter. . Recalling the resolutions of the General Assembly 523 (VI) of January 12, 1952 and 626 (VII) of December 21, 1952, Taking into account its resolution 1314 (XIII) of December 12, 1958, by which it established the Commission on permanent sovereignty over natural resources and charged with conducting a full investigation into the state of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening, and decided further that, in conducting the comprehensive investigation into the state of the 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 to 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 right of peoples and nations to permanent sovereignty over their natural wealth and resources shall be exercised in the interests of their national development and the welfare of the people of the State concerned. The 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 the maintenance of peace. Obligations Jus cogens- Erga Omnes and mandatory norms.

Draft Articles on State Responsibility of the International Law Commission (2001) Draft Articles on the International Responsibility of States of the International Law Commission of 2001, in art. 26, affirms that "no provision of this chapter excludes the illegality of any act of a State which does not comply with an obligation deriving from a peremptory norm of general international law". Furthermore, the articles 40 and 41 of the Project impose on 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 the relative de facto situation as legitimate. Codification of 2001 by the CDI. The two constituent elements of the tort: a) the violation of an international law binding on the State and b) the attribution of the conduct to the State. The tort (violation + attribution) involves a new juridical relationship, called international responsibility. Types of policy violations. The DTC distinguishes three types of violations of rules according to a temporal classification: 1) Violations determined by a behavior defined over time, but whose effects can last. (e.g. illegitimate expropriation). 2) Continuous violations (e.g. holding hostages). 3) Violations consisting of a plurality of acts (e.g. Metaclad). Attribution of unlawful conduct. 1) the unlawful conduct is carried out by an organ 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 illicit behavior is carried out by subjects acting under the control of the State (art. 8): judgments CIG Nicaragua and Bosnia/Serbia. The content of the liability report: the legal consequences. Obligation of reparation on the part of the responsible State. The reparation can be divided into: a) restitution; b) an apology and non-repeat guarantees; c) compensation. Repair in the broadest sense. Protest as a remedial strategy for violated legal norms. In judicial disputes, the ascertainment of the offense has a remedial effect (see Cameroon/Nigeria, Gabcikovo Nagymaros and OMC). It also detects the primary obligation to cease the illicit Jus cogens and the mandatory rules. 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 illegality of any act of a State which does not comply with an obligation deriving from a peremptory norm of general international law". Furthermore, the articles 40 and 41 of the Project impose on 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.

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

The art. 73 of the Charter of the United Nations reads: "Members of the United Nations which 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 such territories are pre-eminent and accept as a sacred mission the obligation to promote to the maximum, within the framework of the system of international peace and security established by the present 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 abuses; 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 degrees of development ; c) to strengthen international peace and security; d) to promote constructive development measures, to encourage research, and to collaborate among themselves, and, when and where appropriate, with specialized international institutes, for the practical achievement of the social, economic and scientific ends set forth 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, concerning the economic, social and educational conditions in the territories referred to are respectively responsible, with the exception of those territories to which Chapters XII and XIII apply».

