COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Venetian Republic
Council of Ministers
Parliament

Venice, Palazzo Ducale, 01 May 2023 **Prot. N. DPL2023050100012**

Senders

Concil of Ministers

Legislative decree of the Council of Ministers having the force of law for parliamentary approval

Veneto National Liberation Committee of Europe

Office of the Attorney General for the protection of the Veneto State

Parliament

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

Registry Authority Office of Treaties, Conventions and International Agreements

Minister for Foreign Affairs, Security Policy, International Cooperation for Sustainable Development

COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Minister for the peremptory norms of general international law (ius cogens). "The rules reflect and protect the fundamental values of the international community. They are universally applicable and are hierarchically superior to other rules of international law".

Ministers of Economic Development, Business, Industry, Commerce, Crafts, Agriculture, Technological Innovation, Digital Transition and Made in Veneto of the Veneto National Liberation Committee of Europe.

Ministers of the Environment, Transport, Energy, Communications, Cultural Heritage and Activities and Tourism.

Minister of Defence, Civil Protection, Aeronautics and Marine Policies.

Recipients

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

President of the Council of Ministers, Giorgia Meloni - Palazzo Chigi - Piazza Colonna 370 - 00187 Rome - ITALY

To the President of the Italian Republic, Sergio Mattarella, Palazzo del Quirinale

Piazza del Quirinale 00187 - Rome – ITALY

and f.k.

Mayor of Venice, Luigi Brugnaro - Venice Secretariat - Ca' Farsetti (San Marco 4136, 1st floor) VENICE

To the Secretary General of the Organization for Economic Co-operation and Development (OECD) Mr. Mathias Cormann, 2 Rue Andre' Pascal 75775 Paris Cedex 16 – FRANCE

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

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

At U.N. – OHCHR - Ms. Michelle Bachelet Jeria, Palais Wilson-Rue de Paquis, 52 CH

1201 Genève – SUISSE

Haut Commissariat des Nations Unies pour les réfugiés (UNHCR) - Rue de Montbrillant 94, 1201Genève – SUISSE International Committee of the Red Cross, 19 Avenue de la Paix 1202 Genève – SUISSE.

ABOUT GONDOLAS...

Little by little the characteristics of mainland cities disappeared from Venice and, with horses having almost completely disappeared, the most common vehicle became the gondola. Its origins are ancient: in a document of Doge Vitale Falier dated 1094, the inhabitants of Loreo are exempted from building gondolas for the Prince. In the XIII century it was a kind of vessel with twelve oars and it had to be beaked; only at the end of the 15th century did it appear covered in colorful and flowery cloths, with the roof supported by curved slats and with two small rostrums (iron) one at the stern and the other at the prow, called "dolfini" with a similar shape to such animals. Towards the end of the 1500s there were as many as ten thousand gondolas (cited by Sansovino); many of them with a golden prow, with bedrooms (felzi) and satin or silk cushions, adorned with lace and embroidery and irons twisted at both ends in a thousand ways, with pretty studs, with pyramids and flowers. The magnificence of the gondolas became so important that the Senate, in 1562, forbade "li felzi da barca di seda et di panno", the gilded, painted or carved ornaments of the gondolas and the Provveditori alle Pompe decreed in 1584, that "non barcarola ardisca vogar gondolas "too richly decorated under the penalty "of preson, galley and more". These boats "tangled and beautifully shaped, rowed by black Saracens or other famegij" cost about 15 ducats, that is more than a horse, and there was no gentleman or citizen who did not own one, two or even more. The gondolas, for the journey from one bank of the Grand Canal to the other and for communications within the city, had, as now, their stations in the "ferries" with wooden piers and thin poles. In all the ferries there was a tabernacle with the image of the Madonna in front of which the gondoliers always kept a light on and "l'ogio (oil) dea Madona" was the first thing that came to mind. Some ferries were also decorated with a beautiful lantern planted on a pole, with tombstones or bas-reliefs. Like all other trades, gondoliers and boatmen were united in a brotherhood and had their school in the church of San Silvestro, under the protection of San Giovanni Battista. The brotherhood was divided into "fraglie" with their "mariegole (rules)", the presidency office made up of the gastaldo and the bank and the "capitoli" or meetings in which the interests of the class were dealt with and in particular the "freedom of the ferries" which were the places where the boats were, privately owned, rented by the fraglie, on which a so-called "insensitive" tax had to be paid and some extraordinary obligations such as a contribution for the excavation of the city's canals. In the city there were also special stazi (stations) for boats that made the Alemagna line service, along the Sile river and the Fossetta canal, such as that of SS.Giovanni and Paolo, or those for Treviso which was located to Mercy. These streets were also crossed by small passenger ships called Burchielli which we know became famous especially in the 18th century…

Juridical-Executive-Legislative Mandate

Legal Mandate.

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). 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). The self-determination of peoples found full legal recognition in 1945 with the adoption of the United Nations Charter. The Charter recalls the principle in the preamble, in art. 1, concerning the purposes of the organization, and in art. 55, concerning the action of the United Nations in the economic and social sphere and the promotion of respect for human rights. The self-determination of peoples is an inalienable, indefeasible, imprescriptible human right to which all States of the United Nations Charter must abide by as an obligation. As far as treaty law is concerned, the two international pacts on civil and political rights and on social, economic and cultural rights date back to 1966, the common art. 1 recognizes the right to political, economic, social and cultural self-determination of all peoples. The second paragraph of the art. 1 also provides for the right of peoples to freely dispose of their natural resources, in compliance with the obligations of international law and the requirements of international economic cooperation. In this second paragraph, the corollary of the permanent sovereignty of peoples over their own natural resources finds a contractual expression, developed above all thanks to the action of the General Assembly (see above all resolution 1803 of 1962). The third paragraph of the art. 1, in addition to the obligation of States to respect the right to self-determination, also provides for the positive obligation to promote it.

The international legal entity of the Veneto National Liberation Committee in the implementation of the right to self-determination.

The mission of the Veneto National Liberation Committee of Europe is to promote universal and effective respect for the fundamental rights of peoples, determining whether these rights are violated, examining the causes of these violations and denouncing their authors to world public opinion. The Veneto National Liberation Committee applies the international principles of JUS COGENS and ERGA OMNES as an expression of universal legal awareness, in particular of the Nuremberg principles; endorses the Algiers Declaration on the fundamental rights of peoples and applies the fundamental juridical instruments of the United Nations, in particular the Universal Declaration and the international human rights pacts, the declaration on friendly relations between States, the resolutions of the General Assembly on Decolonization and the New International Economic Order, the Charter of the Economic Rights and Duties of States as well as the Convention on the Prevention and Punishment of the Crime of Genocide. The Veneto National Liberation Committee also applies any other international, universal or regional juridical instrument aimed at developing, updating or broadening the meaning and contents of the texts which refer to the rights of peoples. Self-determination is universal law, for and of the Italian State in compliance with the

United Nations Charter and human rights with the adhesion to the United Nations, the O.C.S.E. and to all international treaties of the right and the exercise of self-determination.

Self-determination is an international legal right.

The development of the law of self-determination is the collective right of peoples to participate in the formation of international law. The implementation of the legal right of self-determination for the enforceability of political, economic, social and cultural democratic rights exercised as established by international law by the Veneto National Liberation Committee cannot be prosecuted. The International Court of Justice is the court of reference competent for disputes on the right to self-determination.

Draft Articles on the International Responsibility of States, 10 August 2001, A/56/10, Report of the International Law Commission on the work of its fifty-third session.

Article 4

Behaviors of state bodies

1. The conduct of an organ of the State shall be regarded as an act of the State within the meaning of international law, whether that organ exercises a legislative, executive, judicial or other function, whatever position it holds in the organization of the State and whatever its nature as an organ of the central government or of a territorial unit of the state.

2. An organ includes any person or entity having such a position under the internal law of the State.

Prisoner of war

The First Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in Field, the Second Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked in Armed Forces at Sea, the Third Convention relating to the Treatment of Prisoners of War and the IV Convention relating to the protection of civilians in time of war have been in force internationally since 21 October 1950. They were made executive in the Italian legal system with law 27 October 1951, number 1739, in the Official Gazette of 1 March 1952, number 53, and in force for Italy since June 17, 1952. Protocol I for the protection of victims of international armed conflicts and the Protocol for the protection of victims of non-international armed conflicts have been in force internationally since December 7, 1978. They were enforced in Italian legal system with law 11 December 1985 number 762, in the Official Gazette, ordinary supplement of 27 December 1985, number 303 and have been in force for Italy since 27 August 1986.

An interpretation that considers the Martens clause as an element that authorizes the interpreter to give more importance to the opinio iuris than to the usus in defining a custom, see Cassese 2000, 214.

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). We find traces of the first political declinations of the principle of self-determination of peoples in the context of the French and American revolutions of the late eighteenth century: think of the Abbé Grégoire's Déclaration du droit des gens, not approved by the Convention in 1775, and the preamble of the Declaration of American independence of 1776. At an international level, the principle of self-determination of national groups finds expression in 1918 in the Fourteen Points of the American President Wilson, which were supposed to inform the new political-territorial order following the First World War. Although the Covenant of the League of Nations does not contain any recognition of the principle of self-determination of peoples, the international regimes for the protection of national minorities established with the Peace of Versailles constitute a first juridical-formal declination of the principle of self-determination of nations (of those years, the report of the International Commission of Jurists, in LN Official Journal, Suppl. 3, 1920, 3 ss., and the report of the Commission of rapporteurs, in LN Council doc. B7 21/68/106, 1921, relating to the dispute between Sweden and Finland on the rights of the Swedish population of the Aaland Islands). The self-determination of peoples found full legal recognition in 1945 with the adoption of the United Nations Charter. The Charter recalls the principle in the preamble, in art. 1, concerning the purposes of the organization, and in art. 55, concerning the action of the United Nations in the economic and social sphere and the promotion of respect for human rights. It is only with the impetuous affirmation of the independence movements in the colonial contexts of Africa and Asia, that the principle of self-determination takes on the contours of a true and proper "right to self-determination" of which the peoples are recipients, as holders or, at least, beneficiaries (for the thesis, prevalent in Italian doctrine, according to which peoples are mere beneficiaries of the obligation of States to respect the principle of self-determination see, for all, Arangio Ruiz, G., Autodeterminazione (diritto dei popolo alla), in Enc. giur. Treccani, Rome, 1988, 1 ss.). With the two resolutions 1514 (XV) and 1541 (XV), adopted by the General Assembly of the United Nations in 1960, a generalized opinio iuris is crystallized, accompanied by a subsequent application procedure guided by the General Assembly itself, which unconditionally recognizes the right to self-determination of all peoples subjected to colonial rule; according to the formula established by the same resolution 1541, the peoples can freely choose between independence, an agreement of free association with the motherland or integration into the administering state. With resolution 2625 (XXV) on the principles of international law governing friendly relations between States, approved by the General Assembly in 1970, the opinio iuris is given full expression that the principle of self-determination of peoples also extends to those situations in which a population is subjected to any foreign domination, not necessarily of a colonial nature (Tancredi, A., Autodeterminazione dei popolo, in Diz. dir. publ. Cassese, Milan, 2006, 568 ss.). The adherence of States to this principle was then reaffirmed in 1975 in Chapter VIII of the Final Act of the Helsinki Conference on Security and Cooperation in Europe (in Int. L. Mat., 1975, 1292 ss.) and in 1993 at par. 2 of the Concluding Declaration of the World Conference on Human Rights held in Vienna (UN doc. A/CONF.157/23). As far as treaty law is concerned, the two international pacts on civil and political rights and on social,

economic and cultural rights date back to 1966, the common art. 1 recognizes the right to political, economic, social and cultural self-determination of all peoples. The second paragraph of the art. 1 also provides for the right of peoples to freely dispose of their natural resources, in compliance with the obligations of international law and the requirements of international economic cooperation. In this second paragraph, the corollary of the permanent sovereignty of peoples over their own natural resources finds a contractual expression, developed above all thanks to the action of the General Assembly (see above all resolution 1803 of 1962). The third paragraph of the art. 1, in addition to the obligation of States to respect the right to self-determination, also provides for the positive obligation to promote it. The erga omnes partes nature of the principle in question was highlighted by the Human Rights Committee in 1984 in General Comment No. 12, in which it established that the obligations referred to in art. 1 apply to States, even when the recipient population is not dependent on them and that, in these cases, States are required to adopt all positive measures to facilitate the realization and respect of the right to self-determination and its corollaries (UN doc. HRI/GEN/1/Rev.1). Finally, as far as regional international law is concerned, the right to self-determination and permanent sovereignty over natural resources is recognized by the African Charter on Human and Peoples' Rights in Articles 20 and 21. The principle of self-determination was born as an international legal norm for legitimizing emancipation from colonial rule and the fact that this "strong" normative nucleus accompanies a generalized historical process of universal scope derives its rapid affirmation as a fundamental principle of general international law. As noted, the principle is extended, albeit without retroactive effect, to those situations in which a people, already organized into a state, becomes the victim of external aggression by a neighboring state (for example, the invasion of Cambodia by of Vietnam in 1977 or the invasion of Kuwait by Iraq in 1990) or a colonial territory not yet "self-determined" is invaded and annexed by a neighboring state (for example, the invasion of East Timor by Indonesia or Morocco's invasion of Western Sahara in 1975). Self-determination therefore emerges in its "external" meaning: that is, it legitimizes a choice of political, economic and social organization "external" to the sovereignty of the State to which the people who exercise it have been subjected until then. However, the right to self-determination thus conceived assumes a clear territorial connotation (and a limitation): the people subjected to colonial or foreign domination can opt for external self-determination in compliance with the previously established international, administrative and colonial borders which territorially define the so-called . self-determination unit. In other words, the exercise of the right to self-determination is accompanied by the emergence of another important principle of general international law, the so-called of the uti possidetis juris (cf. Nesi, G., L'uti possidetis iuris nel diritto internazionale, Padua, 1996). The same International Court of Justice, in the sentence of 1986 relating to the case of the border dispute between Burkina Faso and Mali, underlines how in the African continent the principle of self-determination of peoples has not been interpreted and applied in contradiction to the principle of border stability, but that, instead, it has been declined in full compliance with this principle through the affirmation of the rule of uti possidetis juris (C. giust., 22.12.1986, Case Concerning the Frontier Dispute, Burkina Faso v. Mali). The principle of self-determination of peoples has today taken on a predominantly internal meaning, i.e. the exercise of rights deriving from it within the borders of the State (thus reinforcing the territorial nature of the principle itself). A first central nucleus of customary norms, elaborated by the United Nations in the colonial context, simultaneously with those relating to external self-determination and with particular regard to apartheid situations, which requires the

State to adopt a representative government of the entire people and which does not discriminate on the basis of race, creed or colour. Think, for example, of resolution 265 of 1970 with which the United Nations Security Council condemned the declaration of independence of the Smith regime in Southern Rhodesia, as in violation of the right to self-determination of that people. A predominantly internal meaning also has the common art. 1 of the 1966 UN pacts, specified by the additional rights to participate in the democratic life of the state established in art. 25. Without prejudice to the contractual law just mentioned, as correctly observed in doctrine (Tancredi, A., op. cit., 568 ss.). The Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007 through resolution 61/295 and recognizes their right to self-determination. An important contribution to the recognition and consolidation of the principle of self-determination of peoples in international law has been offered by the jurisprudence of the International Court of Justice. The elaboration of the juridical scope of the principle itself, and of the effects deriving from it, was carried out primarily in the context of consultative procedures concerning some of the main historical events in which the affirmation of the right to self-determination by a people was clashed with the sovereign claims of a state. In 1971, in its Opinion on the Legal Consequences of South Africa's Presence in Namibia, the Court stated, regarding the legitimacy, contested by South Africa, of the General Assembly's revocation of the South African Mandate in Namibia, that the institutions of international law established in The framework of the League of Nations should be interpreted in the light of the developments in international law that occurred in the following decades, in particular the emergence of the principle of self-determination of peoples (C.I.J., 21.6.1971, Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Resolution 276 (1990), advisory opinion). Four years later, in 1975, in its opinion on Western Sahara, the Court, in judging the alleged links of sovereignty between Morocco and the neighboring "Spanish Sahara", considered the right to self-determination of the population of Western Sahara as a "basic assumption" to answer legal questions submitted to it by the General Assembly; concluded by excluding the existence of ties of such a nature between Morocco and Western Sahara as to affect the application of resolution 1514 to the process of decolonization of the Sahara itself and, in particular, the right to self-determination through a free expression of the popular will (C.I.J. , 16.10.1975, Western Sahara, advisory opinion). In 2004, in its Opinion on the Legal Consequences of Building a Wall in the Occupied Palestinian Territory, the Court ruled that the building of the wall in the Occupied Territories and the regime associated with it violate the Palestinian people's right to self-determination (C.I.J., Legality of a Wall, cit.). The Court qualified the obligation to respect the Palestinian people's right to self-determination as an erga omnes obligation, the violation of which would extend the subjective scope of the liability regime to all States. On the part of the latter, there would be obligations of non-recognition of the legitimacy of the wall and the associated regime, of non-assistance to the offending State in maintaining the situation in violation of the right to self-determination of the Palestinian people and of cooperation to put an end to that situation. Indeed, the characterization of the obligation of respecting the right to self-determination of a people as an erga omnes obligation had already been implemented by the Court in the dispute between Portugal and Australia in the East Timor case (C.I.J., East Timor, cit.). However, despite this characterization, the Court had declared itself incompetent, as a result of the absence of a valid jurisdictional title to judge the Indonesian presence in East Timor, whose legitimacy or otherwise constituted the necessary prerequisite for assessing compatibility with international law of the bilateral treaty, concluded in 1989 by

Indonesia and Australia, on the definition of the maritime border and on the exploitation of natural resources in the sea area facing the coast of East Timor, and inferred in court by Portugal. It should also be noted that, in the most recent opinion of 2010 on the Compliance with international law of the unilateral declaration of independence relating to Kosovo, the Court held that the right to self-determination of the Kosovar people, and in particular the so-called right to self-determination as a "last remedy", concerned the right to separate from a State and, therefore, went beyond what was requested by the General Assembly, which only required an analysis of any prohibitions on issuing declarations of independence envisaged by the law international (C.I.J., 22.7.2010, Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, advisory opinion). The Court noted in the present case the absence of prohibitions, both from the point of view of general international law and from the point of view of resolution 1244 of the Security Council, concluding that the declaration of independence did not violate international law. Therefore a right for the people to emancipate themselves from a foreign government authority, enemy or even only considered illegitimate.

The identification of a balance point reached by international law, in a perspective of balance between self-determination of peoples and the right to territorial integrity of states, is evident in the opinion on the Quebec Secession issued by the Canadian Supreme Court in 1998 (C . supr. Can., 20.8.1998, Reference Re Secession of Quebec). The Canadian federal government had asked the Supreme Court whether, under international law, the provincial institutions of Quebec enjoyed a right to declare and finalize the separation of the French-speaking province from the Canadian federation. The Supreme Court establishes that the right to self-determination, in contemporary international law, would have a prevailing "internal" declination and the right to separate from the State would be recognized by a positive norm of international law, where the people are subjected to colonial or foreigner. The Supreme Court also presents a third hypothesis, not implemented in the present case, of a right to "external" self-determination in cases of systematic violations committed by the state government against the rights of a part of the population. As already noted, in the opinion on Kosovo, the International Court of Justice did not rule on the right to self-determination of the Kosovar population, as a remedy for the repressive policies carried out by the Belgrade government during the 1990s. However, from the consultative procedure, it emerges that among the more than 40 States that participated in the proceedings before the Court, 13 of these affirmed the right to secession as a legal basis for the Kosovo claims (see Pertile, M., The opinion on the Kosovo and absent self-determination: when thrift is not a virtue, in Gradoni, L.-Milano, E., ed., The opinion of the International Court of Justice on the Kosovo declaration of independence: a critical analysis, Padova , 2011, 89 ff.). The Ahtisaari Plan itself, which in 2007 had promoted the solution of an independent Kosovo under international supervision, took note of the climate of hostility and distrust towards the Belgrade Government as a consequence of the repressions of the Milosevic era and, therefore, endorsed the need for separation from the Republic of Serbia (Comprehensive Proposal for the Kosovo Status Settlement, UN doc. S/2007/168/Add.1). Although the number of states which, on the other hand, have firmly denied the existence of a "post-colonial" right to self-determination and supported the prevalence of the right to territorial integrity, is also significant (11), the huge amount of practices and of expression of iuris opinion motivated by the independence of Kosovo shows how the balance point identified by the Supreme Canadian Court in the opinion on Quebec is by no means stable. Moreover, the same International Court of Justice, in a passage of its opinion, has limited the field of subjective application of the

principle of territorial integrity, stating that it would be "confined" to relations between States and thus revoking in doubt whether the right itself to the maintenance of internationally recognized borders can be opposed to non-state groups that aspire to separation (C.I.J., Unilateral Declaration of Independence of Kosovo, cit.). Despite the fact that the practice is still limited and despite the doctrine that supports "external" self-determination as an ultima ratio, also due to the aforementioned limitation, develops its arguments using a deductive approach, mainly anchored to a contrary reading of similar clauses safeguarding the territorial integrity of the States contained in the Final Declaration of the Helsinki Conference of 1975 and in the Final Declaration of the Vienna Conference of 1993 (deductive approach that "collides" with the notion of customary law that emerges from Art. 38, par. 1, letter b) of the Statute of the International Court of Justice), the above elements, together with the case of the recent independence of South Sudan, seem to indicate a new "fluid" state of international law on the matter, in which the right to self-determination could take on new forms and express its potential on an international level, in different contexts from those in which it originally emerged. The link between sovereignty, territoriality and legitimacy of the government, projected in the emergence of the principle of self-determination of peoples and already highlighted, almost a century ago, by the International Commission of Jurists in the report relating to the Aaland Islands, does not seem able to be severed in international law , of the 21st century, increasingly responsive to the needs of individuals and non-state groups.

REGULATORY SOURCES

Article 1, Charter of the United Nations, San Francisco, 1945; Article 55, Charter of the United Nations, San Francisco, 1945; Article 1, International Covenant on Civil and Political Rights, New York, 1966; Art. 1, International Covenant on Social, Economic and Cultural Rights, New York, 1966; Art. 20, African Charter on Human and Peoples' Rights, Banjul, 1981.

General Assembly Resolution 1803 (XVII) of December 14, 1962, "Permanent Sovereignty Over Natural Resources."

December 14, 1962 General Assembly Resolution 1803 (XVII)

The General Assembly,

Recalling its resolutions 523 (VI) of January 12, 1952 and 626 (VII) of December 21, 1952,

Bearing in mind its resolution 1314 (XIII) of December 12, 1958, by which it established the Commission on Permanent Sovereignty over Natural Resources and charged it with conducting a comprehensive investigation into the status of permanent sovereignty over natural wealth and resources as a fundamental component of the right to self-determination, with recommendations, where necessary, for its strengthening, and further decided that, in conducting the full examination of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, rights should be paid and the duties of States under international law and the importance of encouraging international cooperation in the economic development of developing countries,

Bearing in mind its resolution 1515 (XV) of December 15, 1960, in which it recommended respecting the sovereign right of every State to dispose of its wealth and natural resources,

Considering that any measure in this regard must be based on the recognition of the inalienable right of all States to freely dispose of their natural wealth and resources in accordance with their national interests and on respect for the economic independence of States,

Considering that nothing in paragraph 4 below in any way prejudices the position of a Member State on any aspect of the question of the rights and obligations of States and Successor Governments in relation to property acquired before accession to the full sovereignty of the formerly under colonial rule,

Noting that the issue of the succession of States and Governments is under priority examination by the International Law Commission,

Considering that it is desirable to promote international cooperation for the economic development of developing countries and that economic and financial agreements between developed and developing countries must be based on the principles of equality and the rights of peoples and nations to self-determination -determination,

Considering that the provision of economic and technical assistance, loans and increased foreign investment should not be subject to conditions which conflict with the interests of the beneficiary state,

Considering the benefits deriving from the exchange of technical and scientific information capable of promoting the development and use of such resources and wealth, and the important role that the United Nations and other international organizations are called to play in this regard,

Attaching particular importance to the question of promoting the economic development of developing countries and ensuring their economic independence,

Noting that the creation and strengthening of the inalienable sovereignty of States over their natural wealth and resources strengthens their economic independence,

Desiring that there be further consideration by the United Nations of the issue of permanent sovereignty over natural resources in the spirit of international cooperation in the field of economic development, especially that of developing countries,

Declares that:

1. The right of peoples and nations to permanent sovereignty over their natural wealth and resources shall be exercised in the interest of their national development and the well-being of the people of the State concerned.

