

SANCTIONS IN PUBLIC INTERNATIONAL LAW

LAURA MAGDALENA TROCAN

Faculty of Juridical Sciences, University „Constantin Brancusi” of Targu
Jiu, Romania

Abstract

The violation of an international obligation causes international responsibility of the States. In this context, a State who commits a unlawful act of international perspective and whose liability has been established under the rules of international law may be subject to sanctions, having also the obligation to repair the damage caused. After the end of the Cold War, the sanctions adopted under the United Nations, and then by the European Union began to be increasingly more frequently used as a tool "intermediary" between the negotiations and coercive measures in order to induce a desired behavior avoiding appeal to armed force, having in view the fact that peaceful settlement dominates the entire field of the international responsibility. This study analyzes the most important aspects concerning the international sanctions used by the UN and the EU and which can be classified as economic sanctions (restrictions on imports, exports, investments), military sanctions, financial sanctions (blocking of funds and other economic resources), travel restrictions, restrictions of transport (road, air, maritime), cultural sanctions, sporting, diplomatic sanctions (expulsion of diplomats, breaking diplomatic relations, suspended official visits).

Key words

International responsibility of the State; international sanctions; coercive measures.

States, in a full equality of rights and based on their free consent, in an agreement process of their will, create juridical regulations by treaties or by tradition that lead to the international law's creation. The states' will agreement, as a basis of the international law and of its compulsory feature, is usually accomplished in a sinuous process framework, during which we make concessions and mutual compromises, acceptable solutions. In this way the creation of the juridical regulation takes place, a creation that becomes equally compulsory for all the states¹. Regarding the appliance system of the laws and, at the same time, the punishing system for breaching the laws, we have to say that complying with and applying the international law regulations is an obligation for all states. But, unlike the internal law, in the international law there is no centralized coercion device. But this fact

¹ D. Popescu, A. Năstase, *International Public Law*, "Șansa" Press and Publishing House, Bucharest, 1997, p. 36-37.

does not mean that the international law, on the whole, does not have a juridical nature, its laws are compulsory for all the states that have accepted them². Therefore, even if the international law does not have legislative, executive and judicial bodies structured in a “vertical juridical system” by means of which it could adopt juridical laws, follow their appliance manner and impose their respect if needed, the compulsory power of the international law is based on the states’ will agreement that is the basis of both creating and compliance with the international law regulations³.

Since an international law regulation is justified from the point of view of the entire international community’s interests and is received as such by the international community’s members, its compliance is not based especially on constraint, by applying penalties⁴. Besides, in any juridical system, the penalties are not the ones that are the basis of the laws compliance, but the general interest’s perception that the laws have to be complied with, by creating a juridical system from which every state benefits, according to the multiple mutuality principle⁵.

And even if a lot of international law laws do not stipulate penalties, specific aspects, even some internal right branches, as the constitutional right, the penalty is not an essential element for the existence and enforcement of the law and we have to say that there is a certain constraint in the international relations, too, but the international law has also penalties whose palette is quite diversified⁶. It is just that, between sovereign and equal subjects, from the juridical point of view, the constraint is accomplished in different ways, in a juridical horizontal system⁷, and the international control of applying the juridical laws is generally exerted even

² Gh. Moca, M.Duțu, *International Public Law*, “Juridical Universe” Publishing House, Bucharest, 2008, p. 65. These international law particularities determined certain jurists (the nihilism) to affirm that it was not a real right and it is not compulsory. (I.Diaconu, *International Public Law Handbook*, Lumina Lex Publishing House, Bucharest, 2007, p.19-21)

³ Often invoked in supporting the international law’s consensual feature, it is a phrase that became famous from the content of a decision pronounced by the Permanent Court of International Justice in 1927, in “Lotus” case: “The law rules that are compulsory for all the states... are the emanation of their own free expressed will, as it results from conventions or traditions generally accepted as expressing law principles”.(R.Miga Beșteliu, *International Public Law*, All Beck Publishing House, Bucharest,1998, p. 8)

⁴ Ibidem, p. 5-7.