The right to self-determination of peoples is in fact a sufficient principle to justify the relevance of international rules on territorial occupation. V., ex multis, R. Ago, The requirement of the effectiveness of the occupation in international law, Rome, 1934; F. Capotorti, The occupation in the law of war, Naples, 1949; A. Migliazza, The war occupation, Milan, 1949; G. Balladore Pallieri, War Law, Padua, 1954, p. 300 ff.; C. Curti Gialdino, Occupation of war, in the Encyclopaedia of Law, 1979, p. 720 ff.; A. Bernardini, Iraq: illicit occupation, popular resistance, Iraqi self-determination, in International Legal Cooperation Review, 2003, p. 29 ff.; S. Silingardi, War occupation and obligations of the occupying powers in the economic field, in International Law Review, n. 4/2006, p. 978 ff.; M. Arcari, Authorization of 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 ff.; A. Gattini, Occupation of war, in S. Cassese (edited by), Dictionary of public law, Milan, 2006, p. 3889 ff.; 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 belligerent occupation 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 ff.; S. Vezzani, On the prior exhaustion of internal remedies in situations of illegitimate territory occupation, in Review of international law, n. 3/2011, p. 799 ff.; N. Corso, Military occupation and protection of private property, in Human rights and international law, n. 1/2012, p. 5 ff.; M. Pace, Exploitation of natural resources and military occupation in a recent sentence of the Supreme Court of Israel, in Human rights and international law, n. 3/2012, p. 679 ff.; A. Annoni, The "hostile" occupation in contemporary international law, Turin, 2012; E. Benvenisti, The international Law of Occupation, Oxford, 2012. The third paragraph of the art. 30 of the Vienna Convention in fact provides that, in the interpretation of the treaties, "the following will be taken into account, in addition to the context: a) any further agreement reached between the parties regarding the interpretation of the treaty or the implementation of the provisions contained therein ; (b) any further practice followed in the application of the treaty which establishes the agreement of the parties as to the interpretation of the treaty; c) any relevant rule of international law applicable to the relations between the parties. V., for all, S. Sur, L'interprétation en droit international public, Paris, 1974; M.K. Yass en, Interpretation des traités d'après la Convention de Vienne, in Recueil des cours de l'Académie de droit international, vol. 116, 1976, p. 44 ff.; M. Bos, Theory and Practice of Treaty Interpretation, in Netherlands International Law Review, 1980, p. 3 ff.; S. Bariatti, The interpretation of international conventions of uniform law, cit.; R. Kolb, Interpretation 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 International Law Review, 2010, p. 809 ff.; E. Feola, The principles on the interpretation of treaties in the recent jurisprudence of the International Court of Justice in the case Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua), in La Comunità Internazionale, 2011, p. 473 ff.; C. Ragni, Interpretation of treaties and "standard of review" in the jurisprudence of the International Court of Justice: reflections on the "Antarctic Whaling" affair, in International Law Review, 2014, p. 725 ff.. More recently see 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. The articles 1 and 55 of the Charter of the United Nations, takes on a particular direct bearing with reference to non-autonomous territories. In particular, the principle of self-determination takes the form of a right of peoples, the application of which 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 one precedent. This is the case of Namibia, the subject of the advisory 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 performed by South Africa relating to this territory. On the effects of treaties on third countries 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 ff.; 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. 1ff.; 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 issue relating to the adversarial relationship between Azerbaijan and the Armenian ethnic majority of Nagorno Karabakh, supported by Armenia. On the conflict see 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 ff.; N. Ronzitti, Nagorno-Karabakh conflict and international law, Turin, 2014. Vienna Convention on the law of treaties, art. 53: «Any treaty is null and void which, at the time of its conclusion, conflicts with a peremptory norm of general international law. For the purposes of this Convention, a peremptory norm of general international law means a norm which has been accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a new norm of general international law having the same character". Similarly, the art. 64 of the Convention attributes particular importance to the jus cogens, providing that "should a new peremptory norm of general international law arise, any existing treaty which conflicts with this norm 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 on the basis of article 53, "the parties are required: a) to eliminate, as far as possible, the consequences of any act performed on the basis of a provision which is contrary to the peremptory norm of general international law; and (b) to ensure that their mutual relations conform to the mandatory rule of general international law". On the other hand, «in the case of a treaty which becomes null and void under Article 64, the cessation of the validity of a treaty: a) releases the parties from the obligation to continue to implement the treaty; b) does not affect any right, obligation or legal situation of the parties which arose as a result of the performance of the treaty before the termination of its validity; however, said rights, obligations or situations can only be preserved subsequently 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 ff.; J. Verhoeven, Invalidity of Treaties: Anything New in/under the Viena Conventions?, in E. Cannizzaro (ed.), The Law of Treaties Beyond the Vienna Convention, Oxford, 2011, p. 297 ff; T.O. EliLIas, 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 Charter of the United Nations and relations between regulatory systems, in F. Salerno (edited by), "Individual" sanctions of the Security Council and fundamental procedural guarantees, Padua, 2010, p. 46 ss., who, analyzing the cases Yusuf and Al Barakaat International Foundation v. Council, (Court, T-306/01, judgment 21 September 2005) and Kadi v. Council and Commission (Court, T-315/01), excluded that the jurisprudence of the Court of Justice has brought back the art. 103 to a customary rule of jus cogens, by virtue of which the obligations deriving from the Charter would be capable of binding the Union as well regardless of its accession to the Charter. In any case, with the aforementioned sentences, as well as with the sentence Ayadi v. Council (Court, T-253/02, sentence 12 July 2006), the Court also explicitly recognized the existence of the 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. Napoletano (ed.), The protection of human rights in Europe. Between state sovereignty and supranational legal systems, 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 Sahara occidental, Leiden, 2009, p. 165 ff.; M. Dawi dowi cz, 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 ff. 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, para. 82). On the jurisprudence of the International Court of Justice on the self-determination of peoples, see 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, 15 March 2000, para. 94. South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, sent. July 18, 1966, in the 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 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 ff. in relation to the East Timor affair, the question 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, PAPA, Jurisdiction of the International Court of Justice and obligations erga omnes, in PICONE, Community international, cit., p. 693 ff.). Instead,

