

## SANCTIONS IN THE INTERNATIONAL PUBLIC LAW

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### **Abstract:**

*Sanctions are coercive measures taken against a state which has committed an international illegal act or has seriously breached an international rule or obligation, by a state or a group of states or decided by an international organization. The sanctions and countermeasures are a form of coercion for the guilty state. Constraint is traditionally regarded as one of the leading problems in the international law. With reference to the lack of a centralized apparatus of coercion, many thinkers denied the legal nature of the liability law, giving it the character of a positive moral. In fact, coercion plays an important role in the functioning of international law and is one of the characteristic features of the operating mechanism.*

*Constraint as part of the method of operation of the international law is not a violation, but a means of achieving the right. The basic element of coercion is legality, including in terms of foundation, method and volume. Constraint is primarily determined by the goals and principles of international law. Countermeasures are limited by the temporary failure on the part of the injured state towards the guilty state and they are considered legal until they have reached their purpose. They should be applied in such a way to allow restoration of the application of the violated obligations. This rule relates to the 1969 Vienna Convention on the law of treaties, according to which "during the period of suspension, the parties shall refrain from any acts which would tend to prevent the resumption of the treaty"[1].*

**Key words:** international law, international relations, subject of international law, international liability, penalty.

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### **INTRODUCTION**

An essential component of international law is represented by the defining and demarcation of international responsibility for those actions that are likely to endanger international peace and security, to create a tense climate that determines the use of force or to generate military conflicts and confrontations. Unfortunately for the international community, such events still take place in 21<sup>st</sup> century and for example, we mention the recent conflict between Syria and Turkey, or the conflicts in Egypt, Libya and Tunisia. The responsibility for such illegal acts must clearly be established in the norms of international law to highlight the preventive function of international responsibility and to ensure the international peace and security.

The war of aggression was considered for a long time an illegal act and therefore not being incriminated, there is no liability for such actions that intended to start and wage the war. It is well known in the history of international relations that stronger and better armed states ask brought the weak states to book for, by virtue of the winner's right to impose to the defeated state its conditions [2]. The war of aggression was considered a lawful way of resolving conflicts between states and the so-called responsibility was made on the right of the strongest state. Because the international obligations were frequently violated, war was considered a means of conquest and oppression of other peoples, that was available for the powerful states, eager for expansion. Such a conduct embodied the breach of fundamental principles of international law such as: the sovereign equality of rights, non-aggression, the peaceful resolution of international disputes, cooperation and mutual respect in interstate relations, which led to the imposition of strict liability of the aggressor for his actions of threatening or breaching the peace and security or the instigation and starting the war.

Thus, the establishment of international responsibility and of some exact sanctions enshrined in the international law, to punish the guilty of violating the international obligations stipulated in the international treaties, appeared as imperative. This responsibility refers to the obligation of the aggressor state to support in various forms the consequences of its criminal acts "which can range from the coverage of material damage, up to the most rigorous sanctions permitted by the international law". [3] The attempts to find an international balance, some viable solutions for maintaining peace and security in the world have echoed in the doctrinal works of international law, but also in a series of debates on the subject. For example, *The Conference For Security and Cooperation in Europe*, where there was argued the need for sanctions against those who violate international norms and obligations and the rules of good coexistence, based on the fact that no state wants a military confrontation. To design effective actions against the war of aggression there should be stipulated responsibilities of the guilty and the sanctions imposed to punish them, in a clear and precise form, in order to highlight the preventive function of international responsibility. The crucial role in clarifying these issues comes to the coding of responsibility in the international law by the determination of the illegal acts, the establishment of sanctions and the institution of a judicial system of applying these sanctions.

### THE CONCEPT OF SANCTION IN THE INTERNATIONAL LAW

The term *sanction* designates a state of fact or a state of law that limits or notifies the society about a possible limitation of a right, legally, in accordance with the international law, as a response to a possible violation of a subject of international law by another entity [4]. The legal sanction is a creation of the law, namely the positive law, a derived legal institution and an instrument of creating and reintegrating the legal order, that gives authority to the precept and restores the rule of law through its application [5]. The notion of sanction involves, besides the consequence of a violation or the ignoring of law rules also the sanction of law by the sovereign state.