2. The exploration, development and disposal of these resources, as well as the importation of foreign capital necessary for these purposes, should be in accordance with such rules and conditions as peoples and nations freely consider necessary or desirable with respect to the authorisation, restriction or prohibition of such activities.

3. In cases of granting of the authorization, the imported capital and the proceeds of such capital are governed by its provisions, by the national legislation in force and by international law. The profits obtained must be shared in freely agreed proportions, in any case, between the investors and the beneficiary State, taking due care that the sovereignty of this State over its natural wealth and resources is not undermined for any reason.

4. Nationalisation, expropriation or requisition must be founded on grounds or motives of public utility, security or national interest recognized as overriding purely individual or private interests, both domestic and foreign. In such cases, the owner is entitled to adequate compensation, in accordance with the laws in force in the State adopting such measures in the exercise of its sovereignty and in accordance with international law. In any case, if the issue of compensation gives rise to dispute, the national jurisdiction of the State adopting such measures is exhausted. However, subject to the agreement of sovereign states and other interested parties, the settlement of the dispute should be effected by international arbitration or adjudication.

5. The free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be fostered by the mutual respect of States based on their sovereign equality.

6. International cooperation for the economic development of developing countries, in the form of public or private capital investment, exchange of goods and services, technical assistance, or exchange of scientific information, shall be such as to promote their independent national development and they will be based on respect for their sovereignty over their natural wealth and resources.

7. 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.

8. Foreign investment agreements freely entered into by or between sovereign states must be observed in good faith; States and international organizations must strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in this resolution.

Declaration on the granting of independence to colonial countries and peoples

Adopted December 14, 1960

The General Assembly,

Conscious of the fact that the peoples of the world have declared their determination, in the Charter of the United Nations, to reaffirm their faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of large nations and

small, and to promote social progress and a higher standard of living in wider freedom,

Conscious of the need to create conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and to guarantee universal and effective respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Recognizing the passionate desire for freedom of all dependent peoples and the decisive part these peoples play in their attainment of independence,

Conscious of the growing conflicts arising from denying or hindering freedom to these peoples, conflicts which constitute a grave threat to world peace,

Considering the importance of the function of the United Nations as a means of assisting the movement towards independence in the trust territories and non-self-governing territories,

Recognizing that the peoples of the earth long for the end of colonialism in all its manifestations,

Convinced that the persistence of colonialism impedes the development of international economic cooperation, hinders the social, cultural and economic development of dependent peoples and is opposed to the United Nations ideal of universal peace,

Affirming that peoples may freely dispose of their natural wealth and resources for their own ends, without prejudice to the obligations arising from international economic cooperation based on the principle of mutual benefit and international law,

Convinced that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, both colonialism and all practices of segregation and discrimination that accompany it must be put to an end,

Rejoicing at the fact that in recent years many dependent territories have gained freedom and independence, and recognized the ever more accentuated trend towards freedom which is manifested in territories which have not yet gained independence.

Convinced that all peoples have an inalienable right to full freedom, to the exercise of their sovereignty and to the integrity of their national territory,

Solemnly proclaims the need to quickly and unconditionally put an end to colonialism, in all its forms and manifestations;

And, to this end,

Declare the following:

1. The subjection of peoples to foreign subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and undermines the cause of world peace and cooperation.

2. All peoples have the right of free decision; on the basis of this right, they freely decide on their own political status and freely pursue their economic, social and cultural development.

3. Lack of preparation in the political, economic or social fields and in that of education must never be taken as an excuse for delaying independence.

4. All armed action and all measures of repression, of whatever kind, directed against dependent peoples, shall be put to an end, in order to enable these peoples to exercise peacefully and freely their right to complete independence, and the integrity of their national territory.

5. In the trust territories, the non-self-governing territories and all other territories not yet acceding to independence, immediate steps shall be taken to transfer all powers to the peoples of the trust territories, without conditions or reservations, in accordance with their their wills and freely expressed votes, without distinction of race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt to partially or totally destroy the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States are bound to observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and this Declaration, on the basis of equality, non-interference in the internal affairs of States and respect of the sovereign rights and territorial integrity of all peoples.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Adopted, opened for signatures and ratified by the General Assembly on December 21, 1965; entered into force on January 4, 1969, in accordance with Article 19.

**Signed by Italy on March 13, 1968; ratified January 5, 1976; in force since February 4, 1976.

Preamble

The States Parties to this Convention,

whereas:

• the Charter of the United Nations is based on the principles of the dignity and equality of all human beings, and that all Member States have undertaken to act, both jointly and separately in collaboration with the Organization, with the aim of achieving one of the objectives of the United Nations, namely: to promote and encourage universal respect and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion;

• the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, in particular of race, color of skin or origin national;

• all human beings are equal before the law and are entitled to equal legal protection against all discrimination and all incitement to discrimination;

• the United Nations condemned colonialism and all the segregationist and discriminatory practices associated with it, in any form and in any place they exist, and the Declaration on the Granting of Independence to Colonial Countries and Peoples, of 14 December 1960 (Resolution No. 1514 [XV] of the General Assembly) asserted and solemnly proclaimed the need to quickly and unconditionally put an end to it;

• the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly Resolution No. 1904 [XVIII]) solemnly affirms the need to rapidly eliminate all forms and all manifestations of racial discrimination in every part of the world, as well as to ensure understanding and respect for the dignity of the human person.

Convinced that any doctrine of superiority based on racial distinction is scientifically false, morally reprehensible, and socially unjust and dangerous, and that there is no justification for racial discrimination, either in theory or in practice, anywhere in the world;

Reaffirming that discrimination between human beings on grounds of race, color or ethnic origin constitutes an obstacle to friendly and peaceful relations between nations and is liable to disturb peace and security among peoples and harmonious coexistence between people living next to each other within a single state;

convinced that the existence of racial barriers is incompatible with the ideals of any human society; alarmed by the manifestations of racial discrimination still occurring in some regions of the world and by government policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation;

Resolved to take all necessary measures for the rapid elimination of all forms and manifestations of racial discrimination and to prevent and combat racist doctrines and practices with a view to promoting mutual understanding between the races, and to build an international community free from all forms of racial segregation and discrimination; Recalling the Convention on Discrimination in Employment adopted in 1958 by the International Labor Organization (ILO), and the Convention Against Discrimination in Education adopted in 1960 by the United Nations Educational, Scientific and Culture (UNESCO);

Desiring to implement the principles set forth in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and to ensure as rapidly as possible the adoption of practical measures to this end;

have agreed as follows:

PART I

Article 1

1. In the present Convention, the term "racial discrimination" means any distinction, exclusion, limitation or preference based on race, colour, descent, or national or ethnic origin, for the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other sphere of public life.

2. This Convention does not apply to distinctions, exclusions, restrictions or preferential treatment established by a State Party to the Convention between nationals and non-nationals of its State.

3. Nothing in this Convention shall be construed as in any way affecting the rules of law of States Parties relating to nationality, citizenship or naturalization, provided that such rules are not discriminatory against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement for certain racial or ethnic groups, or individuals, who, in order to ensure the equal enjoyment and exercise of human rights and fundamental freedoms, shall not be considered measures of racial discrimination. any level of protection is necessary, provided however that such measures do not result in the

maintenance of distinct rights for different racial groups, and that they are not continued in force once the objectives they set for themselves have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue, by all appropriate means and without delay, a policy of eliminating racial discrimination in all its forms, as well as to promote mutual understanding between all races, and to this purpose:

to. each State Party undertakes not to implement acts or practices of racial discrimination against persons, groups of persons or institutions, and to ensure that all national and local public authorities and institutions act in accordance with this obligation ;

b. each State Party undertakes not to advocate, defend or endorse racial discrimination by any person or organization;

c. each State Party shall take effective measures to review national and local government policies, and to amend, repeal or nullify any laws and regulations regulate that has the effect of producing or perpetuating racial discrimination wherever it exists;

d. each State Party shall prohibit and end, by all appropriate means, including any legislative measures required by the circumstances, racial discrimination by any person, group or organization;

And. each State Party undertakes to encourage, where appropriate, multiracial integrationist organizations and movements and other means of eliminating barriers between races, and to discourage those which tend to strengthen racial separation.

2. States Parties shall, when circumstances require, take specific and concrete measures in the social, economic, cultural or other fields for the purpose of duly ensuring the valorisation and protection of certain racial groups or individuals belonging to such groups to guarantee them, on an equal footing, the full exercise of human rights and fundamental freedoms. Such measures shall in no case result in the maintenance of unequal or distinct rights for different racial groups, once the objectives pursued have been achieved.

Article 3

The States Parties condemn in particular racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in the territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and organization which is based on ideas or theories of the superiority of a race or group of persons of a certain color or ethnic origin, or which seeks to justify or promote racial hatred and discrimination in any form, and undertake to immediately adopt positive measures aimed at eliminating any incitement to discrimination or discriminatory act; to this end, with due respect for the principles enshrined in the Universal Declaration of Human Rights, as well as the rights clearly stated in art. 5 of this Convention:

e. States Parties shall make it a crime punishable by law to spread ideas based on racial superiority or hatred, to incite racial discrimination, as well as to incite or incite such acts of violence against

any race or group of individuals of a different color or ethnic origin, as well as any assistance to racist activities, including their financing;

b. States Parties shall outlaw and prohibit organizations, as well as organized propaganda activities and any other type of propaganda activities, which promote and incite racial discrimination, and shall make it an offense punishable by law to participate in such organizations or activities;

c. States Parties shall not allow national or local public authorities or institutions to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations pursuant to art. 2 of this Convention, the States Parties undertake to prohibit and eliminate racial discrimination in all forms and to guarantee everyone the right to equality before the law, without distinction as to race, colour, or national or ethnic origin, in particular in the exercise of the following rights:

to. right to equal treatment before the courts and any other body that administers justice;

b. right to personal safety and to the protection of the State against violence or abuse by either government officials or any individual, group or institution;

c. political rights, and in particular the right to participate in elections, to vote and to stand for candidates on the basis of the universal and equal suffrage system for all, the right to participate in government and in the management of public affairs, at all levels, as well as the right to access public offices on equal terms;

d. Other civil rights, and in particular:

the. the right to move freely and to choose one's residence within the State;

ii. the right to leave any country, including one's own, and to return to one's country;

iii. the right to nationality;

iv. the right to marry and to choose one's spouse;

v. the right to own property, both as individuals and in partnership with others;

you. the right to inheritance;

vii. the right to freedom of thought, conscience and religion;

viii. the right to freedom of opinion and expression;

ix. the right to freedom of peaceful assembly and association;

e) Economic, social and cultural rights, and in particular:

i. the rights to work, to free choice of one's job, to just and satisfactory working conditions, to protection from unemployment, to equal pay for equal work, to just and satisfactory remuneration;

ii. the right to form and join trade unions;

iii. the right to housing;

iv. the right to public social, health, medical assistance and social security services;

v. the right to education and training;

you. the right to an equal degree of participation in cultural activities;

f) The right of access to all places and services intended for public use, such as means of transport, hotels, restaurants, cafes, theaters and cinemas and parks.

Article 6

Through the national courts and other competent State bodies, the States Parties shall guarantee to every person subject to their jurisdiction protection and effective remedies against any act of racial discrimination that violates their human rights and fundamental freedoms, in contravention of the provisions of the this Convention; furthermore, everyone will be guaranteed the right to seek from such courts a just and adequate level of satisfaction or compensation for any harm suffered as a result of the aforementioned discrimination.

Article 7

States Parties undertake to take immediate and effective measures, particularly in the fields of education, training, culture and information, aimed at combating prejudices leading to racial discrimination, and at promoting understanding, the tolerance and friendship between nations and racial or ethnic groups, as well as to disseminate the purposes and principles of the United Nations Charter, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and of this Convention.

PART II

Article 8

1. A Committee for the Elimination of Racial Discrimination (hereinafter referred to as "the Committee") is established, composed of eighteen experts of high moral authority and recognized impartiality, who participate in the Committee's activities in a personal capacity and are elected by the States Part among its own citizens, taking into account a fair geographical distribution and the representation of the various forms of civilization as well as the main legal systems.

2. The members of the Committee are elected by secret ballot, from a list of candidates designated by the States Parties. Each State Party may nominate one person from among its nationals.

3. The first election shall take place six months after the date of entry into force of this Convention. At least three months before the date of each election, the Secretary-General of the United Nations addresses by letter the invitation to the States Parties to present their candidacies within a period of two months. The Secretary-General compiles an alphabetical list of all candidates so designated and communicates it to the States Parties.

4. The members of the Committee are elected during a meeting of the States Parties convened by the Secretary-General at United Nations Headquarters. At this meeting, where the quorum is constituted by two-thirds of the States Parties, the candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting are elected as members of the Committee.

5. a) The members of the Committee remain in office for four years. However, the term of nine of the members elected in the first election will expire after two years; immediately after the first election, the names of these nine members will be drawn by lot by the President of the Committee.

(b) To fill temporarily vacant posts, the State Party whose expert has ceased to perform his duties as a member of the Committee shall appoint another expert from among its nationals, subject to approval by the Committee.

6. The expenses of the members of the Committee, for the period in which they discharge their functions within the Committee, shall be borne by the States Parties.

Article 9

1. The States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have taken to give effect to the provisions of this Convention:

to. during the year following the entry into force of the Convention in the State concerned e

b. thereafter, every two years and moreover whenever the Committee requests it. The Committee may request additional information from States Parties.

2. The Committee transmits annually to the General Assembly of the United Nations, through the Secretary-General, a report on its activities, and has the authority to formulate proposals and recommendations of a general nature based on the reports and information it has received from States Parties. These proposals and recommendations of a general nature, accompanied, if necessary, by any comments of the States Parties, are brought to the attention of the General Assembly.

Article 10

1. The Committee establishes its own rules of procedure.

2. The Committee elects its Bureau for a two-year period.

3. The secretarial service of the Committee is provided by the Secretary General of the United Nations.

4. Sessions of the Committee are normally held at the Headquarters of the United Nations.

Article 11

1. If a State Party considers that another State Party is not implementing the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee then

transmits the communication to the State Party concerned. Within three months, the State which has received the communication shall send the Committee explanations or written statements clarifying the problem and indicating, if necessary, any measures taken by that State to remedy the situation.

2. Where, within a period of six months from the date of receipt of the initial communication by the receiving State, the problem has not been resolved to the satisfaction of both States, either by bilateral negotiations or by any other procedure which they may provide, both said States shall have the right to resubmit the matter to the Committee by notifying the Committee itself as well as the other State concerned.

3. The Committee may deal with a matter referred to it under paragraph 2 of this article only after having satisfied itself that all remedies available at the national level have been pursued or exhausted, in accordance with generally recognized principles of law international. This rule is not applied when said remedies continue beyond a reasonable period of time.

4. In order to settle a matter referred to it, the Committee may request the States Parties concerned to provide any other additional information it deems relevant.

5. When the Committee considers a matter under this article, the States Parties concerned have the right to appoint a representative who shall participate, without the right to vote, in the work of the Committee throughout the discussions.

Article 12

1. a) After the Committee has received and verified all the information it deems necessary, the President appoints a special Conciliation Commission (hereinafter referred to as "the Commission") made up of five people who may or may not be members of the Committee . The members of the Commission are appointed with the unanimous consent of the parties involved; the Commission places its good offices at the disposal of the States concerned, with a view to reaching an amicable settlement of the matter, based on compliance with the present Convention.

b) In the event that the States Parties involved in the dispute fail within three months to reach agreement on the composition of the Commission as a whole or on part of it, the members of the Commission who have not obtained the consent of the parties to the dispute shall be chosen by secret ballot among the members of the Committee and elected by a majority of two thirds of the members of the Committee itself.

2. The members of the Commission are members of it in a personal capacity. They shall not be nationals of one of the States Parties involved in the dispute, nor nationals of a State which is not a party to this Convention.

3. The Commission elects its President and adopts its internal regulations.

4. The Commission normally holds its meetings at the Headquarters of the United Nations Organization or in any other convenient place to be established by the Commission itself.

5. The Secretariat referred to in paragraph 3 of art. 10 of the present Convention also places its services at the disposal of the Commission whenever a dispute between the States Parties involves the establishment of the Commission itself.

6. All expenses incurred by the members of the Commission shall be shared equally among the States Parties involved in the dispute, according to estimates made by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered, where necessary, to reimburse Members of the Commission for expenses incurred, before reimbursement has been made by the States involved in the dispute under paragraph 6 of this article.

8. The information received and verified by the Committee shall be made available to the Commission, and the Commission may request the States concerned to provide it with any additional information in this regard.

Article 13

1) After having studied the problem in all its aspects, the Commission prepares and submits to the President of the Committee a report with its conclusions on all the factual questions relating to the dispute between the parties and with the recommendations it deems most appropriate to reach to an amicable settlement of the dispute.

2) The Chairman of the Committee transmits the report of the Commission to each of the States Parties involved in the dispute. Within three months, these States inform the President of the Committee whether or not they accept the recommendations contained in the Commission's report.

3) Upon expiry of the time limit referred to in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission as well as the declarations of the States Parties concerned to the other States Parties to the Convention.

Article 14

1. Each State Party may declare at any time that it recognizes the Committee's competence to receive and consider communications from persons or groups of persons under its jurisdiction who allege that they are victims of a violation by that State Party of any of the rights set forth in this Convention. The Committee cannot receive communications relating to a State Party which has not made such a declaration.

2. Any State Party making a declaration pursuant to paragraph 1 of this article may establish or designate, within the framework of its national legal system, a body which shall have the competence to receive and consider petitions from individuals and groups of individuals under the jurisdiction of that State who claim to be victims of a violation of any of the rights set forth in this Convention, and who have exhausted the other remedies available at the local level.

3. The declaration made pursuant to paragraph 1 of this article, as well as the name of the body, if any, established or designated pursuant to paragraph 2 of this article, shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall send copies to other States Parties. The declaration may be withdrawn at any time by notification addressed to

the Secretary General, but such withdrawal does not in any way affect communications with which the Committee is already invested.

4. The Body set up or designated pursuant to paragraph 2 of this article shall keep a register of petitions, and certified copies of the register shall be deposited every year with the Secretary General through the competent channels, it being understood that the contents of said documents will not be made public.

5. Anyone who has addressed a petition and fails to obtain satisfaction from the Body set up or designated pursuant to paragraph 2 of this article, has the right to send a communication on the matter to the Committee within six months.

6. a) The Committee shall, on a confidential basis, bring any communication received to the attention of the State Party accused of having violated one of the provisions of the Convention; however, the identity of the individual or groups of individuals concerned shall not be disclosed without the express consent of said individual or group of individuals. The Committee does not receive anonymous communications.

b) Within the following three months, the State in question communicates to the Committee its justifications or declarations explaining the problem in writing, indicating, where appropriate, any measures adopted to remedy the situation.

7. (a) The Committee shall consider communications taking into account all information it has received from the State Party concerned and from the petitioner. The Committee will only examine communications from the petitioner after making sure that the petitioner has already exhausted all available national remedies. However, this rule is not applied when the aforementioned remedies extend beyond a reasonable period of time.

b) The Committee sends its suggestions and any recommendations to the State Party concerned and to the author of the petition.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the justifications and statements of the States Parties concerned together with its suggestions and recommendations.

9. The Committee shall be competent to perform the functions set forth in this article only if at least ten States Parties to the Convention are bound by the declarations governed by paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the granting of independence to colonial countries and peoples, contained in Resolution 1514 (XV) of the General Assembly of the United Nations, dated December 14, 1960, the provisions of this Convention shall in no way limit the right of petition accorded to such peoples by other international instruments or by the United Nations and its specialized agencies.

2. a) The Committee set up pursuant to paragraph 1 of art. 8 of this Convention shall receive from United Nations bodies confronted with questions directly related to the principles and objectives of

this Convention in the course of the consideration of petitions from the inhabitants of trust territories or non-self-governing territories, or of any other territory under to which General Assembly Resolution 1514 (XV) applies, a copy of the aforementioned petitions, relating to matters covered by this Convention and submitted to the aforementioned bodies; the Committee forwards its opinion and recommendations on the matter to the latter;

b) The Committee shall receive from the competent organs of the United Nations Organization copies of reports concerning legislative, judicial, administrative or other measures which directly concern the principles and objectives of the present Convention which the Administrative Powers have applied in the territories mentioned in subparagraph a) of this paragraph; the Committee expresses opinions and proposes recommendations to these bodies.

3. The Committee shall include in its reports to the General Assembly a summary of the petitions and reports received from organs of the United Nations Organization, as well as the opinions and recommendations requested of it by the aforementioned reports and petitions.

4. The Committee requests the Secretary-General of the United Nations to provide it with all information concerning the objectives of this Convention which is available to it and relating to the territories mentioned in subparagraph a) of paragraph 2 of this article.

Article 16

The provisions of this Convention relating to the settlement of disputes or complaints shall be applied without interfering with other procedures for the settlement of disputes or complaints relating to discrimination provided for in the constitutive instruments of the United Nations and its specialized agencies, or in the Conventions adopted by them; the aforementioned provisions do not prevent the States Parties from having recourse to other procedures for the settlement of a dispute, pursuant to international agreements, of a general or specific nature, in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations, or one of its specialized agencies, any State Party to the Statute of the International Court of Justice, as well as any other State invited by the General Assembly of the United Nations to accede to this Convention.

2. This Convention is subject to ratification and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall remain open for accession by any State referred to in paragraph 1 of Article 17 of the Convention.

2. Accession shall take place by depositing an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day from the date of deposit of the twenty-seventh instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to this Convention after the deposit of the twenty-seventh instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of deposit by that State of its instrument of ratification or accession.

Article 20

1. The Secretary-General of the United Nations will receive and communicate to all States which are or may become parties to the present Convention the text of the reservations made by the States at the time of ratification or accession. Any State which raises objections to the reservation will, within 90 days from the date of such communication, inform the Secretary-General that it does not accept the reservation in question.

2. No reservation which is incompatible with the object and purpose of the present Convention, nor any reservation the effect of which would impede the functioning of any of the bodies created by the Convention, shall be permitted. A reservation will be considered to fall within the above categories when two-thirds of the States Parties to the Convention object.

3. Reservations may be withdrawn at any time by notification addressed to the Secretary General. The notification will take effect on the date of receipt.

Article 21

Any State Party may denounce this Convention by written notification addressed to the Secretary-General of the United Nations. The denunciation will take effect one year after the date on which the Secretary General receives notification thereof.

Article 22

Any dispute between two or more States Parties concerning the interpretation or application of this Convention which has not been settled by negotiation or by means of procedures expressly provided for in this Convention shall, at the request of one of the parties to the dispute, be submitted to the International Court of Justice for its decision, unless the parties to the dispute agree to define the matter otherwise.

Article 23

1. Any State Party may make a request for revision of this Convention at any time by written notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations will decide on any measures to be taken with respect to such a request.

Article 24

The Secretary-General of the United Nations Organization will inform all the States mentioned in paragraph 1 of the art. 17 of this Convention:

to. of the signatures, ratifications and accessions deposited pursuant to articles 17 and 18;

b. of the date on which this Agreement will enter into force pursuant to art. 19;

c. of communications and declarations received pursuant to articles 14, 20 and 23;

d. of the complaints notified pursuant to art. 21.