⁵ A state that does not comply with a law in its relations with other states shall not have the benefit of applying the respective law for it by the other states (I. Diaconu, op. cit., p. 19-21).

⁶ V. Cretu, *International Public Law*, “România de mâine” Foundation’s Publishing House, Bucharest, 1999, p. 19

⁷ R. Miga-Beșteliu, op. cit., 1998, p. 5-7.

by states, and there is a concomitant censorship and self-censorship process, mutually, in the reports between them⁸.

In this context, the state that makes an illicit act or fact from the international point of view against another state and whose responsibility⁹ has been already established, according to the international law's rules, may suffer certain penalties, also having the obligation to repair the prejudice cause by it.

In case of erga omnes international obligations, breaching a certain obligation attracts the independent appliance of certain penalties and subsequently the obligation to repair the material prejudices that have been caused¹⁰. At the same time, the reestablishment of the international juridical order in these situations, whereas in the international society there are no public authorities with executive and judicial attributions as the ones that exist inside a state, rises two questions: who qualifies an act as being illicit and who is able to apply a penalty, and what kind of penalty, against the state that violated the law. The answer for this question can consider only the fact that the international law is a coordination law and not a subordination one, and states are equal from the juridical point of view so that they have to ascertain the illegality and apply penalties. If an illicit act is produced by a state against another state, the victim-state ascertains and tests the act's illicit feature and it may begin to apply penalties. If an ius cogens law, from the international crimes' category, is encroached, it is every state's interest, not only the victim-state's, to undertake the measures that are imposed so that the imperative law be complied with. Outside the states, in certain circumstances, penalties may be applied by the United Nations Organization, in the name of the international community, and also by other international organizations, as long as their constitutive acts were empowered with such attributions¹¹.

⁸ Al. Bolinteanu, A. Nastase, B. Aurescu, *International Public Law*, All Beck Publishing House, Bucharest, 2000, p.13).

⁹ The responsibility represents the essential element of every social behaviour law. The human action has as a consequence a result and the institution's role is to guide and to determine the behaviour according a behaviour rule. The responsibility's institution is indissolubly linked by the organized human society, by the behaviour that the ones that structure it should have, being a general penalty of all the behaviour regulations. And even if the responsibility does not represent exclusively a institution specific to the law, it is an institution of the human society as such, and, in exchange, its role proves to be essential in law by the contribution it has in applying and affirming the juridical regulation, considering the fact that it represents something delusive, without applying penalties to the ones that have encroached the juridical norms. Known not only in the internal law, but also in the international law, this institution appears like a guarantee of complying with all the juridical laws, helping to keep the international order. (I. Anghel, *Responsibility in the International Law*, Lumina Lex Publishing House, Bucharest, 1998, p.7-9).

¹⁰ Al. Bolinteanu, A. Nastase, B. Aurescu, op. cit., p.258.

¹¹ R.Miga-Beșteliu, op.cit., 1998, p.11-12.

Considering the things mentioned above, we may appreciate that the penalties in the international law may be defined as those constraining measures, adopted by a state or a group of states or an international organization against a state (more states) that have breached the international law regulations, being an instrument in order to re-establish the international legality¹². The penalties are adopted in order to determine the change of certain activities or policies that do not comply with certain behaviour standards shared by the international community. In the international life, the penalty is not perceived as a punishment or a vengeance applied by the victim-state or by an international organization, but as a concern to determine the change of the author-state's encroachment behaviour. The penalties may be considered also as a complement of the means of solving the litigations, an alternative for the force or the force threatening¹³, an important instrument for the maintenance of peace and of international security. After the Cold War, the penalties adopted by UNO and, subsequently, by the European Union, began to be more and more frequently used as a "transitional" tool between the negotiations and the coercive action that follows the induction of the desired behaviour by avoiding the force of the army, considering that the peaceful solving dominates the entire matter of the international responsibility. Once their use becomes more and more frequent, the penalties features have been changed under the pressure of the need to avoid their collateral effects and the impact's efficiency over the target groups. Therefore, the need to protect the most vulnerable segments of the population in the states that suffer restrictive measures has determined the avoidance of imposing certain complete interdiction systems, as the ones stipulated initially in art. 41 of UNO Charter. These first generation measures were pointed against the state whose government was responsible for threatening the peace and the international security, not against the persons that were directly responsible of these things. Gradually, there were identified specific restrictive measures, as the arm embargos, the travel interdictions, the freeze of certain persons' or entities' funds. Also, in the text of the documents that represent penalty systems were included stipulations regarding the humanitarian exceptions from the appliance of this type of penalties. These changes in the penalties' features were also motivated by the need to streamline them as political tools for diplomacy, in order to directly and immediately affect those groups, often the leading elites whose behaviour has to be influenced. In the same time, in elaborating and implementing these individualized penalties, we follow the respect of the human rights and fundamental liberties, especially of the right of the persons or entities punished in an equitable process and of their access to effective attack ways. Also, we want the measures to be proportional to the followed purpose and to be