Like other institutions of law, the term sanction includes a *broad, general, sense* which includes all the possible legal situations and a *narrow sense* to refer to a specific segment of a set of situations. Thus, *in a broad sense*, the concept of sanction involves physical or psychological suffering that someone endures because in his turn, he caused a illegitimate or unfair loss or suffering. The narrow notion of punishment is a legal measure. There is a correlation of sanctions from the international law with social sanctions, because they often occur together [6] due to a common and harmonized system of values and criteria on which it is based.

With regard to the international law, unlike the domestic law, there are no authorities responsible to follow the enforcement of the international law's norms, in the interest of the international community [7], and those ensuring compliance and enforcement of international law's norms and the relocation of the international norms are subjects of the public international law, especially the states, individually or collectively and international organizations.

In the international law, the term "sanction" is used to refer to the state's responsibility for committing an internationally illegal act. In another acceptance [8], this term refers to the legal means available for the legal system to ensure the states' compliance with the prescribed rules, or, in other words, incorporates all means and it is the last that has as objective the normative integrity guarantee directly, or indirectly, preventive, restorative through a centralized action or at different levels.

The role of public international law is to ensure social order and thus international law, by asserting rules of conduct imperative for all participants in international relations, which may or may not be respected by them. In case of failure to observe the international law, other rules are established, also imperative, to sanction these penalties, called by the doctrine, sanctioning legal rules or legal sanctions. These issues arise also from the definition of public international law, which are all legal rules created by the states and other subjects of international law, by agreement of will, expressed in the treaties and other sources of law, to regulate their relations, rules of which implementation is ensured through the voluntarily compliance, and if necessary by coercive

measures applied by the countries individually or collectively, or through international organizations [9].

Sanctioning or repressive rules appear as a normal response, legally justified, to the ignoring a *jus cogens* rule of international law or in response to a non-compliance to a penalty already imposed by the international law. [10] It should be noted that from the definition of international law, a number of features in the formation of rules and sanctions of international law can be extracted, namely: international law is a coordinator law, as its rules arise from the agreement of the states, in particular, but also from other subjects of public international law, according to their interests, gaining legal force and general or universal character, by reaching a consensus on the issue, the enforcement of international legal norms, when they are not met, is done by the same entities that have adopted them by individual or collective measures, directed against the ones guilty of violating international norms, based on the provisions contained in the bilateral or multilateral international agreements or in the international organizations.

### FEATURES OF INTERNATIONAL SANCTIONS

There are a number of specific characteristics of the public international law's sanctions, classified according to certain criteria. Thus, we can talk about:

- The character of public law sanction [11];
- The international character of the sanctions [12];
- The inchoate character [13] of rules that establish these sanctions in relation to those from the national law.

Other features focus on issues of public international law and they may be: the lack of an organized complex of courts, as in the domestic law, to apply sanctions to those who violate the law, and the specific of sanctions under international law, but which are not highly structured and defined. However, the latter are regulated in some way by various entities and bodies with responsibilities in this regard, but according to their interests, knitted in a system comprising a series of sanctions that exclude the use of armed force, such as the economic, diplomatic, political or commercial sanctions. Other types of sanctions are customary or conventional ones, set out in conventions, treaties, agreements or pacts, and the ruling ones; sanctions imposed for failure to comply to moral or legal rules (the ruling and *jus cogens* rules); the sanctions applied by the international courts or other subjects of public international law, directly, such as retaliation and reprisals and indirectly, through international organizations, and in some cases expressly provided, regarding the use of armed force.

In terms of their classification, the international sanctions are coercive measures with repressive and restrictive character, or just restrictive of rights or interests only, at the expense of those responsible for the non-compliance of public international law, namely those who took the risk of these sanctions consciously through such dangerous actions that are contrary to public international law [14]. Sanctions are *means to change an illegal attitude* through the international public law, *means of restoring the situation previous to the trick, of compensation for the damage caused* by some entity of international law, *of punishing the carelessness or indifference* in regard to the exercise of a legal right, or in terms of individuals, namely, *the rehabilitation* of the person to whom the criminal sanctions of international law are applied. The sanctions of international law can or can not be avoided, as an effect of establishing or non-establishing a legal obligation to apply them [15].

In another context, it is well to remember that the norms of public international law recommends and forces the respect of the fundamental values of the international society, such as: the development of relations between states, the equality and mutual respect between countries, the promotion and maintenance of international peace and security, the ban of using the force, except some circumstances expressly provided by the international law. [16]

Under no circumstances, in the interstate relations, international sanctions shall not be used for the punishment by revenge of those guilty of injuring some members of the international

community. They appear to be measures taken to end illegal acts, since the aim is, as we said earlier, to maintain international peace and security and harmony in the relations between countries of the world. In case of international criminal liability, when there is no possibility of peaceful conflict resolution, the international sanctions acquire a repressive character, as serious acts against peace and humanity have already produced their harmful consequences and there is no way of remedy [ 17].