Article 25

1. This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall send certified copies of this Convention to all States belonging to any of the categories referred to in article 17, paragraph 1, of the Convention.

DECLARATION RELATING TO THE PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES, IN ACCORDANCE WITH THE UNITED NATIONS CHARTER

Resolution of the General Assembly of

United Nations 2625 (XXV) of 24 October 1970

The General Assembly,

reaffirmed, in accordance with the Charter of the United Nations, that the maintenance of international peace and security and the development of friendly relations and cooperation among nations are among the fundamental purposes of the United Nations, recalling that the peoples of the United Nations are determined to practice tolerance and live in peace with each other in a spirit of good neighborliness, bearing in mind the importance of maintaining and strengthening international peace based on freedom, equality, justice and respect for the fundamental rights of man and to develop friendly relations among nations irrespective of differences in their political, economic and social systems and levels of development, bearing equally in mind the fundamental importance of the Charter of the United Nations in fostering the rule of law among nations, Considering that strict observance of the principles of international law relating to friendly relations and cooperation between States and the performance in good faith of the obligations assumed by States, in accordance with the Charter, is of the utmost importance for the maintenance of peace and international security and for the achievement of the other purposes of the United Nations, noting that the great political, economic and social changes and scientific progress which have occurred in the world since the adoption of the Charter give greater importance to these principles and to the need to ensure a more effective application in the conduct of States, in whatever field it is exercised, convinced that strict compliance by States with the obligation not to intervene in the affairs of any other State is an essential condition to be fulfilled for nations to live mutually in peace , since the practice of intervention, in whatever form it takes, constitutes not only a violation of the spirit and the letter of the Charter, but also tends to bring about situations which endanger international peace and security, recalling the duty of States of refrain, in their international relations, from the use of coercive measures of a military, political, economic or other nature, directed against the political independence or territorial integrity of any

State, considering that it is essential that all States abstain , 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 manner inconsistent with the purposes of the United Nations, considering that it is equally essential that all States settle their international disputes by peaceful means, in accordance with the Charter, reaffirmed, in accordance with the Charter, the fundamental importance of the principle of sovereign equality and emphasized that the purposes of the United Nations can only be realized if States enjoy of a sovereign equality and conform to the requirements of this principle in their international relations, convinced that the subjection of peoples to foreign yoke, domination or exploitation constitutes the main obstacle to the realization of international peace and security, convinced that the principles of equal rights of peoples and their right to self-determination represent a significant contribution to contemporary international law and that their effective application is of the utmost importance to promote friendly relations between States based on respect for the principle of sovereign equality, convinced, as a consequence, that any attempt aimed at partially or totally severing national unity or the territorial integrity of a State or country or to jeopardize its political independence is incompatible with the purposes and principles of the Charter, having regard to the provisions of the Charter as a whole and having regard to the role of relevant resolutions adopted by the competent bodies of the United Nations which relate to the content of these principles, considering that the progressive development and codification of the following principles:

a) the principle that States shall refrain, in their international relations, from recourse to the threat or use of force against the territorial integrity or political independence of a State, or in any other manner incompatible with the purposes of United Nations,

b) the principle that States resolve their international disputes by peaceful means, in such a way that international peace and security, and justice, are not endangered,

c) the duty not to intervene in matters which fall within the internal competence of a State, in accordance with the Charter,

d) the duty of States to cooperate with each other, in accordance with the Charter,

e) the principle of equal rights of peoples and their right to self-determination,

f) the principle of the sovereign equality of States,

g) the principle that States fulfill their obligations in accordance with the Charter in good faith, as well as their more effective application in the international community would contribute to the realization of the purposes of the United Nations, having examined the principles of international law relating to friendly relations and cooperation between states,

1. solemnly proclaims the following principles:

The principle that States refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of a State or in any other manner inconsistent with the purposes of the United Nations. Every State has the duty to refrain, in its international relations, from the threat or use of force against the territorial integrity or political independence of a State, or in any other manner incompatible with the purposes of the United

Nations. Such recourse to the threat or use of force constitutes a violation of international law and the Charter of the United Nations and can never be used as a means of solving international problems. A war of aggression constitutes a crime against peace which gives rise to liability under international law. In accordance with the purposes and principles of the United Nations, States have a duty to refrain from all propaganda in favor of aggressive wars. Every State has the duty to refrain from resorting to the threat or use of force to violate the existing international borders of another State or as a means of settling international disputes, including territorial disputes and questions relating to the borders of States. Every State has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines established by an international agreement to which that State is a party or which it is bound to observe for other reasons , or fixed in accordance with such agreement. The foregoing provision should not be interpreted as prejudicing the position of interested parties as regards the status and effects of these lines such as are defined in the special regimes applicable to them, nor as prejudicial to their provisional nature. States have a duty to refrain from retaliatory acts involving the use of force. Every State has the duty to refrain from resorting to any coercive measure likely to deprive the peoples mentioned in the formulation of the principles of equal rights and the right to self-determination of their right to self-determination, freedom and independence. Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, especially bands of mercenaries, to carry out incursions into the territory of another State. Every State has the duty to refrain from organizing, encouraging, supporting or participating in acts of civil war or terrorism in the territory of another State, or from tolerating on its territory activities organized with a view to perpetrating such acts, when the acts mentioned in this paragraph involve the threat or use of force. The territory of a State cannot be the object of military occupation resulting from the use of force in violation of the provisions of the Charter. The territory of a State cannot be the subject of a purchase by another State made with the threat or use of force. No territorial acquisition obtained by the threat or use of force will be recognized as legitimate. None of the preceding provisions should be interpreted in the sense of jeopardizing:

a) the provisions of the Charter to any international agreement prior to the regime of the Charter and valid under international law;

b) the powers of the Security Council under the Charter.

All States should pursue negotiations in good faith for the rapid conclusion of a comprehensive and comprehensive universal disarmament treaty under effective international supervision and should endeavor to take appropriate measures to reduce international tension and build confidence among States. All States must fulfill in good faith their obligations under the generally recognized principles and norms of international law with respect to the maintenance of international peace and security, and must strive to make the United Nations security system based on the Charter more effective. . Nothing in the preceding paragraphs should be interpreted as extending or restricting in any way the scope of the provisions of the Charter relating to cases in which the use of force is legitimate. The principle that States resolve their international disputes by peaceful means, in such a way that international peace and security, and justice, are not endangered. All States must resolve their international disputes with other States by peaceful means, so that international peace and security, and justice, are not endangered. States, therefore, should seek

expeditiously an equitable settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, recourse to regional organizations or agreements, or by other peaceful means of their choice. In seeking such a solution, the parties shall agree to peaceful means which are appropriate to the circumstances and nature of the dispute. The parties to a dispute, if they do not reach a solution by one of the peaceful means mentioned above, have the duty to continue to seek a settlement of their dispute by other peaceful means as they have agreed. States parties to an international dispute, as well as other States, must refrain from any action likely to aggravate the situation to the point of endangering the maintenance of international peace and security and must act in accordance with the purposes and principles of the United Nations. International disputes must be settled on the basis of the sovereign equality of states and in accordance with the principle of the free choice of means. The recourse to a settlement procedure or the acceptance of such a procedure freely permitted by States, in relation to a dispute to which they are parties or may in the future be parties, cannot be considered incompatible with the principle of sovereign equality. None of the provisions of the previous paragraphs can affect or derogate from the provisions of the Charter applicable on the matter, in particular those which refer to the peaceful settlement of international disputes. The principle relating to the duty not to intervene in matters which fall within the internal competence of a State, in accordance with the Charter. No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of another State. Consequently, not only armed intervention, but also any other form of interference or threat, directed against the personality of a State or against its political, economic and cultural structures, are contrary to international law. No State may apply coercive economic, political or of any other nature, or encourage their use to force another State to subordinate the exercise of its sovereign rights and to obtain advantages of any kind from it. Furthermore, all States must refrain from organizing, supporting, fomenting, financing, encouraging or condoning subversive or terrorist armed activities aimed at violently changing the government of another State, as well as from intervening in the internal strife of another State. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and the principle of non-intervention. Every State has the inalienable right to choose its political, economic, social and cultural system, without any form of interference by another State. The foregoing paragraphs shall in no way be interpreted as prejudicing the provisions of the Charter relating to the maintenance of international peace and security. The duty of States to cooperate with each other in accordance with the Charter. States have the duty to cooperate with one another, whatever the differences between their political, economic and social systems, in the various fields of international relations, in order to maintain international peace and security, as well as the general well-being of nations and a cooperation which is immune from any discrimination based on such differences.

To this end:

a) States must cooperate with each other for the maintenance of international peace and security;

b) States must cooperate to ensure universal respect for and realization of human rights and fundamental freedoms for all, as well as the elimination of racial discrimination and religious intolerance in all their forms;

c) States must conduct their international relations in the economic, social, cultural, technical and commercial fields in accordance with the principles of sovereign equality and non-intervention;

d) Member States of the United Nations have the duty to act, jointly and individually, in cooperation with the United Nations Organization in accordance with the relevant provisions of the Charter. States must cooperate in the economic, social and cultural fields, and in the scientific and technical fields, and foster the progress of culture and education in the world. States must unite their efforts to promote economic development throughout the world, especially in developing countries.

The principle of the equal rights of all peoples and their right to self-determination.

On the basis of the principle of equal rights of peoples and their right to self-determination, a principle enshrined in the Charter of the United Nations, all peoples have the right to determine their political order, in complete freedom and without external interference, and to prosecute its economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter. Each State has the duty to promote, through concerted action with other States or individually, the realization of the principle of equal rights of peoples and their right to self-determination, in accordance with the provisions of the Charter, and to assist the United Nations in fulfilling the responsibilities conferred on it by the Charter regarding the application of this principle, in order to:

a) foster friendly relations and cooperation between States; and

b) put an early end to colonialism, with due regard to the freely expressed will of the peoples concerned; and

bearing in mind that subjecting peoples to foreign yoke, domination or exploitation constitutes a violation of this principle and a denial of fundamental human rights and is contrary to the Charter. Every State has the duty to promote, through concerted action with other States or individually, universal and effective respect for human rights and fundamental freedoms, in accordance with the Charter. The creation of a sovereign and independent state, the free association or integration with an independent state or the acquisition of any other political status freely decided by a people are ways for that people to exercise their right to self-determination. Every State has the duty to refrain from resorting to coercive measures of any kind aimed at depriving the peoples mentioned above in the formulation of this principle of their right to self-determination, their freedom and their independence. In reacting to and resisting such coercive measures in the exercise of their right to self-determination, these peoples have the right to ask for and receive assistance in accordance with the purposes and principles of the Charter. The territory of a colony or other non-self-governing territory has, under the Charter, a separate and distinct status from that of the State which administers it; this separate and distinct status exists until the people of the colony or non-self-governing territory exercise their right to self-determination of peoples set forth above and, in addition, have a government representing as a whole the people belonging to the territory, without distinction of race, creed and color. Every State must refrain from any action aimed at partially or totally disrupting the national unity and territorial integrity of another State or another country.

The principle of the sovereign equality of states.

All states enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding economic, social, political and other differences. In particular, sovereign equality includes the following elements:

a) the states are legally equal;

b) every State enjoys the rights inherent in full sovereignty;

c) every State has the duty to respect the personality of the other States

d) the territorial integrity and political independence of the State are inviolable:

e) every State has the right to freely choose and develop its political, social, economic and cultural system;

f) every State has the duty to fulfill its international obligations fully and in good faith and to live in peace with other States.

The principle that States fulfill in good faith the obligations assumed in accordance with the Charter.

Every State has the duty to fulfill in good faith the obligations assumed in accordance with the Charter of the United Nations.

Every State has the duty to fulfill in good faith its obligations under generally recognized principles and norms of international law.

In case of conflict between the obligations deriving from international agreements and the obligations deriving from the Charter for the members of the United Nations, the latter shall prevail.

2. Declares that in their interpretation and application the principles stated are interdependent and each principle must be interpreted in the context of the others.

This Declaration shall not be interpreted as prejudicing in any way the provisions of the Charter or the rights and duties deriving therefrom for Member States, or the rights conferred on peoples, having regard to the scope of these rights resulting from this Declaration.

3. Further declares that the principles of the Charter incorporated in this Declaration constitute the fundamental principles of international law and consequently calls on all States to draw inspiration from them in their international conduct and to develop their mutual relations on the basis of strict observance of the principles same.

Declaration on the Culture of Peace (1999)

Date of adoption 9/13/1999. UN - United Nations Organization

Annotations

Adopted by the United Nations General Assembly on 13 September 1999, document A/53/243.

Declaration on the Culture of Peace (1999)

The General Assembly,

Recalling the Charter of the United Nations and the purposes and principles contained therein,

Recalling the constitution of the United Nations Educational, Scientific and Cultural Organization, which states that "since wars begin in the minds of men, it is in the human mind that the building of peace must begin" ,

Further recalling the Universal Declaration of Human Rights and other relevant instruments of the United Nations system,

Recognizing that peace is not only the absence of conflict, but requires a positive and dynamic process of participation, within which dialogue is encouraged and conflicts are resolved in a spirit of mutual understanding and cooperation,

Recognizing that the end of the Cold War has broadened the possibilities for strengthening the culture of peace,

Expressing deep concern at the persistence and proliferation of violence and conflicts in various parts of the world,

Further recognizing the need to eliminate all forms of discrimination and intolerance, including those based on race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, (...)

Solemnly proclaims this Declaration on a Culture of Peace, in order that Governments, international organizations and civil society may be guided by its norms in their activities aimed at promoting and consolidating a culture of peace in the new millennium.

Article 1.

A culture of peace is a set of values, attitudes, traditions and ways of behavior and lifestyles based on:

a) respect for life, rejection of violence and promotion and practice of non-violence through education, dialogue and cooperation;

b) full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which essentially fall within the national jurisdiction of a State, in accordance with the provisions of the Charter of the United Nations and international law;

c) full respect for and promotion of all human rights and fundamental freedoms;

d) commitment to a peaceful settlement of conflicts;

e) effort to meet the developmental and environmental needs of present and future generations;

f) respect for and promotion of the right to development;

g) respect for and promotion of equal rights and opportunities for women and men;

h) respect for and promotion of everyone's right to freedom of expression, opinion and information;

i) adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and between nations; and it is also nourished by a supportive and peace-oriented national and international environment.

Article 2.

The path towards a more complete development of a culture of peace is achieved through values, attitudes, traditions, behavior and ways of life which are conducive to the promotion of peace between individuals, groups and nations.

Article 3.

Progress towards a more complete development of a culture of peace is inextricably linked to the following factors:

a) promotion of peaceful settlement of conflicts, mutual respect and understanding, and international cooperation;

b) adherence to international obligations, according to the Charter of the United Nations and international law;

c) promotion of democracy, development and worldwide respect for and observance of all human rights and fundamental freedoms;

d) to enable people of all conditions to develop skills in dialogue, negotiation, consensus building and peaceful resolution of conflicts;

e) strengthening democratic institutions and guaranteeing full participation in the development process;

f) eradication of poverty and illiteracy and reduction of inequalities within and between nations;

g) promotion of sustainable economic and social development;

h) elimination of all forms of discrimination against women, through empowerment and fair representation at all decision-making levels;

i) guarantee of respect, promotion and protection of the rights of the child;

j) guarantee of freedom of circulation of information and better access to it;

k) greater transparency and accountability in government action;

l) elimination of all forms of racism, racial discrimination, xenophobia and related intolerance;

m) greater understanding, tolerance and solidarity between all civilisations, peoples and cultures, as well as towards ethnic, religious and linguistic minorities;

n) full realization of the rights of all peoples, including those who find themselves subject to colonial or foreign domination or foreign occupation, to self-determination, as expressed in the Charter of the United Nations and enshrined in the International Covenants on Human Rights, as well as in the Declaration on the independence of colonial countries and peoples contained in Resolution AG 1514 (XV) of 14 December 1960.

Article 4.

Education, at all levels, is one of the main tools for building a culture of peace. In this context, human rights education is of particular importance.

Article 5.

Governments have an essential role in promoting and consolidating a culture of peace.

Article 6.

Civil society needs to be fully involved in the advanced development of a culture of peace.

Article 7.

The educational and informative role of the media contributes to the promotion of a culture of peace.

Article 8.

A key role in promoting a culture of peace belongs to parents, teachers, politicians, journalists, religious organizations and groups, intellectuals, those engaged in scientific, philosophical, creative and artistic activities, operators in the health and humanitarian fields, to social workers, managers at various levels as well as non-governmental organisations.

Article 9.

The United Nations must continue to play a key role in promoting and strengthening a culture of peace throughout the world.

The Charter of the United Nations already provides, in Chapter XI (Declaration concerning non-self-governing territories), article 73, point b, the obligation for Members of the United Nations, which have or assume responsibility for the administration of territories whose population has not yet achieved full autonomy, to develop the self-government of the populations.

On December 14, 1960, the General Assembly approved resolution 1514 (XV) (Declaration for the guarantee of the independence of colonial countries and peoples) which solemnly proclaimed the need to quickly and unconditionally put an end to colonialism in all its forms and manifestations .

On December 21, 1965, the General Assembly approved resolution 2106 (XX) (International Convention on the Elimination of All Forms of Racial Discrimination) which reiterated that the United Nations condemned colonialism and all the segregationist and discriminatory practices that accompany it, under whatever form and wherever they exist.

On November 22, 1988, the General Assembly approves resolution 43/47 (International Decade for the Eradication of Colonialism) which declares the period 1990-2000 as an international decade for the eradication of colonialism.

On 12 December 1997, the General Assembly approved resolution 52/111 (Third decade of combating racism and racial discrimination and convening a world conference against racism, racial discrimination, xenophobia and related intolerance) which convened, after three decades committed to tackling racism and racial discrimination, the first global conference on the subject.

On 8 December 2000, the General Assembly approved resolution 55/146 (Second International Decade for the Eradication of Colonialism) which declared the period 2001-2010 the second international decade for the eradication of colonialism.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance takes place from 31 August to 8 September 2001 in Durban, South Africa, during which many of the leaders present at the debate call for recognition of the past and its compensation. Specifically, the representatives of Zambia, Tanzania, Lesotho, Venezuela, Angola, Jamaica, Mexico, Namibia and Burkina Faso officially ask, in addition to an apology, the development of forms of compensation by the colonizing nations. At the end of the conference, the Durban Declaration and Program of Action was adopted, which in point 13 recognizes that slavery and the slave trade, including the transatlantic slave trade, have been terrifying tragedies in the history of humanity not only because of their repugnant barbarity but also by reason of their scale, their organized nature and especially their denial of victimhood and also recognizes that slavery and the slave trade are a crime against humanity and always should have been, especially the transatlantic slave trade, [...] In point 14 it acknowledges that colonialism has led to racism, racial discrimination, xenophobia and related intolerances and that Africans and peoples of African descent and peoples of Asian descent and indigenous peoples they were victims of colonialism and continue to be victims of its consequences. It recognizes the suffering caused by colonialism and affirms that, whenever it occurs, it must be condemned and its return prevented [...] In point 99 it acknowledges and expresses regret for the enormous human suffering and for the tragic condition of millions of men, women and children caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, and calls on the states involved to honor the memory of the victims of past tragedies and states that, whenever they occur, they must be condemned and their prevented return [...] In paragraph 100 it acknowledges and regrets the unspeakable suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and tragedies pass. It notes that some States involved have taken the initiative to apologize and have paid reparations, where appropriate, for serious and massive violations committed.

On August 12, 2002, the Subcommittee on the Promotion and Protection of Human Rights (now the Advisory Committee of the Human Rights Council) adopted resolution 2002/5 (Acknowledgment of responsibility and compensation for the massive and flagrant violations of human rights constituting crimes against humanity that occurred during the period of slavery, colonialism and wars of conquest). The resolution in point 3 requires all the countries involved to recognize their historical responsibility and the consequences that have arisen from it to take initiatives which accompany, especially through debates based on accurate information, the growth of public awareness of the

disastrous consequences of slavery, colonialism and wars of conquest and the need for just compensation. In point 4 it recommends that public recognition of the slave trade and slavery as crimes against humanity include the establishment of a common date to commemorate each year, at the level of the United Nations and of all States, the abolition of the trade in slaves and slavery. AT point 5 emphasizes the importance that school programs, university studies and research, as well as the media give adequate importance to the recognition of the flagrant and massive violations of human rights that occurred during slavery, colonialism and wars of conquest and develop human rights curricula. In point 6 it recommends that international, national or local initiatives, especially those in the fields of history and culture such as museums, exhibitions, cultural activities and twinning programmes, contribute to the growth of public awareness. In point 7 it considers that crimes against humanity and other flagrant and massive violations of human rights, to which the statute of limitations does not apply, must be prosecuted by the competent courts. In point 8 it requests that the High Commissioner of the United Nations for Human Rights begin, in a shared way, a process of reflection on the most appropriate procedures to ensure the implementation of this resolution, with particular regard to recognition and compensation.

On December 10, 2010, the General Assembly approved resolution 65/119 (Third International Decade for the Eradication of Colonialism) which declared the period 2011-2020 as the third international decade for the eradication of colonialism.

On 22 December 2018, the United Nations General Assembly approved resolution 73/262 (Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the integral application and monitoring the Durban Declaration and Program of Action) in which […] welcoming the call for reparations addressed to all former colonial powers, in accordance with paragraphs 157 and 158 of the Durban Program of Action, to remedy the injustices history of slavery and the slave trade, including the transatlantic slave trade, [...] encourages the Special Rapporteur [...] to report on this matter to the Human Rights Council and the General Assembly [...].

On 29 October 2019, the United Nations Special Rapporteur Tendayi Achiume then presented report A/74/321 (Contemporary forms of racism, racial discrimination, xenophobia and related intolerance) to the Third Committee (Social, humanitarian and cultural issues) of the General Assembly of the United Nations. After an in-depth analysis of contemporary forms of racial discrimination inherited from transatlantic trafficking and colonialism, he clarifies that the human rights obligation of member states in relation to reparations derives, to mention only the most important, from the Declaration on the Establishment of a new international economic order, the International Convention on the Elimination of All Forms of Racial Discrimination, the Resolution on the Responsibility of States for Internationally Wrongful Acts and the Resolution on Basic Principles and Guidelines for Remedies and Reparations for Women victims of flagrant violations of international human rights law and grave violations of international humanitarian law. After highlighting some examples and models as well as political and legal resistances she then lists a series of recommendations for the implementation of reparations of colonialism and slavery by member states.

United Nations Human Rights Committee. Human Rights Committee

The States that have ratified or acceded to the First Optional Protocol (currently 116 Countries) have accepted that the persons present within their jurisdiction can produce petitions to the Committee and thus request its opinion, where the provisions protected by the Committee itself have been violated. For those countries, the Committee serves as a mechanism for international complaints about human rights abuses, similar to the regional mechanisms accorded to the Inter-American Court of Human Rights or the European Court of Human Rights. The First Optional Protocol entered into force on 23 March 1976.

United Nations Human Rights Council. United Nations Human Rights Council

Panel of experts examines reports and rules regarding individual communications relevant only to the International Covenant on Civil and Political Rights, promoting respect for human rights around the world

The First Optional Protocol to the International Covenant on Civil and Political Rights is an international treaty which provides for the possibility for individual citizens of adhering countries to address individual petitions to the ICCPR, the United Nations Human Rights Committee. It was adopted by the UN General Assembly on 16 December 1966, and entered into force on 23 March 1976. As of January 2018, there were 35 signatory states and 116 member states.

Self-determination denotes the legal right of people to decide their own fate in the international order. Self-determination is a fundamental principle of international law, deriving from customary international law, but also recognized as a general principle of law and enshrined in a number of international treaties. For example, self-determination is protected in the United Nations Charter and the International Covenant on Civil and Political Rights as a right of "all peoples".