¹² ****International Public Law Dictionary*, Scientific and Encyclopaedic Publishing House, Bucharest, 1982, p. 262.

¹³ R. Miga - Beșteliu, *International Public Law*, vol. II, C.H.Beck Publishing House, Bucharest, 2008, 167.

accompanied by an exception system that has to consider the basic needs of the ones that were punished¹⁴. Being used quite frequently during the 17th and 18th centuries, these constraining measures were coded by the international law starting with the 20th century. Therefore, the penalties formulated in the first world war found their materialization in the Pact of the Nations' Society, where it is shown that the Society's coercive actions that contained military, economical and financial measures, interfered in the following situations: a) in case of aggression by a state that is not member against a state that is member of the Society b) in case of illicit war, c) if an arbitral or judicial sentence is not executed. Beside these things, the Society of Nations could also apply other moral penalties – reproaches, the recommendation to break the diplomatic relations, disciplinary penalties – the exclusion from the Society, pecuniary penalties etc. These penalties' efficiency was very low because they were applied inconsistently. By creating the United Nations Organization, a new penalties system was created.

The penalties stipulated in UNO Charter are more nuanced, they may be applied individually or collectively, they may be direct or indirect, they may be institutionalized or not, they may be pronounced by a political organ (the Security Council) or by a jurisdictional one¹⁵, they have different functions – the reestablishment of the encroached legality, the removal of the enemy documents, offering again the rights to the injured state etc.

And they are classified in two great categories: penalties without using the force of the army and penalties that use the force of the army¹⁶. Regarding the penalties applied directly by the victim-state, we mention that, if in the past, using the war and generally using the force as a behaviour penalty considered as not being accorded to a state's one – was considered as a legal way, accepted by the international law regulations, at present any manifestation of force or of threatening with force is prohibited in the international relations according to art. 4, paragraph 2 in UNO Charter. However, the international law allows the use of force in order to exert the individual or collective self-defence right against an armed attack according the stipulations of art. 51 of the Charter¹⁷. Therefore, in the name of the self-

¹⁴ www.mae.ro

¹⁵ Catherine Kosma Lacroze, **La penalty en droit international** (<http://www.net-iris.fr/veille-juridique/doctrine/10842/la-penalty-en-droit-international.php>)

¹⁶ ****International Public Law Dictionary*, Scientific and Encyclopaedic Publishing House, Bucharest, 1982, p. 262

¹⁷ Art. 51 of UNO Charter specifies: "No provision from the current Charter will touch the inherent individual or collective self-defence right if an armed attack occurs against a Member of the United Nations until the Security Council takes the measures needed in order to maintain the international peace and security. The measures taken by the members in the exertion of this self-defence right will be immediately known by the Security Council and will not affect the Security Council's power and duty because the current Book carries