If in the domestic law of the states, the coercive measures are applied by a central body of the state, in the international law the situation is slightly different, meaning that the application of sanctions, individually or collectively, recurs to the international states or organizations. The doctrine of international law has not always accepted the character of international sanctions, compared with the national law, so that international law was considered an *imperfect* law [18]. As argument for this situation, we used the UN Charter's provision on collective penalties, that has never been used in practice, due to the legal voting procedure in the Security Council of the UN. The unanimity of the permanent members of the United Nations is necessary[19]. The problem of international sanctions is slightly different in the domestic law of the states, because of the structure of the social relations that it governs and because of the nature of the subjects of international law. Therefore, the domestic law is for people and it is necessarily imposed by a higher body, and in the international law prevails the states' will expressed by treaties or custom and are different by number of parties addressed to by the norms of public international law, by the economic power, , level of development or geographic location.

### CLASSIFICATION OF SANCTIONS - GENERAL CONSIDERATIONS

The international sanctions can be classified according to several criteria, such as:

1. *According to the field*, the penalties are:

- legal sanctions;
- moral sanctions;
- religious sanctions;
- sanctions within organizations;
- sanctions within ethnic groups or small groups;

The most important in this category are the legal sanctions, that are important because they can only exist within complex social organizations, state type, which have a defined territory, their execution is mandatory for all their addressees and the failure of sanctions attracts specific coercive measures for each community.

2. *According to the sector and area of law*, the sanctions can be domestic sanctions as it follows:

- disciplinary ;
- contravention;
- civil;
- criminal;
- sanctions that can be applied in the field of private or public international law.

3. *According to the purpose*:

- sanctions containing punitive and adverse consequences of non-compliance to the compliance norms (negative sanctions) and
- sanctions consisting in measures of incentive and stimulation of the perpetrator, in order to force him to stop the illegal action (positive sanctions) - specific to the contemporary public international law.

4. *According to the form and nature*, there are:

- sanctions involving deprivation of liberty;
- corporal sanctions;
- sanctions relating to heritage;
- moral sanctions;

- sanctions relating to the restriction of the various rights that the members of a community have, etc.
- 5. *According to the type of the active subject of the sanction* (the person who applies the sanction):
  - sanctions applied by individuals with attributions in the field, they can work in public and private organizations, within the state and trans-state;
  - the sanctions applied by some entities, other than the individual, such as private national organizations, states, international governmental and non-governmental institutions, institutions within them, courts etc.
- 6. *According to the degree of dependence of an applied sanction beside another sanction:*
  - main sanctions [20];
  - additional sanctions [21];
  - sanctions accessory to the main sanction. [22]
- 7. *According to the framework of the sanctions*, they can be:
  - sanctions that apply in an *organizational framework*, which in turn are divided according to *the degree of determination* in:
    - sanctions expressly provided before their delivery;
    - sanctions provided with the indication of the limits within which it can be applied;
    - sanctions based on only general provision that for that act a penalty should be applied;
    - unexpected sanctions, whose application is founded on the prohibition of an expressly established act [23].

### CLASSIFICATION OF PUBLIC INTERNATIONAL LAW SANCTIONS

We made this review of general sanctions to easily identify the typology of international sanctions. They can be divided according to several criteria: the criterion of parallelism with the domestic law; the criterion of the framework within which these sanctions are taken; the criterion of the nature of the right affected by the application of the sanctions; the criterion of the importance for ensuring the international legal order; the criterion of formal sources of the rules of international sanctions; the criterion of spatial extent ; the criterion of compulsory edict of the sanction; the criterion of the existence or absence of dual incrimination ( the first in the domestic law and the second in public international law); the criterion of the preliminary phases before applying the sanction, the moment when these sanctions become active; the criterion of active or passive subject in applying the sanction; the criterion of legality of the act prompting the sanction.