it had been extensively discussed by the parties and deepened, with differing 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 see PAPA, Interest in taking action before the International Court of Justice and protection of collective values in the sentence on the case Belgium c. Senegal, in Human rights and international law, 2013, p. 79 ff. The par. 6 of the comment to the art. 54 of the article on liability, UN Doc. A/56/10, p. 355. But see, for an interpretation of the practice favorable to the legitimacy of such countermeasures (limited, however, to cases of serious torts 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 ff.; 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 ff.; 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 take countermeasures not involving the use of force. V. PICONE, Obligations erga omnes and codification of the responsibility of States, in Rivista. The par. 3 of the commentary of the International Law Commission on art. 54 of the draft (in particular the measures taken 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 of African Unity against Portugal in 1963, 1964 and 1973 for the latter's refusal to allow the exercise, by the subject colonial populations to its administration, of the right of self-determination (see 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 oil-producing Arab states against Israel and its allies to obtain the liberation of the occupied Arab territories (KATSELLI PROUKAKI, op. cit., p. 122 ff.); 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 ss.), 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 takes the form of the admissibility of the premature recognition of national liberation movements and of 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 infra, 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, Obblighi erga omnes, cit., p. 931; VILLALPANDO, The codificateur et le juge face à la responsabilité internationale de l'État: interaction between the CDI and the CIJ dans la 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 grave violation of the right to 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 ff.; 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 ff. TALMON, The Duty, cit., pp. 103, 117 ff.; DAWIDOWICZ, The Obligation of Non-Recognition, cit., pp. 683-684; PICONE, The role, cit., p. 968. para. 8 of the comment to the 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, para. 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., para. 49 ff. CHRISTAKIS, op. cit., p. 144 ff.; 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 ff. This broad meaning is also obtained from par. 5 of the comment to the art. 41: for the Commission, the obligation of non-recognition entails the duty for the States to refrain from any act which may imply, even implicitly, the recognition of the legitimacy 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. Law 147 of 21 June 2000, p. 1 et seq. 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 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 the respect for the mandatory norms 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. Lastly, on the same line, see 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 "a full and effective implementation of existing Union legislation and bilateral agreements EU-Israel to ensure that the EU's control mechanism, i.e. the "technical agreements", does not allow Israeli settlement products to be imported into the European market under the preferential conditions set out 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 it»: 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 see the 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 et seq. and MARTINES, Rules on the origin of products and territorial application of the Association Agreement with Israel under consideration by the Court of Justice, in Studies on European integration, 2010, p. 691 et seq. 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 fisheries sector between the European Community and the Kingdom of Morocco, in Official Journal L 141 of 29 May 2006, p. 1 ss.), which entered into force on 28 February 2007, grants vessels flying the flag of Member States of the Union fishing rights in exchange of a financial contribution (both established in the attached protocol), in the waters under the sovereignty and jurisdiction of Morocco (a very generic and unusual formula in other treaties of the same type). The spatial scope therefore does not expressly include the waters off Western Sahara, so the question of the compatibility of the agreement with art. 41, par. 2, of the draft of the International Law Commission is essentially interpretative in nature. When the first protocol expired, the European Parliament initially decided not to approve the conclusion of a new protocol by the Council, which 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 on the signing, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco fixing the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement

