

84. ?2"\$@R, >>@FH4 _ =3E+K & @H>@T, >44 F">8P46 42: "(" HFb & *@8J<, >H, (@
3FB@: >4H, : \>@(@ F@&, H" E/ICEF/1993/11, & 8@H@D@< @H<, R", HFb, RH@ "BD, *@FH"&: , >4,

90. =4O, BD4&@*4HFb H,8FH ^H@6 D,2@: ' P44:

"3>FH4HJH <,O*J>"D@*>@(@ BD"&" ,

FFZ: "bF\ >" F&@' =\' -5@D8F8J' *,8: "D"P4'

EH" H\b 1

AD"&" R, : @&, 8" b&: b' HFb >, B@FD, *FH&, >>Z< @HD"O, >4, < *@FH@4>FH&" R, : @&, R, F8@6
: 4R>@FH4. ?\$b2"H, : \FH&@ (@FJ*"DFH& @\$, FB, R4&"H\ 4N F@\$: ' *, >4, BD@4FH, 8", H 42 BD42>">4b
^H@(@ *@FH@4>FH&", BD@&&2(: "T, >>@(@ & I FH"&, ?D(">42"P44 ?SX, *4>, >>ZN = "P46 4 &@
%F, @\$V, 6 *, 8: "D"P44 BD"& R, : @&, 8".

7"O*@, (@FJ*"DFH&@ >, F, H ^H@ <, O*J>"D@*>@, @\$b2"H, : \FH&@, @BD, *, : b, <@,
; , O*J>"D@*>Z< FJ*@< & 8"R, FH&, @\$b2"H, : \FH&" erga omnes, B, D, * &F, < <, O*J>"D@*>Z<
F@@\$V, FH&@<, BD4 ^H@< 8"O*@, (@FJ*"DFH&@ 2"4>H, D, F@&">@ F ' D4*4R, F8@6 H@R84 2D, >4b &
2"V4H, BD"& R, : @&, 8".] H@ @\$b2"H, : \FH&@ BD, *B@: "(, H H"8O, @\$b2">>@FH\ 8D, B4H\
F@: 4*"D>@FH\ <, O*J &F, <4 (@FJ*"DFH&"<4 & P, : bN @\$, FB, R, >4b ^LL, 8H4&>@6 2"V4HZ BD"&
R, : @&, 8" &@ &F, < <4D, & <"8F4<": \>@ 8@D@H84, FD@84.

EH" H\b 2

'@FJ*"DFH&@, >"DJT"' V, , F&@, @\$b2"H, : \FH&@, 2"8D, B:, >>@, & FH"H\, 1, >, <@O, H
42S, O"H\ <, O*J>"D@*>@6 @H&, HFH&, >>@FH4 B@* BD, *:@(@< H@(@, RH@ H"84, &@BD@FZ @H>@FbHFb
BD, O*, &F, (@ 8 FL, D, , (@ &>JHD4(@FJ*"DFH&, >>@6 ' D4F*48P44.

=, J<": bb 2>"R, >4b LJ>8P46 4 B@: >@<@R46, 8@H@DZ<4 I FH"& >"*, : b, H @D(">Z
?D(">42"P44 ?SX, *4>, >>ZN = "P46 & F: JR", >"DJT, >4b @\$b2"H, : \FH&, BD4>bHZN >" F, Sb
R: , >"<4 ?D(">42"P44, (@FJ*"DFH&", *, 6FH&Jb 4>*4&4*J": \>@ 4: 4 8@: : , 8H4&>@, 4<, ' H BD"&
BD4>4<"H *4B: @<"H4R, F84, , ^8@>@<4R, F84, 4 4>Z, <, DZ B@ @H>@T, >4' 8 : ' \$<@J *DJ(@<J
(@FJ*"DFH&J, 8@H@D@, >"DJT", H @\$b2"H, : \FH&@, BD, *JF<@HD, >>@, & FH"H\, 1, BD4 JF: @&44, RH@
H"84, <, DZ D"2D, T"' HFb <, O*J>"D@*>Z< BD"&@< 4 >, &: , 8JH 2" F@\$@6 BD4<, >, >4,
&@DJJO, >>@6 F4: Z & >"DJT, >4, I FH"&" ?D(">42"P44 ?SX, *4>, >>ZN = "P46. G"84, <, DZ >,
<@(JH D"FF<"HD4&"H\Fb & 8"R, FH&, >, 2"8@>>@(@ &<, T"H, : \FH&" &@ &>JHD, >>4, *, : "
F@&H&, HFH&J' V, (@ (@FJ*"DFH&".