Self-Determination and the Right of Peoples to Participate in International Lawmaking by Natalie Jones

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I. Introduction

The participation of non-state actors in the international community has been the subject of great interest. 1 International law scholars have, on several occasions in recent decades, suggested that indigenous peoples are entitled to a voice in the international law-making process. 2 Such claims are not new. As early as 1923, Levi General ("Deskaheh"), on behalf of the Haudenosaunee Six Nations Confederacy, 3 unsuccessfully petitioned the League of Nations for membership as an independent state and for relief in relation to violations of the sovereignty of the Six Nations by

Canada; 4 the League also has rejected a similar petition by Māori Tahupōtiki faith leader Wiremu Rātana. 5 More recently, however, peoples have been given a voice in the international arena in various ways. In the early days of the United Nations, the peoples of the non-self-governing territories were granted associate member status in various specialized United Nations agencies and regional commissions, as well as being able to appear on various committees related to decolonization. Since the 1980s, with the process leading to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 6 indigenous peoples have regularly participated in variou United Nations forums among other international organizations (IO) , including the activities of the World Intellectual Property Organization (WIPO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Fund for Agricultural Development, the Global Facility for the Environment, the Green Climate Fund, the United Nations Development Programme, the United Nations Industrial Development Organization, the Indigenous Peoples Partnership of the United Nations, the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, the Arctic Council, the Barents Regional Cooperation, the Andean Community, as well as in processes under the United Nations Framework Convention on Climate Change and of the Convention on Biological Diversity (CBD). 7 This growing involvement of indigenous peoples in global governance can be conceptualized as part of the "affectivity paradigm", whereby the involvement of individuals and groups directly affected by international decisions in the global arena has increased in recent decades as a response to the legitimacy crisis of the IOs. 8 The existence of these practices, however, raises the question of their legal basis: how can the participation of (indigenous) peoples in the legislative, political and decision-making process in IOs and other international forums be legally justified? . It has long been thought that the self-determination law contains a participatory element. Jan Klabbers argued a decade and a half ago that self-determination has in fact been transformed into a procedural norm that gives people the right to be heard and taken seriously in the decision-making process. 10 Accounts of the "domestic" dimension of self-determination focus in part on political participation and the representation of peoples at the national level. 11 However, these accounts are limited to the peoples' participation in the domestic sphere; the extension of the topic to the international level, while intuitively attractive, does not follow automatically. Meanwhile, other scholars have suggested that indigenous peoples have a legal right to participate in international lawmaking, derived from the right to self-determination. 12 This literature, however, usually treats this proposition as 'obvious' and treats it summarily, 13 without presenting a supporting theoretical or doctrinal investigation. Rather than being obvious, however, the proposition raises further questions: How does the law of self-determination justify the right to participate in the international community? Is there a basis for such a right in the logic underlying the law? While self-determination is undoubtedly a founding principle of the international legal order14, a norm of customary international law15 and of an erga omnes character16, the law of self-determination is hotly contested and its application has been ambiguous and in some cases contradictory. 17The characterization of self-determination formulated in 1921 by the °Åland Islands Commission of Rapporteurs still resonates today: 'a principle... expressed by a vague and general formula which has given rise to the most varied interpretations and differences of opinion'. 18 Substantive self-determination disputes persist over questions including whether self-determination justifies secession, which claims to self-determination are legitimate, and whether, or to what extent, self-determination is a peremptory

norm. 19It is evident that it is not easy to affirm that a given rule of law derives from self-determination. In this case, further investigations are needed. This article seeks to discover whether, in addition to the many meanings that have been given to self-determination, the law of self-determination can also lead to a right to participate in international affairs. In this article, I will elaborate an argument on how the law of self-determination can form the basis of the right of peoples to participate in the international law-making process. It is important to warn the readers' expectations right from the start: I will not be doing a doctrinal analysis in the strict sense; this article will not investigate the interpretation of the provisions of the treaty, it will not carry out a careful reading of the jurisprudence, nor will it analyze the various instances of practice to ascertain the formation of a customary rule. Rather, I will carry out the logically preliminary legal-theoretical analysis to determine what in the nature of the law of self-determination might lead us to believe that self-determination is capable of justifying such a right. The article proceeds by analyzing the nature of self-determination, identifying its motivating logics, and arguing that the recognition of a right of peoples to participate in the formation of international law plausibly derives from them. This is a timely investigation. A process is currently underway at the UN whereby indigenous peoples seek a greater level of participation beyond consultative status with the Economic and Social Council (ECOSOC). Indigenous peoples argue that their organizations differ from non-governmental organizations (NGOs) and, due to their intrinsic characteristics, find it difficult or impossible to meet the criteria for consultative status and therefore are not suitable for accreditation as NGO observers. 21 These issues were discussed in a 2012 report by the Secretary-General commissioned by the Human Rights Council. 22 Subsequently, the 2015 United Nations General Assembly resolution 70/232 requested that the President of the General Assembly carry out consultations on the matter and prepare a collection of views to form the basis of a draft text to be adopted by the Assembly at its 71st session in 2017 23 However, contrary to expectations, the text was not adopted at that session. While the first drafts of the resolution envisaged inviting indigenous peoples' organizations to participate, without the right to vote, in the sessions and work of the General Assembly and its committees that concern them, 24 the resolution thus adopted delays a final decision at least until at the 75th session of the General Assembly, after a further report was produced and informal hearings held. 25 Whether this process will ultimately result in separate or enhanced status for indigenous peoples at the UN remains to be seen. If so, an understanding of the legal basis of this state of affairs is urgently needed. Even if that were not the case, however, one would not expect this to be the end of the story. Regardless, the extent to which people already participate in IO affairs suggests that there is a strong need to understand how, legally, such practices can be justified. Against this background, this article aims to foster understanding of how the participation of peoples in the United Nations, as well as in other IOs and intergovernmental forums, as peoples rather than NGOs, can be legally justified. At this point, a further clarification is necessary. This article considers "peoples" as subjects of participation and potential holders of legal rights in this regard. The law applicable to indigenous peoples, whether de lege lata or de lege ferenda, is in many important respects different from that applicable to other groups to which the category "people" is ascribed. 26 However, this article, by focusing on the right to self-determination, is broadly applicable to all peoples. 27 He is largely motivated by developments concerning indigenous peoples and for this reason he discusses examples involving indigenous peoples in several places, but these factors do not limit the application of his argument exclusively to indigenous peoples. The article will be divided into five further parts. In Part II, I will

examine the development of the self-determination law and present an account of its rationale. In Part III, I will examine the relationships between IOs and groups of states acting collectively (eg in concluding a treaty) on the one hand, and peoples on the other. I will use the logic of self-determination elaborated in Part II to challenge the idea that the right of peoples to self-determination is enforceable only against states, and I will propose that the relationship between peoples on the one hand and IOs and groups of states on the other the other is the one referred to in the law of self-determination deals with remedying. Part IV will explore the right of internal self-determination and the right of civil society participation, examine whether they provide an adequate remedy to the situation outlined in the second section. Having discovered that they do not, Part V will propose a formulation of the right of peoples to participate, drawing on the logic of self-determination. Part VI will outline areas for future work and conclude.

II. The nature of self-determination

The lack of clarity in the law of self-determination, while annoying in many respects, can also be perceived as its greatest strength: since ambiguity allows room for contestation, flexibility and interpretation through which the law can accommodate unforeseen circumstances . 28 This does not imply that the law can be interpreted in any way one wishes, nor that it is irremediably indeterminate. By contrast, by tracing the development of the law of self-determination, I isolate four interconnected and overlapping features that inform us about how self-determination might develop in the future. This account is by no means exhaustive and necessarily glosses over many debates; the intention is to broadly outline the form of the law.

A. Self-determination as a dynamic

First, the law of self-determination is dynamic. This is evident in its transformations over the last hundred years and across different dimensions. The most fundamental evolution was its passage from a political principle to one of law. While starting from the eighteenth century self-determination was promulgated as a political principle with multiple meanings29, it was not considered a principle of international law during the post-war agreements30 and its transformation into a principle of law took place only with the adoption of the Charter of Nations Unite. 31 Furthermore, this legal principle was not initially accompanied by rights or duties: it was an ambitious goal rather than an operational principle. 32 The Charter primarily provided for self-determination as a contribution to one of the goals of the United Nations and did not impose related obligations on member states. 33

Self-determination came to be associated with a legal right - the right of peoples subject to colonial rule to freely determine their international status - in the political and historical context of decolonization. 34 The 1960 Declaration on the granting of independence to colonial countries and peoples (the 'Colonial Declaration') 35 framed self-determination in universalist language, as a right of 'all peoples', specifying that populations of trust and non-autonomous – the territories they rule "or all other territories which have not yet achieved independence" were entitled to "complete independence". 36The United Nations General Assembly soon after clarified, in resolution 1541, the nature of the basic colonial unit and non-self-governing territory entitled to independence, as well as the means by which they could achieve self-government. 37

A further shift from a legal right to a human right has taken place, marked by the common article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social Rights. 38 Some even posit self-determination as a necessary precondition and means for the realization of all other human rights. 39 Furthermore, Common Article 1 provided for new dimensions of self-determination: the right to control natural wealth and resources; 40 non-interference between States in general; 41 and the right of a people of a state to freely choose their rulers. 42 Indeed, this latest development heralded the expansion into what many have termed the domestic dimension of self-determination, the right's migration "from the international to the domestic sphere." 43 Internal self-determination is the right of peoples to enjoy the freedom of genuine self-government, which may involve autonomy vis-à-vis other entities of the state.

44 The internal dimension encompasses the right to fair representation in legislative, executive and judicial institutions, 45 and is also said to allow peoples to freely choose their political and economic regimes and to enjoy related rights, such as the right to vote , the right to peaceful assembly and freedom of expression. 46Although the expansion from the outside in did not necessarily exclude the continued application of the external aspects of self-determination, it does highlight the flexibility and dynamism of the principle and its ability to adapt to respond to new situations as they arise.

Another broad change in the law of self-determination has been the gradual expansion of the identity of rightholders: from the aggregated populations of states, to peoples of colonized territories, to peoples under occupation and other forms of alien domination, to indigenous peoples. The reference to the self-determination of "peoples" in the United Nations Charter was apparently not to be understood as conferring rights on minorities or peoples in any ethno-cultural sense of the term, nor on colonized peoples: "peoples" were to be considered as the entire population of states rather than sub-segments of states, and as such the principle only concerned relations between states. 47In the period of decolonization, as outlined above, territorial considerations proved crucial in limiting who could hold the right. 48 Self-determination related to entire populations of colonial territories, rather than to peoples within a colonized territory, even though externally imposed colonial boundaries tended to group together different cultural and ethnic groups. 49 Although states did not widely contemplate that peoples would continue to have the right to self-determination following the completion of decolonization, with references in the 1960 Colonial Declaration and the 1970 Declaration of Friendly Relations to "peoples under alien subjugation, domination and exploitation 50 it became questionable whether self-determination extended beyond the overseas colonialism of Western states, for example, to peoples under racist regimes, occupied peoples and the people of Palestine. 51

With the adoption of UNDRIP, 52 it became clear that indigenous peoples were also “peoples” entitled to self-determination. 53 The 2007 Declaration, as the first widespread recognition by states that self-determination was not limited to colonial peoples, is a significant development in the evolution of the law of self-determination. While indigenous peoples are inherently strongly

connected to land and place, not all have a fixed or exclusive territory: they may be geographically dispersed in the manner of a minority group within a more diverse population. 54 Previously, peoples had been understood exclusively as aggregate populations of states or territories; the decolonization regime had bypassed the indigenous peoples, who simply "became the object of new forms of colonization". 55 The fact that peoples can now "also be defined in terms of their common ethnicity and culture is at least arguably a new feature of international law". 56

Thus, while the fundamental meaning of self-determination has solidified and taken root - that all peoples should be able to control their own destiny on an equal footing57 - the fluid nature of self-determination means that the principle has underpinned various specific legal norms throughout its history. Nothing in this story suggests that the law of self-determination may not continue to evolve, as political circumstances develop, into the future as well.

B. Self-determination as multifaceted

The second aspect of the law that I wish to highlight derives from the first. Self-determination is multifaceted: it has multiple expressions with different meanings in different situations. 58 It is not synonymous with colonial independence, nor with secession, nor with what is termed "internal self-determination". This much is clear from the previous account of its development. Useful to

this purpose is Antonio Cassese's conceptualization of self-determination as constituted, in the first place, by a general principle, which Cassese formulates as «the need to take into account the freely expressed will of peoples» when their fate is at stake. 59 This principle, according to Cassese, "establishes a general and fundamental standard of behaviour" according to which "governments must not decide the life and future of peoples at their discretion"; rather, peoples "should be enabled freely to express their wishes in matters concerning their condition". 60 Like any principle, self-determination is "general, free and multifaceted", lending itself to "various and even contradictory applications", and with "great normative potential and dynamic force". 61 From the general principle, then, specific customary rules can be deduced where "a broader measure of agreement has emerged between the States regarding the... correctness of the conduct". 62The principle indicates the way in which self-determination is exercised, it can act as an interpretative rule where a customary rule is unclear or ambiguous, and it can be useful in cases not covered by specific rules. 63 The specific manifestations of self-determination already mentioned here, such as the right of peoples to exercise control over natural resources, or the external self-determination of colonized peoples, can be thought of as specific rules under the heading of this broader principle.

C. Self-determination as relational

So, so clear. But if self-determination has multiple aspects that develop over time, what principles unite its disparate elements and explain its evolution? Some way to answering this question is the relational nature of self-determination. Self-determination basically concerns the relations between one people and others: states, empires, governments and other peoples. 64As is evident from its development, it is a specific type of relationship - of domination, subjugation or

exploitation of a people by a state or other entity - that gives rise to and constitutes such exercises of self-determination. All peoples who exercise their right to self-determination do so in relation to another unit, typically a state, and that unit has reciprocal obligations to that people during the exercise. This is evident from the face of the language of the relevant tools. For example, the Colonial Declaration's condemnation of "[t]he subjection of peoples to alien subjection, domination and exploitation" 65 immediately raises the question: submission by whom? Whose domain? Talking about "dependent peoples" basically presupposes a relationship between the people subjected to subjection, domination and exploitation and the entity that is doing the subjection, in this case, the colonizing states. The Declaration then moves on to the imposition of duties: it states that "armed actions or repressive measures of any kind directed against dependent peoples will cease" 66, assuming once again the existence of a certain relationship between a dependent people and the body that applies these measures. It prescribes the future nature of the relationship: "[i]mmediate steps will be taken" by the colonial states "to transfer all powers" to the dependent peoples "according to their freely expressed will and desire". 67Thus, in the Colonial Declaration, it is the colonial relationship of "alien submission, domination and exploitation" between the colonial state and the colonized people that gives rise to the right to self-determination and defines the consequent obligations of the colonial state. The same lens can be applied to other relevant international instruments as well as judicial decisions. 68

D. Self-determination as a remedy

The last aspect that helps explain the rationale of the self-determination law is the remedial character of the specific legal norms that have developed under its umbrella. Specific legal norms have emerged in a corrective way so as to provide remedy for situations of domination, submission or exploitation in progress. Self-determination is an ongoing process by which the law forms new remedies when required. This can be illustrated

referring to the development of decolonization norms. The colonization process and the international law that accompanied and justified it denied countless non-European peoples recognition and the ability to determine their own future. 69The Colonial Declaration itself, adopted largely through the then flourishing decolonization movement70, recognized this and explicitly offered itself as a remedy. The preamble, acknowledging "the passionate desire for freedom in all dependent peoples" and noting that "the continued existence of colonialism ... impedes the social, cultural and economic development of dependent peoples", proclaimed "the need to put an end in swiftly and unconditionally colonialism in all its forms and manifestations".71 The Colonial Declaration thus "treats the right to self-determination as a tool that addresses the complicity of international law with colonialism".72The right of colonial peoples to determine their own territorial status did not emerge by itself, rather it was the response of the expanding international community to the colonial relationship between colonial powers and colonized peoples that undermined self-determination. It would make no sense in isolation from that historical and political context. We can therefore say that while the principle of self-determination was the entry point and the legal catalyst, although the right to independence of colonized peoples

and nations was regarded at the time as synonymous with the right to self-determination, 73 decolonization procedures "do not embody of itself the substance of the law… rather, they were measures to remedy a sui generis violation of the law that existed in the previous condition of colonialism». 74

Similarly, international law on the rights of indigenous peoples, including self-determination, can also be seen as a remedy for a sui generis violation of self-determination. This stems from the exclusion of indigenous peoples from the decolonization processes of the mid-20th century. The doctrine of salt water" in resolution 1541 formally linked the right to independence of colonized peoples to Western colonial dominions overseas, which implied "the exclusion of indigenous peoples grouped within the borders of independent States" from the ambit of application of the principle of self-determination.'75 Furthermore, the doctrine of uti possidetis preserved former colonial borders, meaning that indigenous peoples within a former colony that had gained independence experienced only a change of 76 Thus indigenous peoples were continually excluded from determining their own destiny. This continued omission "is at the heart of expressing indigenous peoples' demands for self-determination."77 Seen in this light, UNDRIP, adopted after decades of global indigenous peoples' activism, 78 is "essentially a corrective tool" based on the identification of a long-standing sui generis violation of self-determination. 79 It was necessary to remedy the systemic inequality and injustice resulting from the failure of international law to recognize the sovereignty and self-determination of indigenous peoples over the centuries. 80 The Declaration represents a step towards rectifying "the negative consequences of the way international law validates [d] morally suspect colonization projects that have participated in the production of the current distribution of sovereign power". 81 From a relational and corrective point of view, therefore, "the law of self-determination is the law of remedies for the serious deficiencies of freedom and equality". 82 Self-determination is a continuous and ongoing process - a "constant right" 83 - in which new remedies are required by law. 84 Just as decolonization procedures were not the substance of law, but rather measures to remedy what the international community had come to recognize as a violation of the rights of colonized peoples, the norms of indigenous peoples' self-determination were reflected in the UNDRIPs are also remedial measures for a sui generis situation of domination, submission or exploitation.

III. Structural relations between peoples, states and international organizations

Self-determination, therefore, rather than being synonymous with colonial independence, is a right that can be realized in multiple ways and has evolved considerably over time to provide redress in circumstances where a particular type of relationship exists. A people determines itself only in relation to others, who then tend to have correlative obligations. Thus, should new or different arenas of domination, subjugation or exploitation, or new actors involved in perpetuating that relationship, emerge, a new rule would be warranted under the auspices of the self-determination principle to remedy the situation. As James Anaya said:

Other forms of violations of self-determination can be identified, and imminent remedies need not involve the emergence of new states. Substantive self-determination can be achieved by a range of possibilities for institutional reordering other than the creation of new states. What is important is that the remedy is appropriate to the particular circumstances and genuinely reflects the will of the persons, or peoples, concerned. 85

I propose to consider, in addition to the well-known position of domination, subjugation or exploitation that a state may hold over a people, the less considered relationship between a group of states collectively pursuing an intergovernmental goal or organization, and a people or peoples. I argue that a people's capacity for self-determination can be adversely affected not only by a state that has colonized, occupied, or is otherwise dominating, subjugating, or exploiting them. Rather, the self-determination of a people can also be undermined by groups of states acting collectively to shape and implement international law and policy through IOs or other intergovernmental fora, as well as by IOs themselves to the extent that they are autonomous actors capable to legislate, policies, decisions and conduct of business. 86In the remainder of this section, I will present this case by first outlining how states and IOs exercise public authority, before moving on to specific ways in which collective states and IOs exercise public authority in ways that undermine the self-determination of peoples. I will argue that this relationship is one of domination, of the kind implied by the law of self-determination.

A. The exercise of public authority through treaties and international organizations. It is trivial to say that states collectively exercise broad powers through treaty making, pooling their sovereignty at the interstate level to achieve a shared goal, for example in entering into multilateral or "megaregional" trade and investment agreements. 87 These are groups of States which exercise public authority in a shared or collective way. The conclusion of mega-regional trade agreements, for example, is an act that may affect individuals and communities within states parties (as well as outside states parties), and this effect can be considered to result from the joint act of states parties rather than just the state an individual is in. In addition to bilateral or plurilateral approaches, states enact international law, formulate policies and set standards through intergovernmental organizations, and sometimes assign these functions to these organizations themselves. The growth of IOs and the expansion of their powers "through informal processes of discourse, practice and (re)interpretation" is well documented. 88 IOs, enabled by the doctrine of implied powers, 89 among other factors, have come to wield extensive powers with far-reaching impacts on individuals, communities, and domestic societies, 90 through their ability to make laws, 91 set standards, 92 make decisions and recommendations, 93 and disseminate information.94 These activities can be considered as the exercise of public authority. 95 To some extent, the IOs can be said to exercise these broad powers in their own right; 96 at the same time, in some circumstances the exercise of public authority by an organization may be attributed to the collective member states of an organization.

97 The limitations of what had been the default response of international law to the emergence of organizations - a functional approach which tended to protect IOs from external legal scrutiny or

accountability, and which regarded organizations as mere agents of their main member states collectives - have been widely recognized. 98IOs are now seen, at least according to some approaches, as autonomous global players in their own right: 'not... neutral arenas for solving common problems, but rather places of power, even of domination'. 99 This article is, in part, situated in the vein of international legal scholarship which has therefore turned to criticizing the lack of accountability of IOs to those affected by their activities – those "disparate national electorates without power, who they could not benefit from the traditional constitutional checks and balances found in many democracies intended to limit executive discretion100 - and studying the ways in which they can be held accountable.101

B. A domain relationship

Rather than further expounding the ways in which the activities of IOs and state collectives can affect vulnerable or marginalized groups in general, or the global public at large, I will elaborate here on the ways in which IOs and state collectives wield power over peoples. I will suggest that this exhibits the qualities of a relationship of the type with which self-determination is concerned: that is, one of alien domination, submission or exploitation. While different from the classic colonial relationship between a people and a state, this relationship is one that justifies the application of the law of self-determination. Before moving on to specific examples, it is helpful to understand the relationship between IOs and state collectives on the one hand, and peoples on the other, as structural, deriving from public or regulatory authority located in IOs. In the language of self-determination, an IO, or a group of states acting collectively, can "dominate" a people, by interfering with their ability to determine their own destiny. According to the definition of domination developed by Philip Pettit and Iris Marion Young, one agent dominates another "when the agent has power over that other and is therefore able to arbitrarily interfere with the other" .'; interference is when "one agent blocks or redirects the action of another in a way that worsens that agent's choice situation by changing the range of options", and is "arbitrary" "when it is chosen or rejected without consideration of the interests or opinions of the people affected". 102 An entity can therefore dominate another without ever really interfering with it; the domination "consists in being in a set of relationships which makes an agent capable of arbitrarily interfering with the actions of the others". 103IOs and state collectives are manifestly capable of interfering with other agents, including peoples; they exercise public authority in a way that can directly or indirectly modify the range of options available to peoples. It is this structural possibility of interference - which can be positive or negative - which constitutes domination The remainder of this section will illustrate this point by referring to real-life examples of domination and interference, as understood by Pettit and Young, within state collectives and IOs that perform law-making, standard-setting and policy-making activities. activities that affect people. This is not the only relevant field of activity: decision-making, for example in matters of development and finance projects, international territorial administration and other activities of IOs and state collectives, are also relevant. While not exhaustive, this section purports to contain sufficient detail to demonstrate that IOs and states acting collectively have wielded power through the creation of standards and policies that affect peoples in a myriad of fields of endeavor.

The IOs and other intergovernmental bodies have on several occasions been forums for setting standards that have defined the rights and self-determination of indigenous peoples in general.

