



REGIONAL COUNCIL OF VENETO

NINTH LEGISLATURE

139th Public Session – Wednesday, November 28 2012

Deliberation n. 145

VENETIAN PEOPLE'S RIGHT TO THE COMPLETE IMPLEMENTATION OF SELF-DETERMINATION

OBJECT: RESOLUTION PRESENTED BY COUNCIL MEMBERS FOGGIATO, CANER, BOND, FINCO, BOZZA, FURLANETTO, PETTENO', SANDRI, BAGGIO, BASSI, CAPPON, CENCI, CORAZZARI, LAZZARINI, POSSAMAI, TOSATO, CIAMBETTI, CONTE, FINOZZI, MANZATO AND STIVAL WITH REGARDS TO: "VENETIAN PEOPLE'S RIGHT TO THE COMPLETE IMPLEMENTATION OF SELF-DETERMINATION".

(Resolution . 44)

THE REGIONAL COUNCIL OF VENETO

WHEREAS:

- 1) it is a universally recognized principle that the legitimacy of sovereign rule resides only on the "consensus of the people";
- 2) the "Venetian People (*Popolo Veneto*)" is an ancient historical reality, alive and present, already legally organized in a sovereign way in a precise geographical region where even today the same language is spoken, the same culture grows, the same traditions, the same collective habits are valued, high values of family, nation, work and solidarity, rule of law and justice in freedom are defended;
- 3) the "Venetian People (*Popolo Veneto*)" are legally recognized as such by Italian regulations that with the law n. 340 of May 22nd, 1971, at Article 2 expressly recognizes the right of "self-government of Venetian People (*Popolo Veneto*) is implemented in forms corresponding to the characteristics and traditions of its history";
- 4) it is part of the "Venetian People's (*Popolo Veneto*)" faculties to invoke and claim the right to verify via referendum (confirming or refuting) - in legal and democratic ways (also regulated by acts internationally drafted and signed) – the act of accession of Veneto as part of the Italian state in 1866;
- 5) that Article 10 of the Italian Constitution provides that the Italian legal systems must conform to the generally recognized rules of international law;
- 6) also Veneto's annexation to the Italian kingdom with the referendum held on October 21st and 22nd 1866;

- 7) today the Venetian People (*Popolo Veneto*) are claiming peacefully, legally and democratically the same right to a referendum substantially on the same question;
- 8) the desire to exercise the Venetian People's (*Popolo Veneto*) right of direct and official consultation rests, among other things, on a number of norms of international law that provides for and confirms the right of self-determination of peoples, a natural law, and as such intangible, inalienable and imprescriptible of all free people;
- 9) people's right of self-determination is solemnly proclaimed and recognized:
 - from the UN "Charter" Article 1 comma 2, and Article 55;
 - from the "Resolution" n. 1514 (XV) of December 14th 1980 of the UN's General Assembly;
 - from the "International Covenant on Civil and Political Rights" adopted in New York on December 19th 1966 and ratified by Italy with law n.881 of October 25th 1977;
 - from "Resolution" n. 2625 (XXV) of October 24th 1970 of the UN's General Assembly;
 - from the final document of the Conference on Security and Cooperation in Europe, signed in Helsinki on August 1st 1975 part (VIII) Articles 29.30;
 - the "Declaration" adopted by the International Conference of Algiers of July 1st to 4th 1976 - Article 5;
- 10) the International Court of Justice has declared that:
 - "The principle of self-determination has been recognized by the United Nations Charter and in the jurisprudence of the Court ... [and] is one of the essential principles of contemporary international law"; [See Case Concerning East Timor, International Court of Justice 102 (1995).]
 - "During the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation. ... Indeed, it is entirely possible for a particular act — such as a unilateral declaration of independence — not to be in violation of international law without necessarily constituting the exercise of a right conferred by it. ... During the eighteenth, nineteenth and early twentieth centuries, there were numerous instances of declarations of independence, often strenuously opposed by the State from which independence was being declared. Sometimes a declaration resulted in the creation of a new State, at others it did not. In no case, however, does the practice of States as a whole suggest that the act of promulgating the declaration was regarded as contrary to international law." (Advisory Opinion of July 22nd 2010 - Accordance with international law of the unilateral declaration of independence in respect of Kosovo);
 - "The Court thus arrives at the conclusion that, taking all factors together, the authors of the declaration of independence of February 17th 2008 did not act as one of the Provisional Institutions of Self-Government within the Constitutional Framework, but rather as persons who acted together in their capacity as representatives of the people of Kosovo outside the framework of the interim administration."
 - "the declaration of independence of 17 February 2008 was not issued by the Provisional Institutions of Self-Government, nor was it an act intended to take effect, or actually taking effect, within the legal order in which those Provisional Institutions operated. It follows that the authors of the declaration of independence were not bound by the framework of powers and responsibilities established to govern the conduct of the Provisional Institutions of Self-Government."