defence right, if a state is a victim of an armed attack, it has “the right” to punish directly the state-aggressor by the same means, complying with the conditions stipulated by UNO Charter¹⁸. So, speaking about a such right, we cannot use the economical aggression or other type of constraint, but it can be used for preventive purposes or when an imminent danger appears, the preventive war being illicit, against the international law rules. As a consequence, art. 51 of the Charter must be interpreted restrictively and the individual or collective self-defence right represents an exception from the principle of not using the force, especially when invoking the self-defence represents sometimes an attempt to give an apparent juridical legality to the aggression force’s policy¹⁹. In this context we have to mention that, in recent years, the international community has also dealt with situations that generated controversies regarding the licit or illicit feature of the use of the force by the states or groups of states with a constraining, punishing feature. Therefore, we were concerned if and how much a state can defend itself and react with the army’s force against the international terrorism acts. Ignoring many speculations and controversies regarding the terrorist attempts since September 11th, 2001 and the military measures adopted by USA and by other states that are member of NATO against Afghanistan as a response to the terrorism acts accomplished on the American territory, the entire international community agreed with the fact that, in case of terrorism acts with extremely serious consequences, it is justified the invocation by the victim-state/states of the individual or collective self-defence right that finances and prepares such terrorist actions on its territory. But at the same time, against the terrorism acts with a limited feature and less serious consequences, the victim-state may adopt legal non-military measures, from the category of the penalties without using the force of the army, that may be applied also for other acts that do not comply with the international law and the special literature identifies retorting measures and the retaliation²⁰

on anytime the actions that it considers as being necessary in order to maintain or re-establish the international peace and security. ”

¹⁸ R. Miga -Beșteliu, op.cit., 1998, p. 13.

¹⁹ D. Popescu, A. Năstase, op.cit., p. 100.

²⁰ The retort is a state’s reaction, legal from the international law’s point of view that is used in order to respond to an enemy act, against the international uses, accomplished by another state. The act to which we respond by retort is not an illegal act that encroaches the international law’s principles or a treaty’s clauses, but it is about an enemy ac, for example legislative, administrative, judicial measures with no friendly feature for another state and its citizens (for example, the increase of the custom taxes for the products imported by a state, the interdiction of the citizens’ entry or the interdiction of a state’s ships’ entry on the respective state’s territory, the mass expulsion of a state’s citizens from the respective state etc). As retort examples, we may mention: the cancellation of an economical assistance (suspending or reducing the economical assistance by USA of the states that, during the ‘60s, had extended their fishing areas beyond the territorial sea or that do not respect the human rights), the expulsion of the diplomatic staff or of the foreign citizens, the refuse to participate to certain activities in order to protest against a state’s non-friendly actions, revoking the diplomatic and consular privileges, reducing the imports from such a

that may have different types of diplomatic²¹, juridical²², military²³, economical²⁴, cultural, sport²⁵ penalties, some of them regarding the free circulation²⁶ etc.

The difference between retort and retaliation is difficult to accomplish because, in practice, these constraining ways are combined, both of them being used in the same time²⁷.

state, instituting a commercial embargo etc. (A. Crăciunescu, *International Public Law*, Concordia Publishing House, Arad, 2006, p. 252).

The retaliation represents constraining measures taken by a state against another state as a response to the illicit actions accomplished by the last ones. A state has the right to use the retaliation only if certain conditions are achieved: if there is an action against the international law from the other state's part, if the state that applies the retaliation's measure was injured itself, if the retaliation was foregone by a demand to repair the damage that was not solved, if we keep the proportion between the act accomplished by the other state and the retaliation measure, if we do not use the force at all. The state A disposes the massive expropriation of some goods belonging to certain citizens of the state B, without granting them the established compensations, for example, by an agreement to guarantee the investments or basing on other international law's rules. The state B may "respond" by expropriating, with no compensations, the goods of certain citizens of the state A, citizens placed on its territory. (R. Miga - Beșteliu, op.cit., 2008, p. 171).

²¹ Ex. Breaking the diplomatic relations, expulsing the diplomatic staff, suspending the official visits etc.

²² Ex. Suspending the appliance of the valid treaties, the nullity of certain treaties contracted by force or that encroach imperative regulations of the international law etc.

