

CORTE INTERNAZIONALE DI GIUSTIZIA, *BARCELONA TRACTION LIGHT AND POWER COMPANY LIMITED*, (BELGIO C. SPAGNA), SENT. DEL 5 FEBBRAIO 1970, PAR. 33-34.

33. [...] Une distinction essentielle doit en particulier être établie entre les obligations des Etats envers la communauté internationale dans son ensemble et celles qui naissent vis-à-vis d'un autre Etat dans le cadre de la protection diplomatique. Par leur nature même, les premières concernent tous les Etats. Vu l'importance des droits en cause, tous les Etats peuvent être considérés comme ayant un intérêt juridique à ce que ces droits soient protégés; les obligations dont il s'agit sont des obligations *erga omnes*.

34. Ces obligations découlent par exemple, dans le droit international contemporain, de la mise hors la loi des actes d'agression et du génocide mais aussi des principes et des règles concernant les droits fondamentaux de la personne humaine, y compris la protection contre la pratique de l'esclavage et la discrimination raciale. Certains droits de protection correspondants se sont intégrés au droit international général [...]; d'autres sont conférés par des instruments internationaux de caractère universel ou quasi universel.

INTERNATIONAL LAW COMMISSION, SPECIAL RAPporteur: R. AGO
DRAFT ARTICLES ON STATES RESPONSIBILITY, 1996

Article 19 – *International crimes and international delicts*

1. An act of a State which constitutes a breach of an international obligation is an internationally wrongful act, regardless of the subject-matter of the obligation breached.
2. An internationally wrongful act which results from the breach by a State of an international obligation so essential for the protection of fundamental interests of the international community that its breach is recognized as a crime by the community as a whole constitutes an international crime.
3. Subject to paragraph 2, and on the basis of the rules of international law in force, an international crime may result, *inter alia*, from:
 - a) a serious breach of an international obligation of essential importance for the maintenance of international peace and security, such as that prohibiting aggression;
 - b) a serious breach of an international obligation of essential importance for safeguarding the right of self-determination of peoples, such as that prohibiting the establishment or maintenance by force of colonial domination;
 - c) a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being, such as those prohibiting slavery, genocide and apartheid;
 - d) a serious breach of an international obligation of essential importance for the safeguarding and preservation of the human environment, such as those prohibiting massive pollution of the atmosphere or of the seas.
4. Any internationally wrongful act which is not an international crime in accordance with paragraph 2 constitutes an international delict.