Extrapolated, the classification of international sanction is as follows:

1. *According to the parallelism with the domestic law*, there are:
  - public international sanctions;
  - civil international sanctions corresponding to the civil or criminal penalties from the domestic law, administrative law, criminal procedural law, civil procedure, labor law, financial law, tax law, environmental law;
2. *According to their framework* , there are:
  - sanctions stipulated in international organizations;
  - sanctions provided by international societies;
  - sanctions provided by international bodies, which do not belong to any international organization.
3. *According to the criterion of the nature of the right that has been impelled*, there are:
  - sanctions of public international law concerning property;
  - sanctions relating to the guilty individual's freedom, for the right of action, honor or prestige and certain rights and freedoms.
4. *According to the criterion of the importance to ensure the international legal order:*
  - sanctions with a crucial role in maintaining the legal order [24];

- sanctions with a minor role regarding this order, without prejudicing the international relations [25].
- 5. *According to the criterion of the norms' formal sources* containing sanctions of public international law:
  - sanctions rooted in international treaties;
  - customary sanctions;
  - sanctions adopted by internal documents of international organizations and institutions;
  - sanctions imposed on the principles of public international law;
  - jurisprudence international sanctions or sanctions based on the principle of equity.
- 6. *According to the criterion of territoriality:*
  - international sanctions with universal application;
  - sanctions with continental or regional application;
  - sanctions applicable in a public international organization.
- 7. *According to the criterion of the compulsoriness* of the enforcement of a sanction of public international law by the authority or subject competent in this matter:
  - sanctions imposed as a result of public international law's obligation in this regard [26];
  - sanctions based on an opportunity, and not on an obligation to do so.
- 8. *According to the criterion of the existence of absence of double criminality of the act* [27]:
  - internationally imposed sanctions due to violation of a strict rule provided by the international law;
  - sanctions whose corresponding actions, that have determined the application of those sanctions, are regulated by several branches of law, usually two branches, including the public international law. [28]

In terms of the *modality of application the sanctions*, they may be:

- *mandatory* - are those provided in art. 41 and 42 by the UN Charter, which provide that, in case of threat of the peace or breach of peace, or when an act of aggression is committed, the Security Council may decide sanctions not involving the use of armed force. These measures include complete or partial interruption of the diplomatic, economic, maritime, rail, air, postal, telegraphic, radio relations etc. If these measures prove to be insufficient there may be a recourse to other measures involving the force embodied in demonstrations, blockades, and other air, sea or land operations of the UN members. Article 25 of the UN Charter [29] requires the application of these sanctions. [30]
- *non-binding* - they either refer to the recommendations made by the UN Security Council under Art. 39, either they decide on the measures to be taken to maintain or restore international peace and security [31].

*By their nature*, public international law sanctions are:

- *sanctions without the use of armed force* - this category of sanctions is provided by Art. 41 of the UN Charter and includes:
  - *economic ,commercial sanctions* and others, i.e. economic or commercial measures imposed by the Security Council against the guilty state;
  - *the disclaimer of some illegal situations* applied by UN when faced with a unlawful conduct of a state or even several states, that has not been able to stop, or against which proved to be unprepared to recommend or to decide effective sanctions [32].
- *sanctions with use of armed force* [33] – are regulated by art. 42 of the UN Charter, which allows the use of force when the sanctions provided in Art. 41 would be considered inadequate to maintain or restore international peace and security.

## THE RECIPIENTS OF THE PUBLIC INTERNATIONAL LAW SANCTIONS

To be recipients of international responsibility and of international sanctions, the entities responsible for triggering a dispute or committing an act which affect the international public order, must have the quality of a subject of public international law or to be a participant in such a law

rapport, knowing that the relationships established between the entities operating in the international society are considered international relations. The relations established between the subjects of international law are in the scope of the international law. We made these remarks to highlight the notion of law subject that describes the entities that have the quality to participate in legal relations regulated by rules specific to that legal order, as holders of the rights and obligations in this order.

The contemporary international realities require extending the quality of subject of international law also to other entities, but essentially, it should be: holder of international rights and obligations, the holder of the right to bring an action to an international tribunal and the holder of some interests in international law. As these entities (especially states) are creative of international norms, they are also the recipients of these norms and have the ability to assume and exercise rights and acquire obligations in the international legal relations. These subjects of international law are considered to be:

- the states as main, primordial, original and universal subjects of public international law;
- the international intergovernmental organizations created by the agreement of the states;
- the peoples or nations fighting for national liberation with limited capacity and transient character;
- Vatican, thus the papal state, which has a limited capacity;
- the individual - whose quality of subject of law is controversial in the international doctrine, considering that it would not have international rights and obligations, not having the characteristics of the subjects of public international law . However, some authors recognize, in certain circumstances, the legal personality of the individual, which can be conferred only by the states, only if they are parties to treaties or customs involving international rights of the individual.