Examples of such tools include UNDRIP, which clearly goes to the heart of indigenous peoples' affairs and concerns, and its development by states and

Nazioni Unite dimostra chiaramente il potere che questi ultimi esercitano sui popoli indigeni. 104 Strumenti simili sui diritti dei popoli indigeni sviluppati nei forum internazionali includono la Dichiarazione americana sui diritti dei popoli indigeni, la Convenzione n. 169 dell'Organizzazione internazionale del lavoro e il progetto di Convenzione Nordic Sámi. 105. Altre IO hanno sviluppato, o sono in procinto di sviluppare, politiche e standard su argomenti che per loro natura influenzano o hanno il potenziale per influenzare l'autodeterminazione delle popolazioni indigene. Ad esempio, l'OMPI sviluppa leggi e politiche relative alla proprietà intellettuale, 106 comprese le attività di definizione degli standard che interessano le popolazioni indigene rispetto alle loro conoscenze tradizionali. Il riconoscimento che il quadro dell'OMPI non è in grado di fornire protezione a molte forme di conoscenza tradizionale, che sono lasciate vulnerabili all'appropriazione indebita e alla "biopirateria", 107 ha portato alla creazione nel 2000 del Comitato intergovernativo dell'OMPI sulla proprietà intellettuale e le risorse genetiche, la conoscenza tradizionale e Folklore (IGC). 108La CIG sta conducendo negoziati testuali su progetti di strumenti relativi ai saperi tradizionali, alle espressioni culturali tradizionali e alle risorse genetiche. 109 Ha prodotto progetti di articoli sulla protezione delle conoscenze tradizionali, sulla protezione delle espressioni culturali tradizionali e un documento consolidato relativo alla proprietà intellettuale e alle risorse genetiche. 110 C'è molto in gioco per le popolazioni indigene in questi negoziati: "[f]o un popolo il cui rapporto di dipendenza con il proprio ecosistema è la prima natura e una base per la loro conoscenza e vita socioeconomica e culturale ... il ruolo della proprietà intellettuale nella custodia della conoscenza è una questione di diritti umani fondamentali che confina con la vita e la sopravvivenza". 111Il processo della CIG ha il potenziale per affrontare le "richieste di riconoscimento culturale" delle popolazioni indigene e "accogliere in modo significativo [e] una comprensione indigena alternativa della conoscenza". 112 La conclusione di accordi internazionali sulle risorse genetiche, le conoscenze tradizionali e le espressioni culturali tradizionali «sarebbe una pietra miliare nel diritto internazionale e nel diritto della proprietà intellettuale e potrebbe potenzialmente contribuire alla prevenzione della loro appropriazione indebita». 113 Anche la conoscenza tradizionale e l'autodeterminazione delle popolazioni indigene sono implicate nelle attività previste dalla CBD. La stessa CBD riconosce "la stretta e tradizionale dipendenza di molte comunità indigene e locali che incarnano stili di vita tradizionali dalle risorse biologiche", 114 e il suo articolo 8(j) obbliga gli Stati parti a rispettare, mantenere e preservare questa conoscenza. Tuttavia, l'istituzione di aree protette (ai sensi dell'articolo 8) è talvolta servita da strumento, intenzionalmente o meno, per l'esclusione delle popolazioni indigene dalle loro terre e territori tradizionali. 115Il protocollo di Nagoya sull'accesso e la condivisione dei benefici, sviluppato sotto gli auspici della CBD, ha implicazioni per la protezione delle conoscenze, delle innovazioni e delle pratiche tradizionali indigene associate alle risorse genetiche. Ulteriori esempi di OI che interessano le popolazioni indigene includono la FAO, che attraverso il suo Comitato per la sicurezza alimentare sviluppa raccomandazioni politiche e orientamenti sulla sicurezza alimentare e la nutrizione; 116 L'UNESCO, che si impegna in attività di definizione degli standard e così facendo "affronta le principali preoccupazioni delle popolazioni indigene come le lingue a rischio di estinzione, l'educazione nella lingua madre, l'educazione allo sviluppo sostenibile, la conoscenza indigena nel processo decisionale scientifico e ambientale e la costruzione di società della conoscenza" ;

117l'Organizzazione marittima internazionale, attraverso la quale gli stati stabiliscono standard su argomenti tra cui, di particolare rilevanza per le popolazioni indigene, norme sull'olio combustibile pesante, la prevenzione dei mammiferi marini, i gas serra e il nerofumo, il rumore sottomarino, lo scarico delle acque reflue e grigie e le specie invasive ; 118 e l'International Seabed Association, che emana norme, regolamenti e procedure relative alla prospezione, all'esplorazione e all'estrazione di risorse minerarie nei fondali marini, nei fondali oceanici e nel loro sottosuolo oltre i limiti della giurisdizione nazionale colpiscono le popolazioni indigene che vivono stili di vita tradizionali sulle coste e sulle isole. 120

In addition to the broad definition of standards affecting indigenous peoples in general, IOs can implement policies that affect the self-determination of one or more specific peoples. Examples of this are the EU's decisions to ratify the agreements with Morocco on trade and fisheries, and to implicitly accept their application to Western Sahara, which specifically concern the Saharawi people. 121 Another is the effect of EU legislation on indigenous peoples communities in the Arctic. 122 The European Directive 83/129/EEC of 1982 prohibited the importation into the European Economic Community of skins and other products derived from seal pups. 123While the creators of the directive did not seem to expect any negative effect on indigenous populations, and indeed the directive in its preamble recalled that the traditionally practiced hunting does not harm seal pups and is "a natural and legitimate occupation, conducted with due respect for the balance of nature, and part of the indigenous peoples' traditional way of life and economy, the ban effectively triggered the collapse of the EU seal fur market.124 In turn, this affected the Inuit economy, which depended on cash receipts from the fur market.Although a later version of the directive provided for an exception for hunting Inuit, Canadian Inuit were still disproportionately affected and, in any case, the market had long since collapsed.125This example shows that IO normative acts may affect not only peoples within their member states, but also peoples who are "distant aliens" or "global others" because they are in one or more states that are not members of the 'organization. 126

IV. Existing law does not adequately remedy the relationship

Since peoples, IOs and groups of states exist in a relationship of domination of the former by the latter - that is, the kind of relationship with which the law of self-determination is concerned - it can be argued that the law of self-determination is called upon to evolve to remedy. However, before reaching such a conclusion, it must be examined whether an adequate remedy is already present in the existing law. I will evaluate the existing law on internal self-determination, as well as emerging norms and practices regarding the participation of civil society, in particular through NGOs.

A. Internal self-determination and internal political participation

One may be tempted to imagine that the self-determination of peoples vis-à-vis IOs and groups of states could be achieved simply through the political participation of peoples internally. An element of the internal aspect of self-determination is the right of a people to participate in the political affairs of the state in which they find themselves. Therefore, if a people is well represented in the relevant domestic government(s), such an argument would be valid, no additional rights are needed internationally. Rather, it is up to the state to balance competing domestic interests. Indeed, allowing people to have their voices in national and international forums—"two bites of an apple,"127 so to speak—might give them too much leverage over international regulation. 128

It is true that in some cases a state may be able to represent a people internationally so as to protect their right to self-determination, such as when the interests of the state and of the people largely overlap on a given issue and people have given their free, prior and informed consent, or

when a people holds a dominant, rather than a marginal, place in domestic society, leading to the adoption of its preferred position on foreign policy. In such situations, the people would not need an extra voice on the global stage.
However, in most cases, participation rights at national level are not sufficient. Often the interests of a people do not align with those of the state in question, which means that the state's position in an international forum will necessarily conflict with the interests of the people, even taking into account the right of the people to participate

within the state. 129 Of course, for any position a government takes on the international stage, there will invariably be a group of people who disagree. It is in the nature of a diverse democracy that competing national interests must be balanced. But a people, by virtue of its right to self-determination, is different from other domestic actors: it is not equivalent to a trade union, or an interest group, or a political party. Of course, it is not suggested here that such interest-based constituencies need not have a voice, or that their voice need necessarily be given less space than that of the peoples; this work does not profess to rule on this question. The point is that the right to self-determination distinguishes a people from the (valid) reasons for participation possessed by other national constituencies. 131 To deny them the right to participate internationally would, by default, crush their interests under the weight of majority concerns. Second, in many states it is the executive branch of government, rather than the legislature, that determines foreign policy and represents a state in IOs. Although the legislator can intervene on decisions of considerable internal importance, the forms of internal self-determination that provide for participation in the electoral process or a level of autonomous self-government do not provide for the responsibility towards the peoples of the state delegates who take political decisions in intergovernmental bodies. 132 While this executive-led approach has its advantages, including the fact that executives are, in principle, able to protect minority interests as they are not required to make majority decisions, 133in practice there are risks associated with the isolation of the conduct of international relations from responsibility towards minorities. Thirdly, in practice, even in a democratic state, a people may not be able to exercise their right to internal self-determination in the first place. And not all states are democratic. In these cases, internal political participation cannot help a people to make their voice heard in the IOs that concern them. Fourth, some peoples exist beyond state borders. For example, the territory of the Kurds, an ethnic group that has asserted the right to self-determination, covers parts of Turkey, Iran, Iraq and Syria; 134 the Sámi extend into parts of Norway, Sweden, Finland and Russia; and Inuit territory includes parts of Russia, the United States, Canada, and Denmark-Greenland. 135 In cases such as these it is unlikely that any state can effectively represent the interests of transnational people at the international level. The people may not be able to exercise their right to internal self-determination in all the states concerned, and the interests of the people and all the states concerned are even less likely to coincide. 136 Fifth, and relatedly, a number of different peoples located in different states may share a common interest. In this situation, an internal balancing of interests within each state will tend to mean that the shared interest is systematically obscured from view internationally. For example, indigenous peoples in all parts of the world share common interests and have found it useful to unite in a global movement to defend those interests internationally. 137 Before indigenous peoples did so, they were largely ignored by IOs. 138 Sixth, the IOs themselves delegate authority to bodies, such as executive committees or secretariats, in which not all member states are included, so that even if a state is a member of an IO, it does not necessarily have a say in all activities carried out within this organization. While such a delegation of powers may be practical, 139 it means that these bodies,

which "act on behalf of the international entity, and should not be equated with the (collectiveness of) States", 140 are less accountable to States and, for extension, of those who are within them. Secretariats, in general, are able to exercise considerable bureaucratic power independently of their member states, for example by guiding or manipulating the decision-making process of states through the management and organization of information. 141 If the activities of a secretariat concern a people, a state may not necessarily be able to represent that people, even if their positions are aligned. A secretariat

should, in theory, be accountable to Member States, but in practice this may not be the case. 142 Similarly, councils can exercise executive and even independent governmental and legislative functions within an institution. 143 The activities of the boards of directors can have repercussions on subjects outside the organisation. 144 Furthermore, while the councils of some organizations are made up of representatives of different member states, other councils, such as the European Commission and the Executive Council of the African Union, are responsible for specific policy areas; 145 still others, such as the UNESCO Executive Committee, sit as individual experts rather than state representatives. 146 For a people affected by the activity of a council to have a voice only within its own state is manifestly inadequate. For all these reasons, the so-called "internal" self-determination, understood as the participation of the peoples in internal public affairs, is not an adequate remedy for the problem of the domination of the peoples by the IOs.

B. Participation of civil society in intergovernmental fora

Is civil society participation a potential remedy? 147 Since the 1990s, civil society participation in IOs has proliferated. 148 ECOSOC has provided for consultative status since its inception, 149 and by the end of the 20th century the number of NGOs that have assumed this status has significantly increased. 150 NGOs have played an influential role in a number of international legislative processes. 151 The importance of public participation in, inter alia, decision-making relating to the environment has been progressively recognised. 152 A considerable body of the literature advances both intrinsic and instrumental justifications for NGO participation in global governance:153 civil society participation is said to combat the democratic deficit, enhance the legitimacy of IOs,154 provide unique technical and practical expertise, and information not otherwise available, increase the variety of policy options, improve the quality of outcomes and build national public support for such policies. 155 Legally, it has been proposed that participation in the international law-making process is an individual human right, derived from Article 25 of the ICCPR - the right "to take part in the conduct of public affairs, directly or through freely chosen representatives" - and that this right should in practice be exercised through the participation of NGOs. 156 It could be argued that NGO participation, therefore, solves the problem outlined above: people can engage through NGOs, within existing NGO participation mechanisms, to make their voices heard at the intergovernmental level. I suggest otherwise. While NGO participation based on an individual human right to participate in IOs and other intergovernmental fora is certainly valuable as well as legally justifiable for the above reasons, it is not sufficient to remedy the problem of IO domination of peoples. and of groups of States, nor to allow the full exercise of self-determination of peoples. Beyond the obvious that NGOs, unlike peoples, do not have the right to self-determination, this is true for two reasons, one theoretical and one practical: systems of participation based on individual human rights tend to lead to contempt (marginalization) groups; and in practice, indigenous peoples' organizations and representative institutions are not compatible with OI's mechanisms for civil society accreditation. The first objection can be understood by referring to political theory. In domestic societies it has long been recognized that formally democratic arrangements tend to undermine the interests of non-dominant social groups. 157 Minority groups that have distinct interests, but are outnumbered

by the rest of the population, are consistently in the minority and therefore underrepresented. They are "in a very real sense political prisoners of the majority," who can monopolize political power with just over half the vote. 158 Where structural inequalities exist, "formally democratic procedures are likely to reinforce them". 159While scholars initially conceived of this problem as relating to so-called ethnic minorities,

religious and national 'classical',160 it is equally applicable to peoples such as indigenous peoples. In many post-colonial states indigenous peoples constitute a numerical minority or are otherwise a non-dominant social group. In other words, individual civil and political rights are not sufficient to protect the interests of peoples and other groups. To correct this problem, many states have established the rights of minorities and indigenous peoples in national and international law,161 including the rights of minorities and indigenous peoples to participate in national public affairs, as well as mechanisms such as weighted voting, 162 political institutions and membership specifically designed to increase minority representation, 163 seats in parliaments designated for members of minorities or peoples, 164 and other types of 'political consociationalism'. 165 In this way, the universal and individual human right to participate in the running of public affairs, 166 which in itself would tend to reinforce structural inequalities, is complemented by group rights.
Returning to the international arena, a similar discourse can be made. An individual human right to participate in IOs, by itself, tends to reproduce existing global structural inequalities. Such inequalities in access and participation are well documented. Individuals and groups that are already marginalized globally find themselves overlooked in the intergovernmental sphere. 167 This is observable, for example, within IOs that allow observer participation, where many more NGOs from the Global North participate than NGOs from the Global South. 168An individual right to participate in IOs, exercisable through the participation of NGOs, must be complemented by an equivalent right of the peoples - just as individual rights to political participation domestically must be complemented by the rights of minorities to political participation and the so-called " internal law" ' aspects of the self-determination of peoples. 169 The argument here is not that participation is unimportant or undesirable in itself. It is rather that, in a system characterized by the participation of NGOs and the lack of recognition of the procedural rights of groups, the voices and interests of peoples occupying marginalized positions in the global order, including indigenous peoples, tend to get lost. On a more practical level, there is a mismatch between the structure and organization of NGOs and that of peoples, which limits the extent to which peoples are able to fit into existing procedures for accrediting NGOs to participate in I. Indigenous peoples' organizations may have been constitutionally, legally or politically recognized by the state concerned in terms of recognition of self-determination, representation or self-government. 170 Many Indigenous Peoples' organizations exercise self-governing functions over peoples and territories and are therefore reluctant to identify themselves as "non-governmental" organizations in order to obtain accreditation. 171 Furthermore, taking the criteria for consultative status at ECOSOC as an example, NGOs are required to have an established headquarters with an executive officer, provide a copy of their constitution, charter or bylaws, as well as a certificate of registration and financial statement . 172 An NGO must also have "recognised stability". 173 In addition, NGOs in ECOSOC consultative status must be broadly representative of major segments of society in a large number of countries in different regions of the world. 174Conversely, many organizations of indigenous peoples are not recognized by the state in question. They may have no headquarters or "executive officer" and may function on the basis of oral traditions rather than written records; moreover, they rarely represent an important segment of society. 175 While there may be limited exceptions to this disparity, in general these accreditation requirements limit civil society participation from being a remedy to the domi-

nance relationship. Could NGOs that meet accreditation requirements be able to effectively represent peoples' voices regardless? International NGOs are commonly criticized for being too disconnected from the people who are affected by the issues they work on, accountable to donors in rich countries to the populations on whose behalf they claim to act, and made up of professionals rather than those who

hanno diretto esperienza e comprensione culturale dei problemi. 176 La svolta verso il coinvolgimento dei "più colpiti" nelle IO è in parte una risposta a questa crisi di legittimità delle ONG: numerose IO hanno visto un crescente coinvolgimento delle cosiddette "organizzazioni delle persone interessate", o APO, anche negli ambiti della sicurezza alimentare, della salute, dei diritti delle persone con disabilità e dei diritti dei bambini. 177Ma l'"illegittimità" delle ONG non deve essere universalmente valida. Gli studiosi hanno documentato come le APO e le ONG possano formare fruttuosamente alleanze, in base alle quali una ONG fornisce la propria esperienza e supporto organizzativo, operativo e finanziario a un'APO che potrebbe essere meno esperta e dotata di risorse, concentrandosi al contempo sulle preoccupazioni del gruppo interessato. 178 Quindi si può immaginare che un popolo indigeno possa collaborare con una ONG per, ad esempio, inviare i suoi rappresentanti a incontri internazionali utilizzando gli slot di accreditamento, i finanziamenti e le reti di sostegno dell'ONG. Quindi può darsi che in singoli casi una ONG sia in grado di rappresentare un popolo. Tuttavia, questa non può essere vista come una soluzione generale.

V. Ulteriore rimedio necessario: il contenuto del diritto dei popoli a partecipare

Abbiamo visto che il diritto esistente non pone adeguatamente rimedio alla questione del dominio delle OI e dei collettivi statali sui popoli. La partecipazione della società civile, sostenuta da un approccio individuale basato sui diritti umani, non tiene conto degli interessi di gruppo; né è adatto in pratica alle forme organizzative delle popolazioni indigene. Nel frattempo, la partecipazione delle persone a livello nazionale, anche laddove ciò avvenga, non è necessariamente sufficiente a tutelare il loro diritto all'autodeterminazione. Sotto la logica dell'autodeterminazione, è garantito un diverso rimedio: un diritto dei popoli a partecipare alle attività intergovernative e di IO che riguardano la loro autodeterminazione, tra cui il processo legislativo, politico, decisionale e la definizione degli standard. Questo rimedio, questa norma, coesisterebbe con altre norme del diritto di autodeterminazione, e non precluderebbe,179

Nella ricerca di un rimedio adeguato dobbiamo guardare oltre la semplice partecipazione. La partecipazione forma una 'triade procedurale' con trasparenza e accesso alla giustizia: nessun elemento di questo trittico può essere rimosso senza pregiudicare gli altri. 180 Affinché la partecipazione sia efficace, la trasparenza e l'accesso alle informazioni sono intrinsecamente richiesti. Sebbene le richieste dei popoli e degli studiosi non si siano esplicitamente focalizzate sulla partecipazione e l'accesso alla giustizia, questi elementi dovrebbero far parte del rimedio. Tuttavia, in quanto segue mi concentrerò solo sul diritto alla partecipazione poiché questo è l'argomento principale di questo articolo. Non sto discutendo qui che ci sia, già riscontrabile nelle fonti del diritto internazionale positivo, un diritto dei popoli alla partecipazione al diritto internazionale. Sebbene ritenga che vi siano varie strade che si possono intraprendere per difendere questa idea, anche sulla base del diritto internazionale consuetudinario, in questo articolo mi sono soffermato solo a difendere l'idea che essa sia non solo compatibile con, ma richiesta dalla logica dell'autodeterminazione. Si tratta, a mio avviso, di un importante passo

preliminare all'analisi dottrinale o empirica, poiché è l'autodeterminazione alla quale i popoli, sostenuti dagli studiosi, si appellano largamente nelle loro richieste di partecipazione. Comprendendo come si è sviluppata la legge dell'autodeterminazione e come la sua logica giustifica un nuovo stato di diritto. Proporrò ora un'affermazione del diritto che deriva dalla natura del rimedio richiesto dalla legge di autodeterminazione. Coerentemente con l'impostazione di questo articolo, tale affermazione non corrisponde necessariamente al contenuto del diritto positivo; non rappresenta un'affermazione su cosa sia la legge; si tratta piuttosto di una pretesa su cosa dovrebbe essere la legge, con tutte le limitazioni che questo tipo di pretesa comporta. Implica necessariamente una dichiarazione di doveri, poiché l'esistenza di un diritto collettivo richiede intrinsecamente che alcune persone siano soggette a un dovere correlativo. 181 Questi doveri possono essere visti come triplici.

First, the law obliges states to establish procedures for including peoples as participants in bilateral or plurilateral negotiations on treaties and other less formal instruments that affect their right to self-determination or their other rights. Participation in these discussions follows the logic of self-determination: it is the only way to rebalance the relationship so as to allow peoples to freely determine themselves. This duty is not fulfilled by a state which consults a people internally. As discussed in Part IV(A), a people can exist across borders, different peoples in different states can have similar interests and face similar risks to their self-determination, and in many cases the interests of an indigenous people will directly affect conflict with those of the State concerned. Internal consultation will therefore rarely be sufficient. An exception exists when indigenous peoples give their free, prior and informed consent to have their views represented by the state or states concerned.183 Instead of, or in addition to, consulting peoples internally, states should allow peoples to participate themselves in intergovernmental negotiations. This will require the inclusion of peoples' representatives in the national delegation of the states concerned, if the peoples give their free, prior and informed consent to this approach; otherwise, it will be necessary to give space in the negotiations to delegations representing exclusively the peoples. States must respect and guarantee certain minimum conditions necessary for this participation to take place: they must allow access to information, funding for participation and access to spaces where negotiations take place, as well as listen in good faith to what the peoples they must contribute. erga omnes right, and as discussed above in Part III, a group of states in treaty negotiations can collectively hold a position of dominance over one people in any state in the group (or even outside the group). Secondly, the law obliges states to establish procedures to allow people to participate in IOs in relation to activities that have an impact on people's rights and self-determination. This is because, as discussed above, IOs are often forums for the formation of agreements and policies, as well as other activities, that pertain to peoples' rights and self-determination. This will require the establishment of accreditation procedures, similar to those currently used to enable civil society participation, to allow peoples' representatives access to the organisation. 184States will also be required to respect and guarantee the minimum conditions required to allow people to participate: access to information, funding and physical spaces in which the activities of IOs take place, as well as the modification of the relevant procedural rules to allow people to be heard in discussions and by hearing their contributions in good faith. Thirdly, and finally, the law obliges IOs and their bodies, in some cases, to establish procedures or mechanisms to enable people to participate. This obligation evidently operates only in limited situations: after all, in most cases where people are expected to be involved in the making of international law or in setting standards under the auspices of the IOs, it is the member states of the organization who have the power to establish procedures to permit such participation. However, there are some situations where the logic of self-

determination, due to the way in which the IOs themselves can exercise dominance over the peoples as explained above, requires actions of the IOs or their bodies. The first is when an IO body, whose members are not representative of all member states of the organization, such as a secretariat or an executive committee, is carrying out legislative work that affects the self-determination of a people. Responsibility for determining when the activities of IOs affect people's self-determination may rest with the IO secretariat.185 Secondly, where the legislative activities of an IO affect the self-determination of a people but states have not allowed people to be heard in an organization, the IO itself should act to remedy this deficit. The determination whether the activities affect the self-determination of persons and whether the persons concerned have otherwise been heard can be done by the IO Secretariat, as in the previous situation. Listening to the people by the

IO may be perceived by states as controversial, however it is far from unprecedented: on several occasions states have authorized IOs to hear petitions from individuals and groups within their borders. 186Third, the IO departments that operationalize participation in practice, for example by administering accreditation procedures, issuing access passes, allocating meeting room space, allowing access to communication and interpretation systems and other practical requirements necessary but often overlooked, they are obliged to carry out these functions effectively so as not to pose practical obstacles to citizens' participation, within the limits of their mandates. I should note that these obligations of IOs, while clearly deriving from the logic of self-determination, are significantly more speculative than those envisaged towards states: the duties of IOs, after all, are often difficult to establish in doctrine, and indeed their basis remains much debated in legal theory. The avid reader will no doubt still have questions. A number of issues not previously addressed in this document are who is the appropriate representative of a people in intergovernmental contexts, who should decide who is the representative, and what the accreditation requirements should consist of. I don't commit to those details here. While not overlooking the importance of these issues, the question of whether international law should provide for and protect the participation of peoples in international affairs logically precedes the question of which particular representatives should be allowed to participate in which particular situations. 187As a preliminary point, it can be argued that the accreditation process should be, as far as possible, technical rather than political, which means that, for example, in IO settings the secretariats should have the main role in the process rather than the states. 188 However, further investigations are needed. A second set of questions revolves around the meaning of 'participation'. What exactly does participation involve and what level of participation is required to fulfill the entitlement? Similarly, if peoples have the right to take part in treaty negotiations, do they equally have the right to be party to the resulting treaties? On the first issue, participation can be conceptualized on a sliding scale from the most limited of consultation exercises, to power sharing or partnership where peoples contribute equally to agenda setting and are fully involved in every step of the process on the same flat as states. I take the position that the right would not usually imply a right to vote on the outcome of the international process in which peoples take part. While it could be argued that not upvoting it would strip the law of any meaningful content, I disagree. In situations where people were able to participate, they had a significant effect on the content of the resulting tools even without the right to vote. 190 The power of information and arguments to influence outcomes should not be underestimated. I also note the proposal that the level of participation should be proportional to the level of involvement of indigenous peoples: for example, where international law on the rights of indigenous peoples is being developed, the level of participation should be as high as possible. 191Answering the second question - whether peoples should be parties to treaties that participate in creation - is

beyond the scope of this article and deserves a full investigation. The right to be a party to the treaties would go far beyond that of participation. A total amendment to treaty law would be required if peoples were to be parties to treaties generally.

