-ijZ\h\h]h mijZ\e_gby
Fbgbkl_jkl\Z bghkljZgguo ^_e J_kim[ebdb ;_eZjmkv
:g^j_y Ihidh\Z

H \uy\e_gbb b ijZ\h\uo ihke_^kl\byo bfi_jZlb\g
f_`^mgZjh^gh]h ijZ\Z

M\Z`Z_fuc]hkih^bg lj_^k_^Zl_ev ^Zfu b]hkih^^.

Iha\hevl_ \ujZablv ijbagZl_evghklv Ki_pbZZ_mg
>bj_ > LeZ^b b \k_f qe_gZf Dhfbkkbb f_`^mgZjhm^gh
gZ \ukhdhff_kkbhgZevghm_ jZ[hlm ih ih^]hlh\d_ ijh_
h \uy\e_gbb b ijZ\h\uo ihke_^kl\byo bfi_jZlb\gu
f_`^mgZjh^gh]h (jus\czgens) J_kim[ebdd; ;_ZZjmkvhkgh\gh
iheh`bl_evgh hpj_gb\Z_v]lZ[uQ_)E7¿ ñ c3$P ^q•2„.¿ ñ 53$P

Dhfie_dk bfb\gZuo ghjf f_`^mgZjh^,gb]b jh_kljZ\uc d
ghjfujus cogens bf__l h]jhfgh_ agZq_gb_ ^ey klZ[bevgh
f_`^mgZjh^gh]h ijZ\Z ihkdhevdm h[eZ^Z_l \ukr_c x
iheblbq_kdhc kbehqce\gffe_Z`ZZgZjh^gh]h khh[s_kl\Z
M[_`^_gu \ lhf qjfhy jus cogens \uihegyxlZ`gmx
kbkl_fhh[jaZmxsmx jhev \ kh\j_f_gghf f_`^mgZjh^gh
hkgh\gh_ kh^_j`ZugkklmiBy \ dZklZkd]^Zjlfh\`^mgZjh^g
aZdhgghklb hlklmie_gb_\ hfl_`^mghZjbh^guo hlgbr_g
^himkdZ_WklygghjfuhljZ`Zxl nmg^Zf_glZeguqhuklgu_ m
f_`^mgZjh^gh]h ijZ\Z b f_`^mgZjh^guo hlghr_g
h[yZl_evklkZh[s_]h oZjZdeyjZ]hkm^Zjkl\ f_`^mg
hj]ZgbaZpbc b ^jm]bo km[t_dlh\ f_`^mgZjh^gh]h ijZ
GZoh^\bhfegh[hkgh\Zgguf \ k_l_ ^hffb_ggmgjxkjhd`ghm
^hdljbgZevguo b ijZ\hijbf_gbl_evguo hhpi`Zh]\hh` Ihqdl
jZajZ[hldb ijh_dlh\ \u\h^h\ ih l_f_ y\eyxlky iheh`_g

= h k i h ^ b g I j _ ^ k _ ^ Z l _ e v

^ _ y g b i y h _ d l u   k l Z l _ c   h [h l \ _ l k l \ _ g g h k l b   f _ ` ^ m g Z j h ^

h l ^ _ e v g j u r _ g y d F _ ` ^ m g Z j h ^ g h] h   K m ^ Z   H H G

I j _ ^ e h ` _ g b h y g h k b l _ e v g h   i h k e _ ^ k l \ b c   b f i _ j Z l b \ g

f _ ` ^ m g Z j h ^ g ^ h ] h \ j h \   f _ ` ^ m g Z j h ^ g u o   h [u q Z _ \   h ^ g

] h k m ^ Z j k l \   b   j _ a h e x p b c   f _ ` ^ m g Z j h ^ g u d k _ h] j ^ Z g h b a Z p b

l a t a   b   k h ^ _ j ` Z l   w e _ d e _ b g u ferenda I h   i j b q b g _   h k h [h] h   k

b f i _ j Z l b \ g u o   g h j f \   f _ ` ^ m g Z j h ^ g h f   i j Z \ _   b   b o   k i h

h [j Z a h f   b a f _ g y l v   j _] m e b j h \ Z g b _   i f j Z \ h g g g Z j h ^ g u b c

i j _ ^ e h ` _ g b h y [m x I s Z l _ e v g h] h   b a m q _ g b h l v b \   p _ e _ k h h [j

h [_ k i _ q _ \ Z b h y r _ g g h] h j _ k d Z a m h h _ f h h ^ o i j b Z   b o   i j Z d l b q _ k

i j b f _ g _ g b b

<   q Z k l g h k l b

A Z s b l Z h d j m ` Z x s _ c  k j _ ^ u  \  k \ y a b  k  \ h h j m ` _ g g u f