## CONCLUSIONS

In terms of the topic, we can say that international law is ensured through the voluntary compliance of the norms of international law and, if necessary, by force or coercive measures applied directly by the states, individually or collectively, or through international organizations, regarding the state responsible for the violation of the norms of public international law. When an international dispute arises as a consequence of the infringement by a state, of the norms of the public international law, that can not be resolved by peaceful means, the aggrieved party has the opportunity to use a series of limited measures and countermeasures, coercive against the one/ones who has / have committed such acts, but with the recommendation to avoid as possible the armed force.

In such cases, it is required to use special tools for dispute settlement embodied in international sanctions with complementary role in relation to the means of peaceful solving the conflicts. The coercive measures may have different functions related to the state's conduct, in order to restore the violated legality, to remove the non-amicable acts, to restore the violated rights, international peace and security and, last but not least, to obtain the repairing of the caused damages. The sanctions imposed by the international states and organizations appear as *countermeasures* - the most diverse manifestation - grouped in measures of retaliation and reprisal, plus armed self-defense, military blockade and other sanctions against the states, members of some organizations, for not respecting some mandatory provisions. The countermeasures aim at determining the guilty state, at stopping actions that violate the norms of international law or the rights of the state that applies those sanctions. This term refers to certain acts or omissions of a state, which become correct as a defense reaction and stop of the international illegal act.

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- [1] See art. 72 of the 1969 Vienna Convention on the law of treaties in Adrian Nastase, Bogdan Aurescu, Ion Galea,

*Contemporary international law. Essential texts*, Publishing House Universul Juridic, Bucharest, 2007, p 132 and art. 22 of CDI Project, *ibid* p 394.

[2] See details about the aggression war and the states' responsibility in Dumitru Mazilu, *Public International Law*, Second Edition, Volume II, Publishing House Lumina Lex, Bucharest, 2005, pp. 351-352.

[3] Grigore Geamanu, *International criminal law and international crimes*, Academy's Publishing House, Bucharest, 1977, p 278.

[4] The law sanction can express a threat with suppression addressed to an indefinite number of people when it involves a coercive measure that can be applied in case of violation of the relevant legal norm or a concrete measure of restraint applied to the guilty subject.

[5] Daniel Stefan Paraschiv, *The system of sanctions in the public international law*, Publishign House CH Beck, Bucharest, 2012, p 1.

[6] For example, a criminal offense, in addition to the criminal sanction, it is also punishable both morally or religiously.

[7] With regard to the idea of interest of the whole international community, we can say that it has been accepted. over time. by many scholars of international law, including Dionisio Anzilotti, known supporter of the theory of the states' sovereignty . One of the greatest defenders of Heinrich Triepel's theory of dualism has resulted in an international work -*International Law Course- Corso di diritto Internazionale*, work translated into several languages. Anzilotti was General-Secretary of the League of Nations and expert of the preparing committee of the Permanent Court of International Justice. A former member of this Court from 1921 until 1946 and chaired the Court between the years 1928-1930, see also George Moca, Mircea Duțu, *Public International Law*, Vol I, Publishing House Universul Juridic, Bucharest, 2008, p 29.

[8] Dumitra Popescu, *Sanctions in international law*, in "*European integrity and Romanian law*", Vol IV, Publishing House Tempus Dacoromana Comterra, Bucharest, 2006, p. 173-174.

[9] See definitions of public international law Stelian Scaunas, *Public International Law*, All Beck Publishing House, Bucharest, 2002, p 6, Ion Diaconu, *Manual of Public International Law*, Lumina Lex Publishing House, Bucharest, 2007, page 14, Aurel Preda- Mătășaru, *Public international law treaty*, Lumina Lex Publishing House, Bucharest, 2007, p 42, Adrian Nastase, Bogdan Aurescu, Cristian Jura, *Public International Law. Synthesis for the exam*, 5th edition, Publishing House C. H. Beck, Bucharest, 2009, p 33 and others.

[10] For example, if a state, to which a countermeasure has been applied by another state, refuses to maintain it, on the ground that the action or inaction or omission was manifestly disproportionate to the offense perpetrated by the state recipient of the countermeasure in question.

[11] These sanctions may be applied only in the context of public law relations.

[12] Characterized by the existence of a foreign element in applying the sanctions, resulting from the illegal violation of an international convention or the regulations of a governmental international organization.