YOU. Conclusions

I have argued that, according to the theory of the law of self-determination, peoples have the right to participate in the international legal order. Related duties are performed by states and IOs. I will conclude by suggesting directions for further research; an argument such as the one I have presented can only take us so far. Two further questions must be considered: where this norm can be placed within the positive sources of law

international; and whether (and if so, how) such a rule constrains the behavior of states and IOs in practice. Only by understanding the answers to these questions can we get a complete picture of the right to participate. In turn, this will allow us to understand the ongoing discussions in the General Assembly and, regardless of their outcome, similar attempts by indigenous peoples to gain a voice in international arenas that are sure to continue in the future. I have suggested throughout this article that such a rumor is a partial remedy to an ongoing relationship of dominance by IO and states over peoples; a remedy through which indigenous peoples can freely determine their own future and contribute to international discussions of the utmost importance in solving global challenges.

Footnotes

1

Key texts in this large body of literature include: R. Hofmann (ed.), Non-State Actors as New Subjects of International Law (Duncker & Humblot 1999); AK Lindblom, Non-Governmental Organizations in International Law (CUP 2005); A Bianchi (ed.), Non-state actors and international law (Ashgate 2009); J d'Aspremont (ed.), Participants in the international legal system: multiple perspectives on non-state actors in international law (Routledge 2011); M Noortmann, A Reinisch and C Ryngaert (eds), Non-State Actors in International Law (Hart 2015); and the Non-State Actors in International Law magazine.

2

SJ Anaya, 'A contemporary definition of the international norm of self-determination' (1993) 3 Transnational Law and Contemporary Issues 131, 157; IM Youth, Inclusion and Democracy (OUP 2000) 275; K Knop, Diversity and self-determination in international law (CUP 2002) 13; SJ Anaya, Indigenous peoples in international law (2nd edn, OUP 2004) 153; SJ Anaya, "International Human Rights and Indigenous Peoples: The Transition to the Multicultural State" (2004) 21 Arizona Journal of International and Comparative Law 13, 14; T Koivurova and L Heinämäki, 'The participation of indigenous peoples in international norm-making in the Arctic' (2006) 42 Polar Record 101, 101–102; A Boyle and C Chinkin, The Making of International Law(OUP 2007) 50; N Loukacheva, "Internationalism of 'indigenous Arctic peoples': the search for a legal justification" (2009) 45 Polar Record 51, 52–53; C Charters, 'A self-determination approach to justifying indigenous peoples' participation in international law and policy-making' (2010) 17 International Journal on Minority and Group Rights 215; L Heinämäki, 'Towards an equal partnership between indigenous peoples and states: learning from Arctic experiences' (2011) 3 Polar Law Yearbook 193, 223; M Åhren, The status of indigenous peoples in the international legal system (OUP 2016) 132; D Cambou, "Improving Indigenous Peoples' Intergovernmental Participation to Strengthen Self-Determination: Lessons from the Arctic" (2018) 87 Nordic Journal of International Law 26; T Whare, "Reflective piece on Māori and the ILO" (2020) 24 International Journal of Human Rights 303, 303–304. Cf JA Hofbauer, Sovereignty in the exercise of the right to self-determination (Brill 2017) 71.

3
Also known as the Iroquois.
4
G Woo, 'Canada's Forgotten Founders: The Modern Significance of the Haudenosaunee (Iroquois) Application for Membership in the League of Nations' [2003] Journal of Law, Social Justice and Global Development 12.

5
S Lightfoot, Global Indigenous Politics: A Subtle Revolution (Routledge 2016) 36.
6
UNGA Resolution 61/292 (October 2, 2007).
7
N Jones, "Towards a Right of Peoples to Participation in Global Governance" (PhD thesis, University of Cambridge 2020), ch. 4–7.
8
See J Sändig, J von Bernstorff and A Hasenclever, 'Special Issue: Affectedness in International Institutions' (2018) 3 Third World Thematics 587–812. It should be noted, however, that indigenous peoples, who have the right to self-determination, are clearly legally distinct from other "interested" participants in global governance, such as peasant movements, people living with HIV/AIDS, and child labor organizations.
9
I believe that an answer, in doctrine, may come from customary international law; given the number of cases of this practice, it is possible to undertake an empirical analysis on the presence or absence of customary elements. This possibility is discussed at length in Jones, Towards a Right of Peoples to Participation. While this kind of empirically grounded understanding is obviously essential, it can be meaningfully complemented by theoretical inquiry of the kind undertaken here.
10
J Klabbers, "The right to be taken seriously: self-determination in international law" (2006) 28 HRQ 186.
11
M Pomerance, Self-Determination in Law and Practice – The New Doctrine in the United Nations (Nijhoff 1982) 37; A Cassese, Self-Determination of Peoples: A Legal Reappraisal (CUP 1995) 101. On internal self-determination in general, see A Rosas, 'Internal Self-Determination', and J Salmon, 'Internal Aspects of the Right to Self-Determination ', both in C Tomuschat (ed.), Modern Law of Self-Determination (Nijhoff 1993) 225, 253.
12
See above, No. 2.
13
See, for example, Koivurova and Heinämäki, 'The Participation of Indigenous Peoples', 102. The fullest explanation is provided by Charters, 'A Self-Determination Approach', however this does not yet fully challenge the law of self-determination .
14
See, for example, Charter of the United Nations (adopted on 26 June 1945, entered into force on 24 October 1945) 1 UNTS 26, arts. 1(2) and 55.

Cfr., ad esempio, Conseguenze legali per gli Stati della presenza continua del Sudafrica in Namibia (Africa sud occidentale) nonostante la risoluzione 276 (1970) del Consiglio di sicurezza (parere consultivo) [1971] ICJ Rep 16, 31; Sahara occidentale (parere consultivo) [1975] ICJ Rep 12, 31–33; Caso relativo a Timor Est (Portogallo contro Australia) (merito) [1995] ICJ Rep 90, 102; Conseguenze giuridiche della costruzione di un muro nei territori palestinesi occupati (parere consultivo) [2004] ICJ Rep 136, 182–83.

16
Timor Est , 102; Parere consultivo del muro , 171–72.

17
Molti hanno fatto questa osservazione: si veda ad esempio B Kingsbury, 'Reconciling Five Competing Conceptual Structures of Indigenous Claims in International and Comparative Law' (2001) 34 NYU Journal of International Law and Politics 189, 217.

18
Commissione dei relatori, "La questione delle Isole Aaland: rapporto presentato al Consiglio della Società delle Nazioni dalla Commissione dei relatori" (aprile 1921) Società delle Nazioni Doc B7 [C] 21/68/106, 27.

19
Su queste questioni, e sull'autodeterminazione in generale, si veda, ad esempio, J Summers, Peoples and International Law (2nd edn, Nijhoff 2014).

20
Questo tipo di indagine è stata condotta in N Jones, 'Towards a Right of Peoples to Participation', cap 3.

21
Tra le altre questioni, le popolazioni indigene sono raramente costituite come organizzazioni non governative; infatti, molte organizzazioni di popolazioni indigene sono di natura governativa. Pertanto, potrebbero non essere disposti a chiedere l'accreditamento come ONG anche se tecnicamente ammissibili. Inoltre, potrebbero non soddisfare i requisiti di accreditamento, a causa della scarsa corrispondenza tra le tradizionali strutture organizzative e governative e le strutture delle ONG occidentali: UNHRC, "Modi e mezzi per promuovere la partecipazione alle Nazioni Unite dei rappresentanti dei popoli indigeni su questioni che li riguardano" (2 luglio 2012) UN Doc A/HRC/21/24.

22
UNHRC, 'Modi e mezzi'.

23
Risoluzione UNGA 70/232 (23 dicembre 2015), paragrafo 19.

24
Vedere la discussione in proposito in Cambou, 'Enhancing the Participation', 45–46.

25
Risoluzione UNGA 71/321 (23 settembre 2017), paragrafi 5–9.

26
For an excellent account of indigenous peoples' rights, including a discussion of where they differ from those of other groups, see Åhren, 'Indigenous Peoples' Status'.

27
Indigenous peoples have the same right to self-determination as other peoples: SJ Anaya, 'The Right of Indigenous Peoples to Self-Determination in the Post-Declaration Era' in C Charters and R

Stavenhagen (eds), Making the Labor Declaration: United Nations Declaration on the Rights of Indigenous Peoples (IWGIA 2009) 184, 185.
28
Summers, Peoples and international law, 39.
29
Including by Woodrow Wilson and Vladimir Lenin: Cassese, Self-Determination of Peoples, 14-23.
30
Speakers' Commission, "The Aaland Islands Question", 27. Although the principle was "crucial to the legitimacy of States and their borders" and thus "shaped the content of the law": Summers, Peoples and International Law, 179.
31
Charter of the United Nations, Article 1(2).
32
Rosas, 'Internal self-determination', 225.
33
Cassese, Self-Determination of Peoples, 43. Indeed, many states have emphasized that the inclusion of self-determination was not to be interpreted as a right to secession, independence, or democracy: Summers, Peoples and International Law, 198- 99.
34
Namibian advisory opinion; Western Sahara [55], [59]. P Macklem, "Self-determination in three movements" in F Teson (ed.), The Theory of Self-Determination (CUP 2016) 94, 99–104.
35
UNGA Res 1514 (XV) (December 14, 1960) ("Colonial Declaration").
36
Colonial Declaration, paragraphs 4-5.
37
UNGA Res 1541 (XV) (December 15, 1960). See also the 1970 Declaration on Principles of International Law relating to Friendly Relations and Co-operation among States, UNGA Res 2625(XXV) (24 October 1970).

38
International Covenant on Civil and Political Rights (adopted December 16, 1966, entered into force March 23, 1976) 999 UNTS 171 (ICCPR); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3. See R McCorquodale, 'Self-Determination: A Human Rights Approach' (1994) 43 ICLQ 857.
39
McCorquodale, 'An approach to human rights', 872.
40
See Cassese, Self-determination of peoples, 55-56.
41
therein 55.
42
therein 52-55.
43
Macklem, Three Movements, 108.
44
On internal self-determination see, for example, Cassese, Self-determination of peoples, 101.

45
Governor's Reference in Council Concerning Certain Matters Related to Quebec's Secession from Canada [1998] 2 SCR 217 (Supreme Court of Canada) [136].
46
J Crawford, The Creation of States in International Law (2nd edn, OUP 2007) 25.
47
Åhren, State of Indigenous Peoples, 28–29; Cassese, Self-determination of peoples, 39-43; Crawford, Creation of States, 112–14.
48
There is consensus on the right of colonized peoples to self-determination: see, for example, Summers, Peoples and International Law, 45-46; Cassese, Self-determination of peoples, 71; Crawford, Creation of States, 127. On territorial interpretations, see UNGA Res 1541 (XV) (15 December 1960), Principles IV and V.
49
Åhren, State of Indigenous Peoples, 31, 35; Knop, Diversity and Self-Determination, 56–57; Cassese, Self-determination of peoples, 141-146; Summers, Peoples and International Law, 305.
50
See also UNGA, Vienna Declaration and Program of Action (25 June 1993) UN Doc

51
On peoples under racist regimes, see UNSC Res 581 (1986), paragraph 7. On the occupation, see, for example, East Timor [90]; UNGA Res 42/15 (November 10, 1987). On Palestine see, for example, Wall Advisory Opinion [118]; UNGA Resolution 3236 (XXIX) (November 22, 1974).
52
UNGA Resolution 61/295 (October 2, 2007).
53
See, for example, Anaya, 'Post-Declaration Era', 185; M Weller, 'Self-Determination of Indigenous Peoples' in J Hohmann and M Weller (eds), The UN Declaration on the Rights of Indigenous People: A Commentary (OUP 2018) 115, 146.
54
J Castellino and C Doyle, 'Who are 'indigenous peoples'? An Examination of Concepts Concerning Group Membership in the UNDRIP' in J Hohmann and M Weller (eds), The UN Declaration on the Rights of Indigenous People: A Commentary (OUP 2018) 7, 32–36.
55
Åhren, The Status of Indigenous Peoples, 35.
56
M Scheinin and M Åhren, 'Relationship to Human Rights, and Related International Instruments' in J Hohmann and M Weller (eds), The UN Declaration on the Rights of Indigenous People: A Commentary (OUP 2018) 63.
57
Adopted from Anaya, 'Indigenous Peoples', 74. This has been chosen from the multiplicity of (similar) formulations in the literature as it seems to accurately capture the intent and spirit of the law.
58
C Foster, 'Articulating self-determination in the draft declaration on the rights of indigenous peoples' (2001) 12 EJIL 141, 143; A Tomaselli, "Indigenous peoples' right to political participation: a holistic approach" (2017) 24 International Journal on Minority and Group Rights 390, 403–404.

59
Cassese, Self-determination of peoples, 126-127. See also Western Sahara [59].
60
Cassese, Self-determination of peoples, 128.
61
ibid 128-29.
62
therein 129.

63
therein 131.
64
Kingsbury, The reconciliation of the five, 223.
65
Colonial declaration, paragraph 1.
66
therein, paragraph 4.
67
therein, paragraph 5.
68
For example, judicial decisions on the erga omnes nature of self-determination presuppose a relationship between a people and all other states.
69
On this see A Anghie, Imperialism, Sovereignty and the Making of International Law (CUP 2004) 13–29, 32–33, 43, 48–49, 53, 61–62; M Koskenniemi, The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960 (CUP 2001) 72–75, 113–15, 126–68.
70
Summers, Peoples and international law, 203, 209.
71
Third, seventh and twelfth recitals.
72
Macklem, Three Movements, 100.
73
Summers, Peoples and international law, 205 note 64.
74
Anaya, 'Post-Declaration Era', 189.
75
SJ Anaya and L Rodríguez-Piñero, 'The Making of the UNDRIP' in J Hohmann and M Weller (eds), The UN Declaration on the Rights of Indigenous People: A Commentary (OUP 2018) 116, 140.
76
Anaya, 'Indigenous peoples', 54.
77
Anaya and Rodríguez-Piñero, 'The Making of the UNDRIP', 140.

78

See Lightfoot, Global Indigenous Politics, 34–38, 43. See also United Nations Subcommission on the Prevention of Discrimination and the Protection of Minorities, 'Study of the Problem of Discrimination against Indigenous Populations' (1987) UN Doc E /CN.4/ Sub.2/1986/7 and Adds.1–4 ('Martínez Cobo Report').
79
Anaya, 'Post-Declaration Era', 190.
80
Charters, 'A self-determination approach', 228.
81
P Macklem, "Indigenous Recognition in International Law: Theoretical Observations" (2008) 30 Michigan Journal of International Law 177, 179.
82
Kingsbury, The reconciliation of the five, 232.
83
R Higgins, Issues and process: international law and how we use it (OUP 1995) 120.
84
On self-determination as an ongoing process, see Higgins, Problems and Process, 120.
85
Anaya, 'Post-Declaration Era', 189.
86
A von Bogdandy et al. (Ed.), The Exercise of Public Authority by International Institutions: Advancing International Institutional Law (Springer 2010); S Cassese et al, Global Administrative Law: The Casebook (3rd edn, IRPA 2012).
87
On "megaregional" economic agreements, see B Kingsbury et al, Megaregulation Contested: Global Economic Ordering After TPP (OUP 2019).
88
GF Sinclair, 'State Formation, Liberal Reform and the Growth of International Organizations' (2015) 26 EJIL 445, 446. See, for example, E Benvenisti, The Law of Global Governance (Brill -Nijhoff 2014) 25–69.
89
On the basis of which it is believed that the IOs have, in addition to the powers explicitly granted by the Member States, those necessary for their effective functioning: see in general V Engström, Understanding Powers of International Organizations (Åbo Akademi University Press 2009).
90

See, for example, A von Bogdandy, M Goldmann and I Venzke, 'From Public International to International Public Law: Translating World Public Opinion into International Public Authority' (2017) 28 EJIL 115, 116.
91
JE Alvarez, International Organizations as Legislators (CUP 2006).
ninety two
See, for example, KE Davis et al (eds), Governance by Indicators: Global Power through Classification and Rankings (OUP 2012); J Friedrich, 'Legal Challenges of Non-Binding Instruments: The Case of the FAO Code of Conduct for Responsible Fisheries' in A von Bogdandy et al. (Ed.), The Exercise of Public Authority by International Institutions: Advancing International Institutional Law (Springer 2010) 511.
93

This is illustrated, for example, in M. Smrkolj, "International institutions and individualized decision-making: an example of UNHCR refugee status determination" in A von Bogdandy et al. (ed.), The Exercise of Public Authority by International Institutions: Advancing International Institutional Law (Spring 2010) 165.

94

See, for example, B Schöndorf-Haubold, 'The Administration of Information in International Administrative Law – The Example of Interpol' in A von Bogdandy et al (ed.), The Exercise of Public Authority by International Institutions: Advancing International Institutional Law (Springer 2010) 229.

95

See, for example, RB Stewart and MR Sanchez-Badin, 'The World Trade Organisation: Multiple Dimensions of Global Administrative Law' (2011) 9 ICON 556, 557. One definition of the exercise of international public authority is 'the adoption of an act that affects the freedom of others in pursuit of a common interest': von Bogdandy, Goldmann and Venzke, 'Public International to International Public', 117.

96

J Klabbers, 'Sources of International Organizations Law: Reflections on Accountability' in J D'Aspremont and S Besson (eds), The Oxford Handbook of the Sources of International Law (OUP 2017) 987, 988.

97

Also known as 'principal-agent' or 'vertical approach': J Klabbers, 'International Organizations in the Formation of Customary International Law' in E Cannizzaro and P Palchetti (eds), Customary International Law on the Use of Force: A Methodological Approach (Nijhoff 2005) 180, 183.

98

E Benvenisti, 'Supporting democracy amidst the challenges of new technologies: what role for the law of global governance?' (2018) 29 EJIL 9, 10–12, 16–30. On functionalism and its limits, see in general J Klabbers, 'The Transformation of International Organizations Law' (2015) 26

99

A Hurrell, 'Power, Institutions, and the Production of Inequality' in M Barnett and R Duvall (eds), Power in Global Governance (CUP 2005) 33, 56.

100

Benvenisti, 'Supporting democracy', 13.

101

See, for example, A Reinisch, 'Securing the Accountability of International Organizations' (2001) 7 Global Governance 131; D Hovell, 'Due Process in the United Nations' (2016) 110 AJIL 1; RB Stewart, "Remedying Contempt in Global Regulatory Governance: Accountability, Participation, and Responsiveness" (2014) 108 AJIL 211, 221.

102

Youth, Inclusion, 258.

103

therein 258-59.

104

Naturally, the Declaration was developed with high levels of participation from indigenous peoples themselves.

105

American Declaration on the Rights of Indigenous Peoples (June 15, 2016) OAS Doc AG/RES.2888 (XLVI-O/16); Convention relating to Indigenous and Tribal Peoples in Independent Countries (adopted June 27, 1989, entered into force September 5, 1991) 1650 UNTS 383; for the draft Nordic Saami Convention in English, see <https://sametinget.se/105173>.

106

Convention establishing the World Intellectual Property Organization (adopted 15 July 1967, entered into force 26 April 1970) 828 UNTS 3, Articles 3 and 4.

107

On embezzlement, see, for example, S Subbiah, 'Reaping What They Sew: The Basmati Rice Controversy and Strategies for Protecting Traditional Knowledge' (2004) 27 British Columbia International and Comparative Law Review 529.

108

Established in 2000 by the WIPO General Assembly: WIPO, "WIPO General Assembly, Twenty-Sixth (Twelfth Extraordinary) Session, Report" (October 3, 2000) WIPO Doc WO/GA/26/10, para. 71.

109

WIPO, 'Assemblies of the Member States of WIPO, Fifty-Seventh Series of Meetings, October 2 to 11, 2017, Summary Report, Addendum, Item 18 of the Consolidated Agenda' (11 October 2017) WIPO Doc A/57/11/ Add.6.

110

For the most up-to-date versions of these drafts, see < www.wipo.int >.

111

C Oguamanam, Intellectual property in global governance: a development issue (Routledge 2012) 81.

112

F Boehme et al, "Cultural and political diversity of recognition in international organizations" (2018) 9 Journal of International Organization Studies 27, 30.

113

DF Robinson, P Roffe and A Abdel-Latif, 'Introduction: Mapping the evolution, progress and future of the WIPO IGC' in DF Robinson, A Abdel-Latif and P Roffe (eds), Protecting Traditional Knowledge (Taylor and Francesco 2017) 3.

114

Convention on Biological Diversity (adopted June 5, 1993, entered into force December 29, 1993) 1760 UNTS 79, preamble, twelfth recital.

115

P West, J Igoe and D Brockington, "Parks and Peoples: The Social Impact of Protected Areas" (2005) 35 Annual Review of Anthropology 251, 258.

116

Constitution of the Food and Agriculture Organization of the United Nations, reprinted in FAO, Basic Texts of the Food and Agriculture Organization of the United Nations (FAO 2017), art IV(9).

117

UNESCO, 'Policy on Engaging with Indigenous Peoples' (9 August 2017) UNESCO Doc 202 EX/9, paragraph 15.

118

See International Maritime Organization, "Committee on the Protection of the Marine Environment, 70th Session, Agenda Item 17, Any Other Activities, Food Security and Indigenous Arctic Shipping,

presented by FOEI, WWF and the Pacific Environment" (19 August 2016) IMO Doc MEPC 70/17 /10, paragraphs 3-14.
119
See, for example, International Seabed Association, 'Regulations on prospecting and exploration for polymetallic nodules in the area' (July 22, 2013) ISA Doc ISBA/19/C/17.
120
J Hunter, P Singh and J Aguon, 'Broadening Common Heritage: Affronting Gaps in the Deep Sea Mining Regulatory Regime' (2018) Harvard Environmental Law Review (Online) < https://harvardelr.com/2018/04/16/ broadening -common-heritage/ > (noting that the exploration of the deep sea has already had negative repercussions on the livelihoods of indigenous peoples due to disturbances in fish populations and damage to water quality).