= h k i h ^ b j g ^ k _ ^ Z l _ e v

I h a \ h e v l j _ c l b d b a e h ` _ g b x i h a b p b b J _ k i m [e b d b

i h e m q b e   r b j h d m x   i h ^ ^ _ j ` d m   ] h k m ^ Z j k l \   b   k l Z e
f _ ` ^ m g Z j h ^ g h] h   i j Z \ Z   k l   k l   l j h l h d h e Z   f W l h
k l j _ f e _ g f b x ` ^ m g Z j h ^ g h] h   k h h i [s \ u k l _ \ Z b m d j h \ g y   w n n _ d l b \
k m s _ k l \ m x s b o   g h j f   f _ ` ^ m] g Z j Z g ^ g h] j i j j h Z h b   h [_ k i _ q _ g b
i j h] j _ k k Z   \   a Z s b l _   h d j m ` Z x s _ c   k j _ ^ u

      <   l h   ` _   \ j _ m i y h f b g Z _ q Z y f Z   \   ^ _ c k l \ b l _ e v g h k l b
Z [k h e x l g h] h   o Z j Z d l _ j Z   i h k d h e v d m   g _   ^ j Z k i j h k l j Z g y
\ h i j h k u   h [e Z Z b j b f _ g _ g b y   d h l h j h] h   i h ^ q b g y x l k y   b g h f
i j Z \ h \ h f   j _ ` b f m m   w l h i h h ^   a Z i j _ l   i h i Z ^ Z x d h] b q _ k d b _   f _
k j _ ^ k l \ Z   \ _ ^ _ g b y   \ h c g u   J Z a j m r _ g b _   i j b j h ^ g u o   h [t
d j Z c g _ c   \ h _ g g h c   g _ h [o h ^ b f h k l v x   g _ k h j Z a f _ j g h _ f m
i j _ ^ h k l h j h ` g h k l Z i b ` i j h l b \ j _ q b l   f _ ` ^ m g Z j h ^ g h f m   i j Z \ r
d Z ` _ l k y   l Z d h] h   j h ^ Z   i h ^ o h ^ u   \   p _ e h f   \ k i j b g y l u ± i j h
15.

      = h k i h ^ b j g ^ k _ ^ Z l _ e v

      D h f b k k b b Z Z l j h g m e Z   \   i j _ ^ k l Z \ e _ g g h h \ h \ b k l h g g u _
\ h i j h k u _ ` ^ m g Z j h i b j Z h h \ h ] h   j _ ` b f Z   \ h _ g g h c   h d d m i Z p b b
g h j f u   d h l h j h] h   g _   \ k _] ^ Z   \ j b r Z r g y x l k y

      <   k e m q h Z d d m i Z p b b   l _ j j b l h j b b [h   ] h k m ^ Z j k g \ Z   f h g h l
g h j f Z e v g h   j _ Z e b a h \ u \ Z l v   k m \ _ j _ g g u _   i j Z \ Z   b   \ u
h [y a Z g g h k l h   h [_ k i _ q _ g b x   a Z s b l u   h d j m ` Z x s j h œ v k
i j h ` b \ Z x s _] h   g Z   g _ c   g Z k _ e _ g b y   \   w l h f   h l g h r _ g b l

ih ijbqbg_ ijhbkoh^ys_]h jZkrbj_gby kn_ju ^_yl_ev

hj]ZgbaZpbc b m_ebq_gby bo qbkeZ gZ jZ

f_`^mgZjh^gh]h khljm^gbq_kl\Z u<ehih[kue ih^en xasg_uf f[ijh

lZd`dh^bnbdZpb xh gxhjj bfk^bdpbhgguo bffmgbl_lZo f_`^

hj]ZgbaZpbodh y\behkv [u eh]bq_kdbf ijh^he`_gb

Dhfbkkbb ih \ur_gZa\Zgghc l_f_ b l_f_ hl_lkl_g