between the European Union and the Kingdom of Morocco, in the O.U.E. L 328 of 7 December 2013, p. 1 et seq. (for a comment see MILAN, The new fisheries protocol between the European Union and Morocco and the rights of the Sahrawi people on natural resources, in Human rights and international law, 2014, p. 505 ff.). 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 ff.; 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 ff.; ETIENNE, L'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 of providing assistance in maintaining situations created by serious offenses erga omnes (which according to the International Law Commission concerns those behaviors which ex post facto contribute to preserving the situation produced by the illicit), a prohibition which requires 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 which, operating in Israel's illegal settlements, profit with their activities from the occupation and contribute to the expansion of settlements in the Palestinian territories (UN Doc. A/67/379, 19 September 2012, par. 38 et seq.). Hence the invitation to civil society to implement 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 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, February 7, 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 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 the lett. b) of par. 5, in which the ministers recommend to the 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 failure by the EU and its members to ban assistance in maintaining the situation resulting from Israel's grave violations of the right to self-determination of the Palestinian people, cf. CRAWFORD, Third Party Obligations, cit., paragraphs 84-85, 138, and DUBUISSON, op. cit., p. 42 ff. See extensively PICONE, Obblighi erga omnes, cit., p. 951 ff.; ID., The Role of the Injured State, cit., p. 970 ff. and in compliance with ALAIMO, International responsibility of States, in Legal Encyclopaedia. Update, Vol. XVI, Rome, 2008, p. 10, according to which the art. 41, par. 3 together with the art. 54 «give evolving general international law a central role in the discipline of international liability». GRADE, op. cit., pp. 137 ff., 193 ff., which speaks of a reversal of the typical relationships between third States and warring parties, complete with regard to conflicts related to colonial, racist or foreign dominations, 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 in international law, Naples, 2000, p. 359. Various resolutions of the General Assembly can be cited as confirming the legitimacy of assistance from third states to national liberation movements struggling for self-determination. See Declaration on Friendly Relations among States, UN Doc. A/RES/25/2625, 24 October 1970 («people 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 asked for «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 Article 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", states 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 l'assistance aux mouvements de libération nationale, in Revue belge de droit international, 1986, p. 307 ff., p. 323, humanitarian assistance would constitute indeed the object of a obligation for third countries. CASSESE, op. last cit., p. 324 ff. (according to which, however, the 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 ff.; 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, to provide 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 ff.). This prohibition, in fact, derives from the same primary rule which requires states to respect the self-determination

of all peoples, both those under their own control and those under the control of others: thus, for example, LATTANZI, Self-determination of peoples, in Digesto delle Discipline Publications, vol. II, Turin, 1987, p. 4 ff., pp. 24-25. See in this sense the par. 3 of the 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), 27 May 2008, pp. 123-124). V. RONZITTI, op. cit., p. 116 ff.; CASSESE, Self-Determination, cit., pp. 184, 199 ff.; GRADE, op. cit., p. 133 ff.; 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 ff., p. 72 ff.; 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 ff.; PALMISANO, op. cit., p. 129. On the matter 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 a framework of the revolts of the Arab Spring within the scope of application of the right to self-determination of populations oppressed by authoritarian regimes, see for example the speech by the President of the United States, Barack Obama, to the State Department 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 et seq. 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!, 6 December 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!, 17 January 2013. According to AMOROSO, The role of recognition of insurgents 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 extensively RUYS, 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 ff., pp. 48 ff., 52. With regard to the conflict in Libya cf. eg SPENCER, France Supplying Weapons to Libyan Rebels, in The Telegraph, 29 June 2011, www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8606541/Fran ce-supplying-weapons-to-Libyan-rebels. html. In favor of supplying arms to Syrian rebels, see 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 Deputy National Security Advisor of the White House, 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 OJ L 147 of 1 June 2013, p. 14 ff., 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 understood as a unit, establishes erga omnes obligations, i.e. obligations enforceable by all states. Confirmed by the jurisprudence of the International Court of Justice and by the codification works of the Commission of International Law on State liability.