121
See, for example, Euro-Mediterranean Agreement between the European Communities and their Member States and the Kingdom of Morocco [2000] OJ L70/2. See case T-512/12 Front Polisario v Council of the European Union EU: T: 2015:953.
122
See in general F Scarpa, 'The EU, the Arctic, and Arctic Indigenous Peoples' (2014) 6 Yearbook of Polar Law 427.
123
Regulation (EC) 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products [2009] OJ L286/36.
124
Scarpa, The EU, the Arctic, 428.
125
therein 429.
126
On the liability of States towards "strangers", see SS Agon and E Benvenisti, "The Law of Strangers: The Form and Substance of Other-Regarding International Adjudication" (2018) 68 University of Toronto Law Journal 598.
127
The expression "two bites of an apple" is borrowed from A Reinisch and C Irgel, who write in the context of NGO participation: "The Participation of Non-Governmental Organizations (NGOs) in the WTO Dispute Settlement System" (2001) 1 Non-State Actors and International Law 127, 132.
128
EB Bluemel, "Separating instrumental rights from intrinsic rights: Toward an understanding of indigenous participation in international decision-making" (2005) 30 American Indian Law Review 55, 75.
129
Navajo Nation Council, 'Adoption and Recommendation of Position Statements Concerning United Nations Recognition of the Navajo Nation' (July 22, 2009) Doc NNHRC/Report 03/2009, 22–23.
130
J Habermas 'Three normative models of democracy' (1994) 1 Constellations 1, 5.
131
Koivurova and Heinämäki, 'The participation of indigenous peoples', 102.
132
A Peters, 'International Organizations in International Law' in J Katz Cogan, I Hurd, and I Johnstone (eds), The Oxford Handbook of International Organizations (OUP 2016) 33, 46.

133
RO Keohane, S Macedo and A Moravcsik, 'Democracy Enhancing Multilateralism' (2009) 61 International organization 1.
134
O Bring, "Kurdistan and the principle of self-determination" (1992) 35 German Yearbook of International Law 157, 159.
135
T Koivurova, "Sovereign states and self-determined peoples: carving out a place for transnational indigenous peoples in a world of sovereign states" (2010) 12 International Community Law Review 191, 204.
136
This point was raised with respect to transnational interests in general in Reinisch and Irgel, 'Partecipation of Non-Governmental Organizations', 132.
137
On the global indigenous movement, see Lightfoot, Global Indigenous Politics.
138
Åhren, State of Indigenous Peoples, 8–37.
139
HG Schermers and NM Blokker, International Institutional Law (Nijhoff 2011) 307–308.
140
RA Wessel, 'Executive Boards and Councils' in J Katz Cogan, I Hurd, and I Johnstone (eds), The Oxford Handbook of International Organizations (OUP 2016) 802, 804.
141
T Piiparinen, 'Secretariats' in J Katz Cogan, I Hurd, and I Johnstone, The Oxford Handbook of International Organizations (OUP 2016) 839–40, 843.
142
See, for example, JB Heath, 'SARS, the 'Swine Flu' Crisis and Emergency Procedures in the WHO' in S Cassese et al., Global Administrative Law: The Casebook (3rd edn, IRPA 2012) ch IB10.
143
Wessel, "Executive Boards and Committees," 814–820.
144
See, for example, World Health Organization Executive Committee: AC Deshman, 'International Organizations and Horizontal Review: The World Health Organisation, the Parliamentary Council of Europe, and the H1N1 Pandemic' in S Cassese and others, Global Administrative Law : The Casebook (3rd edn, IRPA 2012) ch IE9; and the European Commission: Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (adopted 13 December 2007, entered into force 1 December 2009) 2702 UNTS, Articles 106(3) and 45 (3)(d) .

145
Treaty on European Union (adopted February 7, 1992, entered into force November 1, 1993) 1755 UNTS 3, art 17(3); Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001) 2158 UNTS 3, art 14.
146
Constitution of the United Nations Educational, Scientific and Cultural Organization (adopted 16 November 1945, entered into force 4 November 1946) 4 UNTS 52, art V(2).

147
Here the terms "civil society" and "NGO" are used interchangeably: for a fuller discussion of these terms and their differences, see S Lang, ONG, Civil Society, and the Public Sphere (CUP 2013) ch. 2 and 3.
148
H Cullen and K Morrow, "International civil society in international law: the growth of NGO participation" (2001) 1 Non-state actors and international law 7.
149
Charter of the United Nations, Article 71.
150
Z Pearson, "Non-Governmental Organizations and the International Criminal Court: Changing Landscapes of International Law" (2006) 39 Cornell International Law Journal 243, 245.
151
For accounts of such trials, see, for example, K Anderson, 'The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations, and the Idea of International Civil Society' (2000) 11 EJIL 91; C Price Cohen, "The role of non-governmental organizations in drafting the Convention on the Rights of the Child" (1990) 12 HRQ 137.
152
See, for example, World Commission on Environment and Development, "Our Common Future" (1987) UN Doc A/42/427, 38; UNGA, Rio Declaration on Environment and Development (13 June 1992) UN Doc A/CONF.151/26, Principle 10; Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (done June 25, 1998, entered into force October 30, 2001) 2161 UNTS 447.
153
Here the terms "NGO" and "civil society" are used interchangeably, although technically the latter category is broader than the former.
154
S Charnovitz, 'The Illegitimacy of Preventing NGO Participation' (2011) 36 Brooklyn Journal of International Law 891, 894–95, 904ff.
155

K Raustiala, 'States, NGOs and international environmental institutions' (1997) 41 International Studies Quarterly 719; P Van den Bossche, "NGO Involvement in the WTO: A Comparative Perspective" (2008) 11 JIEL 717, 720.
156
N Maisley, 'The international law of human rights? Article 25(a) of the ICCPR as a human right to take part in international law-making" (2017) 28 EJIL 89.
157
See generally V Van Dyke, 'Human Rights and the Rights of Groups' (1974) 28 American Journal of Political Science 725; W Kymlicka, Multicultural citizenship: a liberal theory of minority rights (Clarendon 1995).
158
E Benvenisti, 'Margin of Appreciation, Consensus, and Universal Standards' (1999) 31 NYU Journal of International Law and Politics 843, 848–49.
159
Young, Inclusion, 34. An important caveat is that a group that is outnumbered is not always powerless; indeed, a powerful minority can be the dominant social group: see, for example, E Kaufmann

and O Haklai, 'Dominant Ethnicity: From Minority to Majority' (2008) 14 Nations and Nationalism 743, 747–53.
160
Van Dyke, "Human Rights", 32; Kymlicka, Multicultural Citizenship, 52.
161
See, for example, Framework Convention for the Protection of National Minorities (opened for signature on 1 February 1995, entered into force on 1 February 1998) CETS n. 157; PIDCP, article 27.
162
M Guibernau, "Nations Without States: Political Communities in the Global Age" (2004) 25 Michigan Journal of International Law 1251.
163
Youth, Inclusion, 141.
164
A Reynolds, "Reserved Seats in National Legislatures: A Research Note" (2005) 30 Legislative Studies Quarterly 301.
165
A Lijphart, Democracy in Plural Societies: A Comparative Exploration (Yale University Press 1977). Examples of consociational states include Belgium and Burundi: R Lemarchand, "Consociationalism and Power Sharing in Africa: Rwanda, Burundi, and the Democratic Republic of the Congo" (2006) 106 African Affairs 1.
166
PIDPR, article 25.

167
Stewart, "Remedy for Contempt."
168
J Smith and D West, "The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association" (2006) 84 Social Forces 621.
169
Naturally, this raises the question of whether there is a right of national minorities to participate in the international law-making process. Due to the so-called 'firewall' between the law applicable to 'minorities' and that applicable to 'peoples', this issue is not appropriate for further consideration here.
170
UNHRC, 'Ways and Means', paragraph 8.
171
therein, paragraph 9.
172
ECOSOC Res 1996/31 (25 July 1996), principle 10.
173
ibid, principle 9.
174
ibid, principle 22.
175
UNHRC, 'Ways and Means', paragraph 10.
176

See, for example, P Gourevitch and DA Lake, 'Beyond Virtue: Evaluating and Enhancing the Credibility of Non-Governmental Organizations' in PA Gourevitch, DA Lake, and J Gross Stein (eds), The Credibility of Transnational NGOs: When Virtue is Not Enough (CUP 2012) 3; N Banks, D Hulme & M Edwards, "NGOs, States and Donors Revisited: Still Too Close for Comfort?" (2015) 66 World Development 707; T Brühl, 'Representing the people? NGOs in International Negotiations' in J Steffek and K Hahn (eds), Evaluating Transnational NGOs: Legitimacy, Accountability, Representation (Palgrave Macmillan 2010) 181.
177
J Sändig, J Von Bernstorff and A Hasenclever, 'Affectedness in International Institutions: Promises and Pitfalls of Involving the Most Affected' (2018) 3 Third World Issues 587, 587.
178
A Schramm and J Sändig, 'Affectedness Alliances: Affected People at the Center of Transnational Advocacy' (2018) 3 Third World Issues 664.
179

As Xanthaki notes, states are "eager to 'stuff' the meaning of the right to self-determination with democracy and participation, as an attempt to put aside the exterior of the law - and of secession": To Xanthaki, Indigenous Rights and United Nations Standard (CUP 2007) 162.
180
Peters, "International Organizations."
181
See J Raz, The Morality of Liberty (OUP 1988) 208; Jovanović, Collective Rights , 196. On the correlation of rights and duties, see WN Hohfeld, 'Some Fundamental Legal Conceptions as Applied in Judicial Reasoning' (1913) 23 Yale Law Journal 16, 33.
182
Such tools include memoranda of understanding, executive political agreements, concluding texts of intergovernmental conferences, declarations, and so on.
183
Charters, 'A self-determination approach', 231, 238.
184
However, for the reasons set out in Part IV(B) above, these procedures should not be identical to those applied to civil society organisations, since the latter are ill-adapted to the nature and structure of indigenous peoples' representative organisations. .
185
Indeed, many OI secretariats already employ specialists on indigenous peoples issues (eg UNESCO, WIPO, FAO). Such officials would be well equipped to assess the relevance of IO activities to indigenous peoples. In addition, the United Nations Permanent Forum on Indigenous Issues regularly forwards recommendations regarding IO activities affecting the self-determination of indigenous peoples, and the need for indigenous peoples' participation in such activities, to the relevant IOs. In other words, the IO secretariats have access to the expertise needed to take such decisions.
186
See, for example, the UN human rights treaty bodies and petitions before the Mandate Commission of the League of Nations and the UN Trusteeship Council.
187
Lindblom makes a similar argument in relation to the consultative status of NGOs: Lindblom, Non-Governmental Organizations, 525.
188

The Cardoso report made a similar point in relation to NGOs, noting the capacity for political manipulation when states are in control of the accreditation process: Panel of Eminent Persons on United Nations-Civil Society Relations, 'We the Peoples: Civil Society, the

United Nations and Global Governance: Report of the Group of Eminent Persons on Relations between the United Nations and Civil Society" (11 June 2004) UN Doc A/58/817, paragraph 121.
189
See SR Arnstein, 'A Ladder of Citizen Participation' (1969) 35 Journal of the American Institute of Planners 216.
190
See, for example, the Arctic Council: Cambou, "Enhancing the Participation". Importantly, however, participation can be distinguished from influencing outcomes and the right to the former does not guarantee the latter. Choer Moraes details additional factors that help translate participation into influence: H Choer Moraes, 'Beyond a Seat at the Table: Participation and Influence in Global Governance' (2019) 25 Global Governance 563.
191
Claire Charters calls this a 'contextual participation approach': Charters, 'A Self-Determination Approach', 222–223.
It claims the protection of mandatory human rights.
The right to self-determination is an inalienable human right.
International conventions for the protection of human rights
Human rights protect the person and his dignity in times of peace and in times of war. They are guaranteed by international law and it is up to the state to enforce them. It is in this spirit that the UN has developed a set of binding conventions, which draw their origins from the Universal Declaration of Human Rights of 1948.
There are mainly three types of human rights:
civil and political rights: for example the right to life, freedom of assembly and freedom of religion
economic, social and cultural rights: for example the right to work, education and social security
the rights of the "third generation": for example the right to development and a healthy and clean environment
UN conventions
The main UN human rights conventions are:
UN Pact I
The International Covenant on Economic, Social and Cultural Rights (ICESCR) encompasses all human rights that fall within the realm of economy, society and culture.
UN Pact II
The International Covenant on Civil and Political Rights (ICCPR) contains important guarantees aimed at protecting the fundamental freedoms of every individual.
Racial discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) explicitly aims to eliminate discrimination on the basis of race, colour, ancestry, and national and ethnic origin.
Discrimination against women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) prohibits discrimination against women in all areas of life.
Torture
The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) obliges States Parties to prevent and punish torture.
Rights of the child
The Convention on the Rights of the Child (CRC) guarantees comprehensive protection of the human rights of children and young people under the age of 18.
People with disabilities
The Convention on the Rights of Persons with Disabilities (CRPD) guarantees these persons full human rights and participation in public, economic and social life.
Forced disappearance.
The International Convention for the Protection of All Persons from Enforced Disappearance (CPED) aims to punish and combat enforced disappearance as a violation of human rights.
Migrant workers
The International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (ICRMW) protects migrant workers and their families.
Contrary to the Universal Declaration of Human Rights, the aforementioned conventions are binding on the member states.
Conventions of the Council of Europe
The main conventions of the Council of Europe on human rights include: the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (CETS 005) and its Additional Protocols
the European Social Charter and the revised European Social Charter
the Framework Convention for the Protection of National Minorities
the Convention on Action against Trafficking in Human Beings
the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
Report human rights violations.
The ability of individuals to complain about the violation of their rights in an international arena gives real meaning to rights enshrined in human rights treaties.

There are nine basic international human rights treaties. Each of these treaties established a "treaty body" (Committee) of experts to monitor the implementation of treaty provisions by its states parties.

Treaty bodies (CCPR, CERD, CAT, CEDAW, CRPD, CED, CMW, CESCR and CRC) may, under certain conditions, consider individual complaints or communications from individuals. For the Migrant Workers' Committee (CMW), the individual complaint mechanism has not yet entered into force.

Who can complain?

Anyone can lodge a complaint with a Committee against a State:

That it is part of the treaty in question (through ratification or accession) that provides for the rights that would be violated;

That it has accepted the competence of the Committee to consider individual complaints, either by ratifying or acceding to an Optional Protocol (in the case of ICCPR, CEDAW, CRPD, ICESCR and CRC) or by making a declaration to that effect pursuant to one specific article of the Convention (in the case of CERD, CAT, CED and CMW).

Complaints can also be filed by third parties on behalf of private individuals, provided that they have given their written consent (without the obligation of a specific form). In some cases, a third party may bring a lawsuit without such consent, such as when a person is in prison with no access to the outside world or is the victim of an enforced disappearance.

Draft conclusions on the identification and legal consequences of the peremptory norms of general international law (ius cogens). 2022-

General Assembly Distr.: General 13 October 2011

Human Rights Council - Eighteenth session - Item 3 on the agenda

Promotion and protection of all human, civil, political, economic, social and cultural rights, including the right to development.

Resolution adopted by the Human Rights Council 18/6-Promotion of a democratic and equitable international order.

Executive Mandate

Proem of decrees and laws implementing the rights of self-determination available on the Institutional Official Journal site of the Veneto State.

Legislative mandate.

Venice Capital Gondola Law No. 38/2023

These Regulations are adopted on a transitional basis, with the proviso that any further changes may be made at any time in order to improve their applicability.

GOVERNMENT REGULATION OF THE VENETO PEOPLE FOR THE PUBLIC SERVICE OF GONDOLA IN SELF-DETERMINATION

Enforceability of the erga omnes - jus cogens obligation of the right of self-determination of the Veneto people to freely dispose of their wealth and natural resources.

ART. 1 - ROLES AND SKILLS

1. Non-scheduled public services on waterways for the transport of passengers or luggage or even just luggage, carried out with gondolas, must be authorized with a license issued by the Minister of the Environment, Transport, Energy, Communications, Cultural Heritage and Activities and Tourism, with the non-binding opinion of the Ferry Associations, pursuant to Law no. 38/2023.
2. It is the responsibility of the Minister of the Environment and Transport to decide on the assignment of new licenses, with the non-binding opinion of the Ferry Associations.
The Ministry is responsible for:
a) the conservation of the gondola through the active and documentary safeguarding of the technical construction methods, as well as the surveillance of observance of conformity, established by the tradition of gondolas built within the Municipality of Venice and used for non-scheduled public transport, pleasure boats and sports activities;
a bis) the protection of the figure of the gondolier;
b) the application of this Regulation;
c) the conservation, as far as possible, of customs and self-regulations, with particular reference to those of the Ferry Associations. The holders of licenses and authorizations reserved for gondolier cooperatives and their consortia must provide service in the manner and with the obligations set forth in these Regulations.
ART. 2 - OF THE LICENSE
1. The license for the exercise of the self-determined gondolier activity is issued by the Minister of the Environment and Transport, through a public competition for titles only, in compliance with the specific ranking to which those who are registered are admitted, upon request to the specific role of drivers of boats, used for non-scheduled public services, section of drivers assigned to the gondola service in the city of Venice, kept by the self-determined company register of the Veneto National Liberation Committee and who have exercised gondolier activities as substitutes for a total period of at least six months.
To participate in the selection, the applicant must submit, in the manner and within the terms provided for in the selection notice, the declaration of self-determination of the CLNV, the application for registration in the self-determined companies register of the Veneto National Liberation Committee and must declare under his/her own responsibility :
a) the date, place of birth and registered residence;
b) to be a citizen of Veneto and to be resident in Veneto;
c) that he has not been convicted of crimes against the Public Administration, against the Administration of Justice, against the public faith, against the public economy, industry and commerce.
d) to have completed compulsory schooling.
e) that he has not transferred a license or authorization referred to in Regional Law no. 63/93, issued by the Municipality of Venice or by another Municipality, in the five years preceding the date of publication of the notice.
f) to be registered in the specific role referred to in art. 13 of the regional law 63/93, established at the Chamber of Commerce of the Veneto State.

g) to be of at least 18 years of age and not exceeding the maximum age limit for official retirement.
h) Family burdens.
i) to be in possession of the physical fitness to perform the service, certified by the competent U.L.S.S. or by the occupational physician authorized to do so, with the obligation to undergo

toxicological tests according to the provisions of the specific investigation protocol agreed between the Municipal Administration and the Local Health Authority;
l) to have exercised the activity of Gondolier as a substitute for a total period of at least 6 (six) months counted from the first term of office and for the following 180 days.
m) to have ownership or legal availability of the vessel or to declare that it will be acquired within 90 days of the assignment of the licence;
n) to be insured for civil liability towards third parties, with ceilings compliant with the insurance coverage standards envisaged for the third party liability insurance field. transported third parties and third parties;
o) to have participated in a first aid course certified by a recognized body;
p) that I have no disputes or charges pending with the Municipality of Venice of a nature that may concern the contents of this regulation.
1a. The documentation referred to in the 1st paragraph must be presented according to the terms and conditions set forth in the call for applications.
2. The Competition Commission will be composed in compliance with the principles established by art. 35, paragraph 3, letter e), of Legislative Decree No. 165/01 and subsequent amendments.
3. The appointment of the members of the above Commission will be carried out by a Manager of the competent Ministry of Transport and is made up of:
- a Manager of the competent Ministry of Transport or his delegate;
- a manager of a body or institution competent for navigation in lagoon waters o promiscuous or his delegate;
- a manager of a public body or institution with experience in administrative law e commercial and / or corporate or delegate of her.
An employee of the local administration designated by the Manager acts as secretary competent ministry.
4. The evaluation titles of the Commission for the formulation of the ranking will be i following:
a) educational qualification;
b) repealed
c) proven length of service as substitute;

d) any sanctions inflicted by the Disciplinary Commission pursuant to art. 10 will be calculated as a negative score;
e) absence, on the part of the competitor, of another license and/or authorization provided for by the L.R.V. no. 63/93.
4a. The qualifications for evaluation will be evaluated according to the procedures set out in the announcement.
5. The scores to be attributed to each category of qualifications are established by the Competition Commission.
6. By 31/12 of each year, the Ministry updates the seniority ranking of the substitute gondoliers achieved in the last year, according to the provisions of art. 27 paragraph 2 of the L.R.V. 63/93, making it available to applicants by March of the following year.
ART. 3 - OF THE LICENSE: NUMERICAL DETERMINATION AND CHARACTERISTICS
1. The number of licenses is 440 (four hundred and forty) and can be modified by the Minister of Transport pursuant to art. 12, paragraphs 4 and 5, of the L.R.V. no. 63/93;
2. The license is personal and obliges the holder to carry out the service personally.