²³ The military penalties represent the embargo's enforcement in armament's field (interdictions regarding selling, supplying, transferring or exporting any type of armament and connected military equipments, including arms and munitions, vehicles and military equipments) or represent the military support's elimination.

²⁴ The economical penalties represent any restriction imposed by a country in the international commerce with another country, in order to convince the second country's government to change its policy; these restrictions are mainly about: blocking the funds or the economical resources, interdicting the interdiction at export and/or import, interdictions regarding the investments, the payments and the capital movements or the tariff preferences' elimination.

²⁵ The cultural penalties are materialized in the interdiction to participate in cultural, sport, regional or world competitions.

²⁶ Ex. Interdictions for the citizens of a state to enter in another state's territory, landing or taking-off interdictions for the airships belonging to the respective state etc.

²⁷ For example, in case of *USA's diplomatic and consular case in Teheran* since 1979, when a group of Iranian students took hostages and retained in the places of the USA Embassy in Teheran the entire diplomatic and consular staff of this state. Comparing to this situation, that was developing in the conditions of change of that country's political system, the Iranian authorities took no measure in order to comply with the Iran's international obligations to provide the foreign diplomatic and consular staff's immunity, but also of the embassy's places. USA demanded the reduction of the workers' number at Iran's Embassy in Washington, and then broke all the diplomatic relations with Iran and forbid the Iranian citizens to entry in USA's territory. From all these things, we may see with no doubt thee retort's forms. USA disposed the block, in the American banks and in some foreign banks,

Among the coercive measures applied by means of some international organizations, the most important ones and the ones that are charged with a lot of consequences are the ones applied in UNO's framework, by the Security Council, based on the prerogatives conferred to this body by chapter VII of UNO Charter. According to art. 39 of UNO Charter, the UNO Security Council interferes when a certain international situation represents: a) a threatening against peace, b) an encroachment of the peace, c) an aggression act. After ascertaining the facts and judicially framing them in one of the three mentioned categories, before getting to apply the collective security measures stipulated by the Chapter VII of the Charter, the Security Council may invite the interested parties to accept the temporary measures that it considers as being necessary. In the absence of a corresponding answer from the state whose actions represent a threatening against the peace, of its encroachment or of an aggression act, the Council may take a series of political, economical or military measures that may be named penalties²⁸. The penalties that the Security Council may impose may be distributed in two categories, depending on the use or the absence of the use of the military force. In the first category there are the political and economical measures inspired from the Pact of the Nations' Society and from the states' individual practice: the total or partial disconnection of the economical relations and of the railway, maritime, aerial, postal, telegraphic communications, of the radio and of the other diplomatic relations' breaking." (art. 41)²⁹. The second category refers to the actions that the Council may attempt by military forces and it may contain demonstrations, blocking measures and other operations executed by aerial, maritime, or terrestrial forces of the United Nations' members.³⁰. These international

of the Iranian accounts, representing about 13 billion dollars²⁷, and also the block of the Iranian planes that were under their control. Therefore, by these pressures, they tried to release the hostages taken by the Iranian people. The last actions are types of the retaliation. (A. Crăciunescu, op. cit., p. 268).

²⁸ In the current conditions, when the human rights' protection has become an essential component of the international peace and security, this problem has stopped being an internal question and became an international law's field and a field of the relations between the states. The encroachment of the human rights endangers the friendly relations between the states and the international peace, justifying the adoption of the penalties by the international community; therefore, with no intervention right, the states may interfere, in such situations, individually or collectively, with non-military measures against the state that accomplishes such illicit acts, in contradiction with the international law. If there are massive extremely serious violations of the human fundamental rights, the state may also interfere by military measures that, in order to have a licit feature, need the Security Council's authorization. (Gh. Moca, M. Duțu, op. cit., p. 68-69).

²⁹ R. Miga -Beșteliu, op. cit., 1998, p. 14-15.

³⁰ Art. 42 of UNO Charter shows: "If the Security Council considers that the measures stipulated in art. 41 are not appropriate or they are proved not to be appropriate, it may carry on, by aerial, naval or terrestrial forces, any actions he considers as being necessary in order to maintain or re-establishing the peace and the international security. This action

penalties imposed by the Security Council's resolutions are compulsory for all the states that are members of UNO.