= "DJT, >4b, @BD"&*Z&"' V4, BD4<, >, >4, &ZT, J8". 8@: : , 8H4&>@

EH" H\b 4

9' \$Z, <, DZ 4>*4&4*J": \>@(@ 4: 4 8@: : , 8H4&>@(@ N"D"8H, D", >"BD"&: , >>Z, >"
@\$, FB, R, >4, 2"V4HZ BD"& R, : @&, 8", *@: O>Z @H&, R"H\ F: , *J' V4< HD, \$@&">4b<:

- 1) 2" 4F8: ' R, >4, < F: JR", & RD, 2&ZR"6>@6 FD@R>@FH4 *@ BD4<, >, >4b F@&H&, HFH&J' V4N
<, D, (@FJ*"DFH&J->"DJT4H, : ' *@: O>@ \$ZH\ @L4P4": \>@ BD, *: @O, >@ BD, 8D"H4H
>"DJT, >4, ;
- 2) BD4>4< ", <Z, <, DZ *@: O>Z F@&H&, HFH&@&"H\ FH, B, >4 HbO, FH4 >"DJT, >4b;
- 3) BD4>4< ", <Z, <, DZ *@: O>Z @("D">4R4&"H\Fb (@FJ*"DFH&@<->"DJT4H, : , < ;
- 4) (@FJ*"DFH&", BD4\$, (" V4, 8 J8"2">>Z< <, D"<, *@: O>Z JR4HZ&"H\ 4>H, D, FZ
@H*, : \>ZN : 4P 4 HD, H\4N (@FJ*"DFH&, " H"8O, &&2*, 6FH&4, H"84N <, D >" 8"R, FH&@
O42>4 2"HD"(4&", <@(@ ^H4<4 <, D"<4 >"F, : , >4b.

EH" H\b 5

AD, *: @O, >4, F@ FH@D@>Z 8"8@(@-: 4\$@ (@FJ*"DFH&", (DJBBZ (@FJ*"DFH&, 8"8@6-: 4\$@
<, O*J>"D@*>@6 @D(">42"P44 4: 4 \$, FBD4FHD"FH>@(@ (J<">4H"D>@(@ @D(">, >"BD4<, D
; , O*J>"D@*>@(@ 8@<4H, H" 7D"F>@(@ 7D, FH", @S, FB, R4H\ B@FH"&84 BD@*@&@: \FH&4b 4: 4
<, *48"<, >H@& *DJ(@<J (@FJ*"DFH&J, >" H, DD4H@D44 8@H@D@(@ FJV, FH&J, H F, D\, 2>"b J(D@2" O42>4
4: 4 2*@D@&\ ' >"F, : , >4b, >, <@O, H D"FF<"HD4&"H\Fb & 8"R, FH&, >, 2"8@>>@(@ &<, T"H, : \FH&" &@
&>JHD, >>4, *, : " ^H@(@ (@FJ*"DFH&". %<, FH, F H, < H"84, BD, *: @O, >4b @\$ @S"2">44 B@<@V4 -
& R"FH>@FH4 & F4: J 4FB@: \2J, <ZN FD, *FH& *: b 4N @FJV, FH&: , >4b - >, *@: O>Z BD4>4<"H
L@D<J, BD, *B@: (" VJ' J(D@2J &@DJJO, >>@6 4>H, D&, >P44 4: 4 BD4<, >, >4, 8"84N-: 4\$@ *DJ(4N
<, D JFHD"T, >4b. A@<@V\ *@: O>" BD, *@FH"&: bH\Fb 4 D"FBD, *, : bH\Fb \$, 2 8"8@6 \$Z H@ >4 \$Z: @
*4F8D4<4>"P44.

' @FJ*"DFH&", >" H, DD4H@D44 8@H@DZN &&2>48"" H H"84, RD, 2&ZR"6>Z, F4HJ"P44, >,
*@: O>Z BD@42&@: \>@ @H&, D("H\ H"84, BD, *: @O, >4b @ BD, *@FH"&: , >44 (J<">4H"D>@6 B@<@V4.

EH" H\b 6

A@: @O, >4b >"FH@bV, 6 D, 2@: ' P44 BD4<, >b' HFb \$, 2 JV, DS" *: b BD@P, *JD & @\$: "FH4 BD"&
R, : @&, 8", BD, *B4FZ&", <ZN HD, \$@&">4b<4 4: 4 B@: @O, >4b<4 >@D<"H4&>ZN "8H@& 4 8@>&, >P46
?D(">42"P44 ?SX, *4>, >>ZN = "P46 4 FB, P4": 424D@&">>ZN JRD, O*, >46 4: 4 D, (4@>": \>ZN
@D(">42"P46.

EH" H\b 7

AD, *FH"&: b, HFb &, F\<" O, : "H, : \>Z< JF4: 4H\ <, O*J>"D@*>Z, <, N">42<Z 4 BD@P, *JDZ, &
R"FH>@FH4 <, N">42<Z 4 BD@P, *JDZ <, O*J>"D@*>ZN @D(">42"P46 B@ BD, *JBD, O*, >4' , >"8"2">4'
4 4F8@D, >, >4' >"DJT, >46 BD"& R, : @&, 8".