11) initiatives defending, exercising and acting upon people's right of self-determination have been:

a) already implemented recently in Scotland and Wales with the use of the referendum consultation in their respective populations for the creation of autonomous parliaments and, in 2014, the Scotland vote on a referendum to know the will of the Scots regarding the declaration of independence from the United Kingdom;

b) already advocated by other European nations such as the Catalan whose parliament has approved a specific "Resolution", on December 18th, 1989, which solemnly reaffirms the right of the "Catalan people" on the exercise of that right;

c) already requested in the V legislature with the motion 53 of June 4th 1991 and now widely supported by the Veneto citizens and citizens of other regions of Northern Italy. It is noted that the Presidents of Veneto, Piedmont, Lombardy took initiative to study law with opinions eligibility constitution favorable to the holding of public consultations aimed in the direction indicated;

12) it is for the Regional Council of Veneto to establish beyond reasonable doubt the will of the Venetian People in regards to its self-determination, even up to independence;

13) with the Resolution n. 42 of April 22nd 1998, the Regional Council of Veneto "invoked its right to a direct democratic referendum for the free expression of the right of self-determination within the framework and the tools provided for by the applicable law, including international, and at the same time urged the constitutional and institutional bodies of the Italian Republic to establish expeditiously the approval of a special law to regulate the ways and forms to exercise of the right of self-determination, a right based on which in 1866 the "Venetian People (*Popolo Veneto*)" - owner of the natural sovereignty and its disposal - had joined Italian state through the instrument of direct referendum consultation";

14) the tax fidelity, upon which the civic pact between communities belonging to the same state order, has much different intensity in different territories and that data from ISTAT and the Court of Auditors confirm that Veneto is the area of the country where tax fidelity is the highest;

this stated and recalled, even in coherence with the thinking and history of democratic federalism represented by Silvio Trentin,

approves

the following Resolution:

"The Venetian People", exercising its natural and legitimate right of self-government, historical and current, recalling all historical, political and juridical reasons cited above, in advance

recognizing

the current Italian constitutional legality that sees it as a fundamental autonomous part in the current State unity;

recalling

the juridical principles generally recognized by the norms of international law as fundamental to civil society and peace among Peoples, as well as the consolidated law of international organizations, that recognizing the right of peoples to self-determination it protects the right to free expression of their will,

confirming

its own right to have a democratic and direct referendum consultation to freely express the right of self-determination within the framework provided by the current legality, even international and at the same time

**commits the President of the Regional Council of Veneto
and the President of the Veneto Region**

to take action, with every resource available to the Regional Council, to start urgently with the European Union and the United Nations institutions relations that will ensure the holding of the referendum in order to determine the intention of Venetian People (*Popolo Veneto*) in terms of their self-determination, using for this purpose also the advisory opinion of a committee of jurists without any burden on the Region;

**commits the President of the Regional Council of Veneto
and the President of the Veneto Region**

in protecting in every competent venue, domestic and international, the right to self-determination of the Venetian People.

Roll-call vote, carried out in accordance with Article 66 of the Regulations of the Regional Council after the text of the Prime Minister about the meaning of "YES" and "NO":

Assigned n. 60
Present-voting n. 36

Replied "YES" n. 29 council members (Baggio, Bendinelli, Bond, Bottacin, Bozza, Caner, Cappon, Cenci, Ciambetti, Conta, Corazzari, Cortelazzo, Foggiato, Furlanetto, Laroni, Lazzarini, Mainardi, Padrin, Petteno', Possamai, Ruffato, Sandri, Sernagiotto, Stival, Tesserin, Toniolo, Tosato, Toscani and Zaia)

Replied "NO" n. 2 council members (Franchetto and Pipitone)

Replied "ABSTAINED" n. 5 council members (Causin, Grazia, Peraro, Teso and Valdegamberi)

ADVISER-SECRETARY
Raffaele Grazia

THE PRESIDENT
Clodovaldo Ruffato