The punishing systems of the Security Council have known a significant evolution, especially after the end of the Cold War. The types of penalties used internationally both by UNO and by EU are economical (restrictions when importing, exporting, investing, embargos regarding weapons), financial (freezing the funds and the other economical resources), travel restrictions, transport restrictions (road, aerial, maritime transport), cultural, sport, diplomatic penalties.

During 1945-1990, the UNO Security Council imposed penalties only in two cases – against Rhodesia (in present, Zimbabwe) and the South Africa – in order to condemn the human rights' encroachment and the power abuse in the internal political life. After 1990, when adopting the penalties against Iraq, the Security Council extended the use of this type of tool at different types of situations such as: armed inter-state conflicts, internal civil conflicts, terrorism, serious violations of the human rights and of the humanitarian international law. Since 1990 until present, 18 punishing systems were adopted, but 14 of them are valid in 2008. The growth of the punishing systems' number and their increased complexity has made the Security Council to adopt certain administrative measures for their efficient financial administration. Therefore, it was created, in its suborder, an institutional frame structured in some temporary organs, other permanent ones, in order to follow and improve the elaboration, appliance and implementation process of the imposed international penalties³¹.

With a general title, at the level of the European Union, the penalties, also named restrictive measures, are established in the framework of the External and Common Security Policy, according to the objectives stipulated in the Title V of the Nice Treaty regarding the European Union, especially the art. 11. The restrictive measures may be imposed by EU either in order to apply in the community juridical order the penalties decided by the UNO Security Council, or as autonomous measures of EU. The purpose of adopting the EU's autonomous restrictive measures is to determine changes in the activities or the policies that regard encroachments of the international right or of the human right, and also policies that do not respect the law state and

may contain demonstrations, blocking measures and other operations executed by aerial, maritime or terrestrial forces of the United Nations' Members".

³¹ For the problems specific to every penalty system, they created Penalties Committees that generally have to supervise the implementation by the states that are members of UNO of the specific penalties imposed by the Security Council's resolutions. In present, 12 penalties committees develop their activity and work as subsidiary organs of the Security Council. For general aspects related to the international penalties, the Security Council decided to create on April 17th, 2000 an informal Working Group that had to elaborate recommendations and guides of good practices in order to improve the elaboration, appliance and implementation procedures of the penalties imposed by the Security Council. (www.mae.ro)

the democratic principles. At European Union's level, the European Union's Council decides the international penalties' appliance (restrictive measures) in the frame of the External Common Security Policy (ECSP). The European Union takes over totally in the community juridical order the penalties established by the UNO Security Council based on chapter VII of UNO Charter. The European Union may also adopt autonomous punishing measures, completing the ones imposed by UNO or independently, according to art. 60, 301 and 308 of the Treaty instituting the European Union. The penalties of the European Union's Council imposed by Common Positions and detailed by Decisions and Regulations are compulsory for the member states that have to create the juridical and institutional frame in order to implement them efficiently. The EU's punishing systems are applied both in the context of the fight against the terrorism and in order to correct the behaviour that is not accorded to the leading elites of certain countries³². EU applies penalties based on UNO Security Council's resolutions no. 1267 and 1373. EU applies measures pointed against the persons and groups involved in terrorism acts and that appear on the list taken over from the most recent common position, a changing position of the Common Position 2001/931/ECSP³³.

The international organization has already mentioned but also other ones may apply a series of other penalties to their members, stipulated in their constitutive acts, as losing certain advantages that come from the membership, the temporary suspension of the right to vote or of the membership, or even the exclusion from the organization³⁴.