The provision for the protection of fundamental interests - rectius: of an obligation erga omnes - ipsius animi promptitudinem is configured by the codified institutional-constitutive law of the Rome Statute, the United Nations Statute, the Statute of the Council of Europe, the 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 fact that human rights conventions make him the recipient of the norms contained therein, i.e. 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 decide freely 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 separated from the right of self-determination of peoples: equal rights and self-determination of peoples. The participating States respect the equal rights of peoples and their right to self-determination. Self-determination is the right of peoples to freely choose their political, economic and social regime. The participating States reaffirm the universal importance of the respect for and effective exercise by peoples of equal rights and self-determination, for the development of friendly relations among themselves 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 freely and democratically signed treaties. By virtue of the principles, which characterize the rule of law, on the jurisdictional

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 Veneto state with its own institutions and by parliamentary law established the International Court of Justice of self-decision of the peoples of the Veneto state and established the Treaty of the Peoples of Europe with an international public legal act.

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

Attached:

Statute of the International Court of Justice for Peoples' Self-Decision.

Legal source of the Venetian National Liberation Committee, Proem with attachments of all the documents issued by the CLNV.

Venice, 02 February 2023

Attorney General, Nicola Liviero

President C.L.N.V. of Europe, Amedeo Casasola

President of the Council of Ministers, Moravio Pianegonda

President of the Parliament, Luca Ferrari

Legal and Juridical Affairs Office of the Legislative Council of the Veneto People, Franco Paluan

Note. Systematic destruction of a national or ethnic group.

The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment.

In 2001, the Court in fact adopted a body of procedural rules, drawn up by a working group composed of experts and jurists, especially dedicated to arbitration concerning disputes relating to the environment or natural resources ("Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment", the so-called "Environmental Rules"), in order to codify the specific needs of environmental disputes and to resolve the gaps highlighted by the existing body of legislation.

See the res. 56/82 of 12 December 2001 of the General Assembly. For the time being, the Commission has examined the first and second reports of the special rapporteur Gaja, respectively dated 26 March 2003, doc. A/CN.4/532, and of 2 April 2004, doc. A/CN.4/541; the reports of the discussion can be read respectively in I.L.C. report on the work of its fifty-fifth session, in G.A.O.R., fifty-eighth session, Supplement No. 10 (A/58/10), p. 29 ff., and in I.L.C. report on the work of its fifty-sixth session, cit., p. 94 ff. See then the third report of Gaja, of 13 May 2005, doc. A/CN.4/553.

The French penal code, approved in 1992, defines genocide as the will to annihilate not only national, ethnic, racial or religious groups, but also any other group "determined on the basis of an arbitrary criterion". It is thus established that, beyond all classifications, the victim group is the one that is chosen as such by the aggressor.

The Canadian penal code has introduced, in recent years, the aspect of "complicity". In fact, it also considers a crime against humanity "the attempt, the plot, the complicity after the fact, the advice, the help or the encouragement concerning the fact itself".

On 17 July 1998, the International Treaty ratified in Rome established the Permanent International Criminal Court in The Hague, with the task of prosecuting crimes of genocide, crimes against humanity and war crimes. The Treaty confirms the definition of genocide adopted by the 1948 Convention, extending its terms to both times of war and peace.

On December 9, 1948, the General Assembly of the United Nations unanimously approved the "Convention for the prevention and suppression of the crime of genocide". Genocide is defined as "any of the following acts committed with the intention of destroying in whole or partly a national, ethnic, racial or religious group as such:

- killing physical members of the group;

- attack on the physical or mental integrity of members of the group;

- intentional subjection of the group to conditions of existence aimed at causing its total or partial

physical destruction;

- measures aimed at preventing births within the group, such as sterilisation, abortion, impediments to marriage;

- forced transfer of children from one group to another group".

The Convention establishes that those who are guilty of these crimes, whether they are organs of a State, civil or military officials, or ordinary citizens, must be held "personally" and "individually" responsible for the crime itself and therefore subjected to trial before the courts local or international. Genocide and crimes against humanity are not time-barred and require compensation.

Fundamental elements, the presence of which qualifies the crime of genocide are:

- the intention or planning of the elimination of the targeted human group;

- the State as the organizing agent of such planning; 22

- one or more criminal acts directed against a person as a member of a national, ethnic, racial or religious group. It is the whole group that is persecuted and genocide is therefore considered the most serious of crimes against humanity.