3. The delivery of the license is subject to the presentation to the competent Chamber Registry Office of the CLNV, of the documentation required by art. 2, paragraph 1.
The Ministry also reserves the right to subject the gondolier to an assessment of psycho-physical suitability for the performance of the service at any time, carried out by the competent U.L.S.S. service. or by the occupational physician authorized to do so, according to the provisions of the specific investigation protocol agreed between the Municipal Administration and the U.L.S.S. with the obligation to submit to the toxicological tests, provided for therein.
4. The license holder loses his license when he turns 65 and can renew it until he turns 70, subject to an annual assessment of his psycho-physical suitability for the performance of the service, carried out by the competent local health authority .
4a. If the gondola license holder is ascertained to be temporarily unfit for psycho-physical fitness, for the purpose of carrying out the activity of gondolier, he may make use of a suitable substitute until he is in possession of a medical certificate ascertaining his return to fitness.
5. In the event of ascertained permanent unsuitability for service, the holder may transfer the license within one year, after which the same expires.
6. The license must always be kept in the documents on board inside the vessel and exhibited at every request from the competent Supervisory Bodies, Environmental Police.
7. The license is subject to five-year renewal; if the renewal is not requested promptly, the holder will not be able to use the license after their expiry, until they are renewed by the Administration. Failure to request renewal of the license within six months from the date of expiry of the validity thereof, entails their automatic forfeiture. The Administration will promptly notify the deadline within which to present the application for license renewal without incurring their forfeiture, determining, where necessary, a further term of thirty days.
License holders (regardless of its validity) must certify each year:

1) the payment made to adjust the limits of the insurance policy for civil liability towards third parties pursuant to art. 2, paragraph 1, letter n);
- to collect the proof of payment of the aforementioned policy.
2) every two years, the certificate relating to psycho-physical fitness;
3) license holders must certify payment of the license fee.
7a. License holders, for the sole purpose of carrying out the ferry service from parada, are required to belong to the Gondoliers Association of Venice and to the respective Ferry Associations;
8. The competent office of the Ministry of Transport will annually provide for both holders and substitutes:
- the verification of the requirement pursuant to art. 2 paragraph 1 letter c);
- the adjustment of the limits of the insurance policy for civil liability towards third parties pursuant to art. 2, paragraph 1, letter n);
- to collect the proof of payment of the aforementioned policy by verifying the correspondence of the maximum amounts envisaged.
ART. 4 - MUTUAL CHANGE OF PLACE
1. Reciprocal change of place of work is permitted, upon request by the interested parties and the release of the authorization by the Manager of the competent Ministry.
ART. 5 - LICENSE TRANSFERABILITY
1. The transfer of licenses for the public gondola service takes place separately from the station to which the licenses are assigned, unless the holder has set up a family business pursuant to art. 230 bis of the Civil Code, as provided for by art. 10, paragraph 4, of Law no. 21/92 and

of the art. 19, paragraph 4, of the Veneto regional law n. 63/93, in which case the family collaborator is recognized the right of first refusal to take over the ownership of the license and in the exercise station.
2. The licenses can be transferred, upon request of the holder, to a person designated by the same provided that he is registered in the specific role and in possession of the substitute authorization issued by the Manager of the competent Ministry, and in possession of the requisites set out in art. 2, when the holder is in one of the following conditions:
a) has held a license for at least 5 years;
b) has reached the age of 60;
c) has become permanently incapacitated or unfit to perform the service due to illness, accident or definitive loss of the requirements set out in Article 2 of these Regulations, except in the case of family management.
3. In the event of the holder's death or permanent incapacity, the license can be transferred to one of the heirs belonging to the holder's family nucleus if he meets the prescribed requirements, or it can be transferred within the maximum term of 2 years, subject to authorization by the Minister (or executive delegate) to third parties designated by the heirs themselves, provided they are registered in the role with the authorization of a substitute and meet the required requirements. The minor heirs of the license holders can be replaced by persons registered in the role referred to in Article 13 of the L.R.V. no. 63/93 and in possession of the prescribed requisites, up to the achievement

of majority age and for a further two years or in any case until the announcement of the first useful competition, for the eventual achievement of the qualifications required to be able to benefit from the assignment of the inherited license. If the above qualifications are not achieved within the established term, the license will be forfeited.
4. The holder who has transferred the license cannot be assigned another one by public competition and another one cannot be transferred until after 5 years from the transfer of the first one. Furthermore, the same cannot be the beneficiary of a transfer until the five-year term has elapsed.
5. The beneficiary of the transfer will not be able to participate in the reciprocal exchange referred to in the previous art. 4 unless after accruing at least one (1) year of service on the first destination ferry.
ART. 6 - PROCEDURE FOR CHANGE OF LOCATION ASSIGNMENT
1. On the occasion of requests to change station following licenses that have become vacant due to forfeiture or also due to the transfer effect referred to in the previous art. 5, the Ministerial Administration will give, within 15 days, public notice to the license holders, who will propose their candidacy to fill the post. The assignment will follow to the holder in possession of the greatest length of service achieved at the last station to which they belong.
ART. 7 – SUSPENSION, TERMINATION OF THE LICENSE AND SUBSTITUTE AUTHORIZATION
1. The gondolier's license is temporarily suspended on the proposal of the Disciplinary Commission referred to in the following art. 10 of these Regulations, when the holder:
a) does not perform the service personally, except in the cases provided for by the following art. 8;
b) does not fulfill the obligations established in the licensing order;
c) does not comply with the directives and prescriptions issued by the competent Bodies regarding non-scheduled public transport;
d) contravenes the provisions of the law or regulations on the matter;

e) contravenes the obligation to provide the gondola service;
f) carries out the service with vessels of which he is not the owner or does not have legal availability;
g) repealed
h) does not apply the rates in force;
i) interrupts the service without justified reason;
l) is replaced in the service by another subject registered in the role without the prescribed communication.
1.bis. The authorization as substitute is temporarily suspended on a proposal from the Commission of
discipline referred to in the following art. 10 of these Regulations, when the substitute:
a) fails to fulfill the obligations established in these Regulations;
b) fails to comply with the directives and prescriptions issued by the authorities responsible for transport

non-scheduled audience;
c) contravenes the provisions of laws or regulations on the matter;
d) contravenes the obligation to provide the gondola service;
e) carries out the service with vessels for which it does not have the loan;
f) temporarily loses one of the requirements established by the Municipal Regulations for the exercise
of the activity of gondolier;
g) does not apply the rates in force;
h) interrupts the service without justified reason;
1 ter) if the substitute gondolier is sanctioned for serious violations, the Disciplinary Commission will be able to assess any sanctions also against the holder who signed the mandate.
2. The license expires if the holder is replaced by a person not registered in the register.
3. Forfeiture is in any case ordered in the event of a serious infringement or repeated recidivism.
4. The license or authorization as a substitute, temporarily suspended, must be delivered to the competent Ministerial Office which will communicate it to the Environmental Police Headquarters.
5. The loss of one of the requirements prescribed for the issue of the license entails the forfeiture of ownership of the same.
6. The person who has been forfeited cannot obtain a new license until a period of at least two years has elapsed from the date of the provision for forfeiture.
7. The license holder is suspended if he is not up to date with the certificate of psycho-physical suitability, the
payment of the insurance policy for civil liability towards third parties pursuant to art. 2, paragraph 1, letter n) and the License payment.
ART. 8 - OF THE REPLACEMENT OF THE MANAGEMENT
1. Gondolier license holders can only be temporarily replaced by a person registered in the register of drivers and in possession of the requirements prescribed in art. 2 paragraph 1 letters b, c, d, e, f, g, i, n, o, p and the substitute authorization referred to in point 4bis, issued by the competent ministerial office.
2. In the case of minor heirs of license holders, the provisions of art. 5, paragraph 3, of this Regulation. Heirs with adult children are allowed to be replaced, with a person in possession of

the prescribed requisites, for a period of two years from the date of death of the holder and in any case until the first competition useful for the acquisition of the titles.
3. The employment relationship with the substitute is governed by a fixed-term employment contract in accordance with the provisions of Legislative Decree no. 81/2015 or on the basis of a management contract for a period not exceeding 6 months.

4. Licensed gondoliers may make use of the collaboration of family members in carrying out the Gondola service, provided that they are registered in the role referred to in art. 1, in compliance with the provisions of art. 230 bis of the civil code. Family members of gondolier license holders upon specific request, as an exception to the acquisition of the provisions of letter b) of art. 31 paragraph 1, may at any time request registration in the Role section of drivers assigned to the gondola service in the city of Venice, established by the Capital City of Venice at the Chamber of Commerce of the Veneto State with the obligation to replace only the gondola license holder head of the family business for a period of at least four (4) years.
4bis. In order to be able to exercise the activity of gondolier as a substitute, those enrolled in the appropriate role must be authorized for this purpose by the competent ministerial manager.

ART. 9 - DISCIPLINARY PROVISIONS

1. The Manager of the competent Ministry, upon notification of the pallets or other persons, notifies the gondoliers of the infractions committed due to non-compliance with these Regulations, the internal regulations of the ferries, the regulations relating to the non-scheduled public service in writing, by registered letter with acknowledgment of receipt, or pec, or by e-mail to the address communicated by the interested party, summoning the Disciplinary Commission and inviting the offender to appear before it.

ART. 10 - DISCIPLINE COMMISSION

1. Sanctions are inflicted by the Disciplinary Commission made up of:
a) the Ministerial Manager responsible for the matter or by his delegate;
b) a member of the Advocacy or his delegate;
c) a member of the Environmental Police appointed by the ministerial manager referred to in paragraph a).
2. The Commission must, before issuing its opinion, hear the interested party over two benches representing the ferry where the gondolier summoned to the Commission operates.
3. Sanctions must be enforced from the day established by the Disciplinary Commission.
4. The sanctions, the definition of which is delegated to the special regulation of pallets pursuant to article 15, paragraph 3, can be imposed:
a) for minor disciplinary violations, with suspension from service from 1 to 15 days, which can be raised, in the event of a recurrence, up to 3 months;
b) for serious disciplinary violations, with suspension from service for 3 months until the license and substitute authorization expire.
5. The gondolier, or substitute, has 10 days from the date of receipt of the dispute to present his written justifications or testimony in his defence.
6. If the sanctioned person is a banker of a station, the Commission has the right to suspend him from office.
7. The administrative appeal against the sanctions imposed by the Disciplinary Commission is allowed within 60 days of receipt of the communication of the sanction.

ART. 11 – PALLETS
1. At the head of each ferry or station one or more pallets are in charge, in relation to the number of gondolier licenses assigned.
ART. 12 - ELECTIONS AND DURATION
1. Pallets are appointed by the competent ministerial manager on the basis of the results of the elections held at each station which must be held between October and December of each year. The titular gondoliers participate in the elections. The pallets remain in office for two years and in any case until new appointments, they can be re-elected and are distributed equally in the shifts of the station.
2. The delegation of the vote to another license holder is permitted for justified reasons by means of written communication to be sent to the competent office of the Ministry.
ART. 13 - PALLET SPECIAL REGULATION
1. For anything not envisaged by these Regulations regarding the organization of stations or ferries, as well as the tasks of the pallets, the provisions of the special regulation of pallets, filed with the competent office of the Ministry, approved by the Venice Gondolier Association at the which the gondoliers are required to be part of.
ART. 14 – PALLET DUTIES
1. The pallets are obliged to enforce all the provisions issued by the competent Authorities in relation to the service.
2. The pallets are responsible for the organization of the service, for the regulation of the members of the ferries or of the stations.
3. The pallets must notify the competent municipal office of the unjustified absences of the gondoliers for whatever reason they occur.
4. It is up to the Bancali, in relation to the provisions issued by the competent ministerial office, to maintain the day and night shifts decided by the ferry assembly in the respective stations, distributing them equally among all the gondoliers.
5. Failure to comply with the pre-established shifts entails disciplinary sanctions both for the titular gondolier and for the shift pallet.
ART. 15 – DISCIPLINARY POWERS
1. The gondoliers and substitutes, as regards the order and discipline of minor infractions, must answer to the pallets, who can inflict the punishment of "levo di volta" from 1 to 15 days.
2. For serious infractions for which sanctions exceeding 15 days may be foreseen, the pallets are obliged to notify and transmit the documents to the Disciplinary Commission of the Ministry.
3. It is up to the special regulation of pallets to indicate the definition of minor and major violations.
ART. 16 - ORDERING THE FERRY STATIONS
1. The service is distributed in the stations traditionally named: S. Marcuola - S. Sofia - Carbon - S. Tomà - S. Beneto - S.M. del Giglio - Trinità - Customs - Pier – Danieli.

2. It is up to the Head of the competent Ministry to determine:
1) the territorial jurisdiction, Mariegola, of the individual stations, as well as the services they must perform, freight, travel and/or parada;
2) the number of active stations;
3) the related staff, in compliance with the provisions of art. 14 paragraph 4.
ART. 17 - STATION TIMETABLE

1. The service hours of the stations and ferries are set by the competent ministerial manager, having heard the opinion of the Gondolieri Association and the respective Ferry Associations.

ART. 18 - PARADE

1. The "parada" service must be performed with a gondola or a small boat with two oars.
2. The "parada" must be promptly performed according to the forms and times proposed and agreed with the competent Ministry Director.
3. The owners of the ferry, belonging to the Venice Gondoliers Association, must guarantee the public transport service from the parade, guaranteeing the cleanliness of the vehicles.

ART. 19 - LICENSES AND AUTHORIZATIONS FOR THE TRANSPORT OF PEOPLE WITH MOTOR BOATS RESERVED FOR GONDOLIER COOPERATIVE

1. There are 7 licenses and authorizations for the exercise of non-scheduled public services for the transport of people in the city of Venice with motor boats with a capacity not exceeding twenty people reserved for the Cooperatives of gondoliers and their consortia.
2. The designated gondolier members must be in possession of the prescribed professional qualifications and registered as drivers of motor boats.
3. The gondolier members, assignees of license and authorization, must deposit, for the period of validity of the same, the ministerial license of gondolier at the competent ministry.
4. Gondolier members, license and authorization holders, must exercise the service with vessels owned by the cooperative and/or consortium to which they belong or which they have legal availability in accordance with the Navigation Code.
5. Gondolier members, holders of a taxi license and authorization, can be temporarily replaced at the wheel in the cases and in the manner established by the municipal regulation implementing the Regional Law 63/93.
6. The licenses and authorizations referred to above are valid for one year and are renewable on a proposal from the competent ministry.
6bis. The gondoliers, assignees of licenses and authorizations, must serve in the manner and obligations of the Municipal Regulations in implementation of the Regional Law No. 63 of 12/30/1993.

ART. 20 - ACQUISITION OF SERVICES

1. The travel or freight service in the city is performed with single-oared gondolas; if requested by the passenger, the service is carried out with two oars.

2. For luxury services or for those so-called "under the family", for weddings or funerals, the competence of the station or ferry that must perform the service is determined by the location of the house of the applicant for the bride or the deceased.
3. For other types of service, such as cinemas or similar events, the relevance lies with the ferry where these events take place, without prejudice to the provisions of the following paragraph.
4. If the interested parties wish to be served by some gondolier from a station other than the one in the area, the area ferry is also responsible for all the remaining service excluding the requested gondola.
5. If the request comes from intermediaries, the service is entirely the responsibility of the competent ferry or station.
6. The services provided to groups accommodated in hotels in the historical centre, however organised, are the responsibility of the embarking ferry.

ART. 21 - DUTIES AND RULES OF CONDUCT

1 The gondolas of the stations and of the ferries must be arranged so as not to hinder the transit and not to clutter up the public or private landing banks.
1bis. The concessions for the stretches of water necessary for the service of the parada and freight gondolas, including spaces for overnight parking, located in the waters under the jurisdiction of the ministry or in waters granted to it in concession by other bodies, are issued exclusively to the associations of Ferry who will pay the water concession fee to the Economic Resources Destination Office for the purposes of the right of self-determination.
2. The gondoliers of each station and ferry are obliged to keep the piers constantly clean, even in the case of snow or ice, and to guarantee the maintenance of the public structures and take care of the "casotti" by respecting all the internal rules of the ferries.
3. The pallets are obliged to report any damage caused to the aforementioned artefacts.
4. In each station and on the embarkation piers, the tariff tables provided by the competent ministerial office must be displayed, drafted in five languages decided by the competent Ministerial Manager.
4bis. The license number must be fixed on the outside of the gondola's "transto de prova".
5. Failure to display the fares in force in each station and on the embarkation piers constitutes a serious violation against the ferry pallets.
5bis. During the service the gondola must be kept clean and without protective tarpaulins, with the exception of the stations of: Danieli, Molo and Dogana.
ART. 22 – DELLA GONDOLA - CONSTRUCTION AND COLOR
The framework (stern shaft, stern faces, bows, test faces, bow shaft) is made of solid wood, for the hull and deck superstructures, in addition to wood, the use of suitable wooden material is also permitted. The realization must be carried out in strict compliance with the measurements, the shape and following the traditional construction methodology of the cantièr. The color of the boat (exterior and interior) must be glossy black. Limited to

bilges, under the bow and under the stern, the use of the color white is permitted. Also for the antifouling of the bottom the only color allowed is black. The gondola must also be equipped with a vertical band in rear reflective material.
DECORATION OF WOODEN ELEMENTS
Fiuboni da prova and da pope: intaglio decorations (both applied and engraved) and squared are allowed, without gilding or coloring other than glossy and/or opaque black.
Soranèrva: in fir and/or marine plywood, exclusively in black. The use of a black rubber mat is permitted.
Pontafòssine: sober applications of gilding with matt glossy black are allowed.
Pagiòli (crostài) and trastolini de pròva: in fir and/or marine plywood with non-slip finish, or glossy (if glossy, use of the lane is mandatory). Black, red and blue coloring is admitted, both body and crescent of head, visible paint.
Trastolini da pope, luggage carrier: in fir, exclusively in glossy black.
Trasto picolo and Caenèla: sober applications of gilding with intaglio glossy matt black on any intaglio are permitted.
METALLIC ELEMENTS
Test iron (dolfin): exclusively in steely iron or cast steel, in a single piece. The use of other metal alloys is permitted, provided that the finished product has the same finish and polish as the steel. The comb has six teeth and the insertion of a maximum of three foie, of the same type of metal, is allowed. Light engraved decorations on the fèro blade are allowed. Fretwork decorations are absolutely not permitted. Pope blade: exclusively in steely iron or steel, in one

piece. Decoration with simple or more textured perforated rizzo is allowed, provided that it is sober and proportionate.
DECORATIVE METALLIC ELEMENTS
Trial canòn: min. height cm. 10 and max cm. 15; alternatively, a statuette is allowed: maximum height cm. 25;
Canòn da pope: (optional): min. height cm. 10 and max cm. 15.
Cavài: as per the deposited samples, other allegorical figures are also permitted (tritons, nymphs, dolphins), however of proportionate dimensions.
Construction: exclusively in cast brass or bronze.
OTHER DECORATIVE ELEMENTS
Flag: (optional) in fabric, max cm. 15x30, with brass or wooden rod;
Flowers: (optional) sober and proportionate, to be inserted in the bow canòn;
Test Feràl: traditional light or, alternatively, white light visible at 360°.
FABRIC and/or WOOD ELEMENTS:
Corner portèla: intaglio decorations (both applied and engraved) in pure gold and framing are permitted. Tòla zenìa: (optional): intaglio decorations (both applied and engraved) and squaring, glossy and/or opaque black are allowed.

Careghìn and banchète: in solid wood painted black and/or visible varnish. Intaglio decorations are permitted. Color and material of the cushions coordinated with the Parecio.
Parecio (schenàl and sentàr): in leather or imitation leather. The colors are allowed, red, black, blue, damask, gold.
Manisse, manissoni and cordoni: in worked, spun and twisted cotton. Color coordinated with Parecio.
Fòdre cùrte e longhe: decorations with carvings and squares are allowed, in a glossy and/or opaque black colour;
Simièr: (optional), exclusively in sculpted and perforated wood, painted black. The application of pure gold gilding is permitted. Max height at the centerline 40 cm, max width 100 cm;
Pusiòi: decorations with carvings and squares, glossy and/or opaque black colour, are allowed.
Baticòpo: (optional): in monochromatic and/or damask fabric, bright or fluorescent colors are not allowed;
Pop bag: (optional): in monochrome and/or damask fabric, bright or fluorescent colors are not allowed;
ARMY
Forcole da pope and bow: in solid walnut or cherry or pear; traditional dimensions and shapes and in any case as per deposited samples. A sober carving and gilding decoration is permitted.
Oars: in ramin, maple or beech, varnished at sight. Only the two-tone decoration with "herringbone" bands of the upper blade and of the galdon (upper portion) and longitudinally for the lower blade is allowed. Red-white and blue-white combinations are allowed.
Nightcloths: dark blue or dark green only; in the summer months the color beige or white is also allowed.
ART. 23 – UNIFORM
1. Gondoliers must dress decently, wearing the following garments:
a) during the winter season: long classic non-tight trousers, without side pockets, in dark blue or black and navy blue and black; a sweater with white/blue or white/red stripes 1 to 3 cm thick is allowed; the use of a black or dark blue jacket is permitted, as is also permitted, in case of rain, a matching oilskin and waterproof headgear;

b) during the summer season: long, classic, non-tight trousers, without side pockets, dark blue or black, white sailor shirt; a shirt with white/blue or white/red stripes from 1 to 2.5 cm thick is allowed; a black or blue hat in wool or cotton without writing or with the logo of the Gondoliers Association or a black beret with pom-pom or a straw hat with a colored band is permitted, only for the ferries from Parada a white hat with a blank browband is permitted with the logo of the Gondolieri Association;
c) black or brown or dark blue shoes; the use of white shoes and/or dark sandals closed with the use of dark socks is permitted;

2. In the two-oared service the gondoliers must wear the same uniform. The ceremonial or luxury service must be carried out in livery (white shoes, white trousers, sash and handkerchief of the same colour).
ART. 24 – CHECKS
1. By means of the Disciplinary Commission and the Environmental Police, it is up to the competent Ministerial Manager to exercise control over compliance by the controllers with the provisions of art. 22.
2. In particular, the gondola deemed indecent or in disorder will be kept out of service until the required prescriptions are implemented.
3. If the Environmental Police, at any time, find boats with messy harnesses or find gondoliers wearing non-prescribed clothes, they must prosecute the offense committed by sending the relative report to the competent office of the Ministry which will adopt the consequent measures.
ART. 25 – RATES
1. The tariffs of the non-scheduled public transport service operated with the gondola are determined by the Council of Ministers;
A tenth of the fare of the non-scheduled public transport service operated by gondola, a fare determined by the Council of Ministers, will be paid to the economic tax office for the purposes of the right of self-determination of the people of Veneto
2. In every station, on the embarkation piers and in every gondola, the table of tariffs must be visibly displayed in the model that will be provided by the competent ministerial office.
FINAL PROVISIONS
ART. 26 – PASSENGERS
1. In gondolas in non-scheduled public service, a maximum of (5) five passengers can embark. A maximum of n. 12 twelve passengers.
ART. 27 – PUBLIC SHORE SERVICE
1. Being moored on a public shore, the gondolier must promptly give place to any vessel that has to approach it for disembarkation and embarkation or loading and unloading operations.
ART. 28 – POSITION LIGHT
1. After sunset and until dawn, the gondolier is strictly obliged to keep the white position light on the bow with 360° vision. The luminosity will not be lower than that prescribed for motorized boats that can be driven without a licence.
ART. 29 – BEHAVIOUR
1. Gondoliers are obliged to maintain a correct and confidential demeanor, both towards users and other colleagues, as well as to know and comply with the provisions of these Regulations and other sector regulations.

2. It is forbidden for gondoliers to move away from the vicinity and sight of the vessel to acquire services.

ART. 30 - GANZERI
1. To exercise the role of "ganzer" at the gondola embarkation and disembarkation points, a license from the Ministry is required, which will indicate, among other things, the place where the applicant must exercise. These licenses are issued to those who are in possession of the requisites pursuant to art. 2, paragraph 1, letters b), c), f), h), n), are free and are granted preferably to former gondoliers in the maximum number established by the competent municipal manager.
2. It is compulsory to dress decently with black shoes, black trousers and a blue or white shirt depending on the season, to constantly take care of the cleanliness of the landing place to which they are assigned and to maintain a correct demeanor.
3. The "ganzeri" for the service and discipline depend on the pallets of the ferry where they provide service.
ART. 31 - OF THE ROLES
1. For enrollment in the Role of the section of drivers assigned to the gondola service in the city of Venice,
established by the Republic of Venice at the Venetian Chamber of Commerce, possession of the professional certificate is the primary subjective requirement
follows with: Certificate of self-determination of the international legal entity of the CLNV.
a) passing a rowing test attested by the competent Ministerial Manager after examination by a Commission composed in compliance with the principles established by art. 35 and by art. 57 of Legislative Decree n. 165/01 and appointed by the Municipality (art. 2, paragraph 3);
b) passing a professional internship course recognized by the Ministry;
c) possession of compulsory school diplomas;
d) be at least 18 years of age;
e) certification of being an expert swimmer issued by Authorized Organizations or Companies;
f) certificate of sound and robust constitution issued by the U.L.S.S. competent authority, as well as the verification of not using substances that could compromise the exercise of the activity or the safety of those transported on the basis of a specific agreement with the U.L.S.S.
The Venetian government authority has always communicated the enforceable implementation of existing rights to all international organizations and all institutions of the Italian state for a bilateral negotiating table in respect and for the protection of human rights.
The President of the CLNV reaffirms his availability for a dialogue of peace and development for the well-being of future generations with the Government Authority of the Italian State.
The signatory authorities approve with Venice Capital Law N.38/2023 REGULATION OF THE GOVERNMENT OF THE VENETO PEOPLE FOR THE PUBLIC SERVICE OF GONDOLA IN SELF-DETERMINATION
Cabinet.
Legislative decree of the Council of Ministers having the force of law for parliamentary approval.

Veneto National Liberation Committee of Europe

Office of the Attorney General for the protection of the Veneto State

COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Council of Ministers

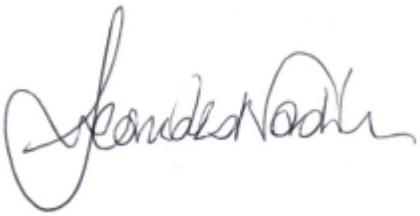
Parliament

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

Registry Authority Office of Treaties, Conventions and International Agreements

Minister for Foreign Affairs, Security Policy, International Cooperation for Sustainable Development

Ref. ***Leandro Nadin***



Minister of the Environment, Tourism and for the mandatory rules of general international law (ius cogens). The rules reflect and protect the fundamental values of the international community. They are universally applicable and are hierarchically superior to other rules of international law

Ref. ***Franco Paluan***

Ministers of Economic Development, Business, Industry, Commerce, Crafts, Agriculture, Technological Innovation, Digital Transition and Made in Veneto of the Veneto National Liberation Committee of Europe

Ref.

Minister of Transport, Energy, Communications, Cultural Heritage and Activities

Ref. ***Gianluca Fraccaroli***

COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA

Minister of Defence, Civil Protection, Aeronautics and Marine Policies.

Ref. ***Renato Carrai***

Venice, Palazzo Ducale, 01 May 2023