In order to provide the efficient appliance by Romania of the international penalties instituted by the Security Council's Resolutions based on the Chapter VII of UNO Charter, and also EU's autonomous restrictive measures established by the Common Positions adopted in frame of the External and Common Security Policy, they adopted the Emergency Ordinance no. 202/2008 regarding the international penalties' appliance. OUG no. 202/2008 provides the direct applicability and the national compulsoriness of the international penalties adopted by UNO Security Council (art. 3, paragraph 1, corroborated with art. 1 paragraph 1 of OUG no. 202/2008), for all the law subjects to whom it is addressed, including the

³² www.mae.ro

³³ http://ec.europa.eu/external_relations/cfsp/penalties/docs/index_ro.pdf

³⁴ Therefore, South Africa was temporarily excluded from the Work International Organization after its apartheid policy and it has lost his right to vote in frame of the Health World Organization. Therefore, the same treatment was also applied to Cuba in the framework of the American States' Organization. In the framework of the International Monetary Fund and of the International Bank for Rebuilding and Development, the encroachment of certain obligations may have as consequence the non-granting of loans. (R. Miga -Beșteliu, op. cit., 1998, p. 14-16).

physical and juridical persons, of private law, since their adoption by the Security Council. The penalties or other restrictive measures adopted at the level of the European Union are compulsory for Romania, as a member state of the European Union. The penalties adopted by documents of other international organizations or by unilateral decisions of the states may become compulsory at the national level only if a special normative document is adopted (art. 4 paragraph 4 corroborated with art. 1 paragraph 2 of OUG no. 202/2008). The punishing system adopted at the international level refers to the achievement of the objectives stipulated both in UNO Charter and in the documents elaborated at the level of the European Union regarding the External and Common Security Policy (ECSP) and they consider the following things: maintaining the peace and improving the international security, promoting the international cooperation, safeguarding the common values of the international society, of the fundamental interests, of the independency and of all the states' integrity, developing and reinforcing the democracy and the law state, and also respecting the human rights and fundamental freedoms. To what extent the penalties adopted at the international level proved and prove their efficiency is an aspect that has to be analysed for each case, from the point of view of certain defining elements that regard the justification of the imposed measure, the way the implementation of the penalty was financially administrated, the support from the international public opinion, the way the penalty was respected by the international community's members, the time it lasts, and also its economical and humanitarian costs. But irrespective of the proved efficiency, we do not have to say that the international penalties, even if they appear as strong pressure tools over the states that do not comply with their behaviour to the international law, especially the economical penalties are many times extremely brutal measures that provoke serious sufferings to the civil population, without touching the aimed ones³⁵. However, in spite of all the contestations against their efficiency, the international penalties remain the most important discouragement factor of the illicit actions, against the international law's laws, in order to provide poise in the international relations.

Literature:

- I. Anghel, Liability in International Law, Lumina Lex Publishing House, Bucharest, 1998
- Al. Bolintineanu, A. Nastase, B. Aurescu, International Public Law, All Beck Publishing House, Bucharest, 2000
- R.Miga Beșteliu, International Public Law, All Beck Publishing House, Bucharest, 1998

³⁵ Catherine Kosma Lacroze, La penalty en droit international (<http://www.net-iris.fr/veille-juridique/doctrine/10842/la-penalty-en-droit-international.php>)

- R. Miga - Beșteliu, International Public Law, vol. II, C.H.Beck Publishing House, Bucharest, 2008
- V. Cretu, International Public Law, „România de mâine” Foundation Publishing House, Bucharest, 1999
- Crăciunescu, International Public Law, Concordia Publishing House, Arad, 2006
- I.Diaconu, International Public Law Handbook, Lumina Lex Publishing House, Bucharest, 2007
- Catherine Kosma Lacroze, La penalty en droit international (<http://www.net-iris.fr/veille-juridique/doctrine/10842/la-penalty-en-droit-international.php>)
- Gh.Moca, M.Duțu, International Public Law, Universul Juridic Publishing House, Bucharest, 2008
- D. Popescu, A. Năstase, International Public Law, „Șansa” Press and Publishing House, Bucharest, 1997
- International Public Law Dictionary, Scientific and Encyclopaedic Publishing House, Bucharest, 1982, p. 262
- www.mae.ro

Contact – email

laura.trocan@gmail.com