[13] This feature results from the existence, within the international sphere, of the phenomenon of private justice - limited, however, by some adopted conventional measures - or the large number of international institutions that regulate the application of the international sanctions. It is true, however, that at present, we are witnessing an increasing number of treaties that provide sanctions, for the disarmament, environment, sea, international criminal law, etc. , thus, making the actual feature not so pronounced as in the past.

[14] The sanctions of public international law originate from committing an act sanctioned by the international law or injurious for another subject of law mentioned above, always applying after committing that act.

[15] Daniel Stefan Paraschiv, cited work, p 17.

[16] Along with the right to self-defense and the case of peoples for self-determination, the use of military force is permitted in the case of art. 42 of the UN Charter, which provides for the right of the Security Council to take such action, by air, sea, or land, any necessary action to maintain or restore international peace and security. Such actions may include demonstrations, blocking and other operations made by air, sea or land forces of the United Nations' members- see Adrian Nastase, Bogdan Aurescu, Ion Galea, cited work, p. 23.

[17] Miga-Besteliu Raluca, *Public International Law*, Vol II, Publishing House CH Beck, Bucharest, 2008, p 167.

[18] Gregory Geamanu, *Public International Law. Treaty*, vol I, Didactic and Pedagogic Publishing House, Bucharest, 1981, p 57.

[19] The solution, suggested by a part of the international law doctrine, it's the attribution of the international organizations, particularly of the United Nations, of an increasing authority, to be able to impose sanctions only when necessary, to all states and international organizations, as mandatory.

[20] We have a main sanction when it applies independently from another sanction and when there is no report of a certain dependency on the imposition of the first listed sanction, compared to the application of the second.

[21] When it is applied in addition to a main penalty, to complement it.

[22] If an independent penalty is applied in addition to another main penalty, in order to raise the level of repression.

[23] Daniel Stefan Paraschiv, cited work, p. 20-23.

[24] For example, those related to the non-compliance of jus cogens norms(peremptory norms of international law) or those aiming facts that affect the international community as a whole, generally, acts that affect international peace and security.

[25] In general, administrative sanctions.

[26] The requirement to solve an international case which has subsequently led to the application of a sanction, it may originate only in the legal provision of this obligation or the legal provision with the parties' agreement to submit the dispute, in which they are involved, to debate before a competent court.

[27] This criterion of classification can be reformulated by reference to the existence or absence of a double provision of the legal sanctions for a prejudicial act, or a provision in public international law, and another in the other branches of law, usually when an act is incriminated by a particular field of law, it also provides the appropriate sanction for it.

[28] For example, the crime of genocide, the war crimes and crimes against humanity, which are sanctioned by the public international law and the domestic criminal law of most of the states - see also Dumitru Mazilu, cited work, p 366.

[29] Adrian Năstase, Bogdan Aurescu, Ion Gălea, cited work, p. 20 and 23.

[30] Although the UN Charter places no limits on the sanctions that the Security Council may impose, in practice some exceptions were accepted, on not affecting the sanctioned state with medical, educational supplies, publications and news, food, where control can be exercised by the Red Cross or a similar body, to ensure that these supplies do not reach the target groups favored by the government. Such an example of sanction ordered by the UN Security Council is the decision that all States shall deny permission to take off from the ground or any aircraft or to fly over their territory if it was intended to land or take off from Libya, decided because Libya's refusal to cooperate in the investigation of the crash of the flight Pan American 103 in December 1988 over the village Lockerbie - The Lockerbie case - see Beatrice Onica-Jarka, Catrinel Brumar, Anca Daniela-Anca Deteșeanu, *Public international law. Seminars notebook*, Publishing House C. H. Beck, Bucharest, 2006, p 231.

[31] The first such recommendation was made by the Security Council in 1946 when he stated that Member States should break diplomatic relations with Franco government in Spain, because this government sympathies to the Axis powers during the World War II and another, in a resolution of 1951, when recommending additional economic measures against North Korea and China during the Korean War - see Daniel Ștefan Paraschiv, cited work, page 27 .

[32] For example, in 1990 the original, the Security Council declared that the annexation of Kuwait by Iraq is null and void.

[33] Dumitra Popescu, *The problem of the legal regime of nuclear weapons in " The Romanian law after the adhesion to the European Union"*, Vol V, Publishing House Dacoromana Tempus Dacoromania Comterra, Bucharest, 2007, p 182-183.

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