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THE MEASURES OF CONSTRAINT IN THE INTERNATIONAL LAW

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Abstract:

For being addressee of the state international responsibility, the entities guilty of the trigger of an conflict or by of the commit of an fact through it's bring touch to the international public order, must have the quality of the subject of international public law or to be participant to an report of law like this, knowing that the reports which it's settle between the entities which actions in the international society are considered the international relationships. The relationships which are established between the subjects of international law are falling under the international public law.

The constraints is an element of international law which does not constitute an violation, but an mean of achievement of the law. The base element of the constraint is legality, including from the point of view of foundation, method and the volume. The constraint is determine, first of all by the purpose and base principles of the international law. The countermeasure are limited through the temporary a groundless of the obligations by the injured states, face to the guilty state and are considered legal until it will be achieved their purpose. They must have applied in a sort way to permit re-establish of the application of obligations infringe. This rule has to do with Convention of Vienna from 1969 regarding the treaties law, according to "in the time of abeyance period, the parties must abstain from any deeds which will tend to impedes the resumption of applying the treaty"[1].

Key words: international law, international relations, coercion, constraint, retort, reprisals.

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I. INTRODUCTION

The role of the international public law, like other law system, is to assure the social order, respectively the judicial international order, through the enouncement of the behavior norms with obligatory character for the subjects which it's address, in race, the states. The judicial international order is assured by the observance of will to the norms of the international public law, and in case of necessity, through the constraints measures applied directly by the states, individually or collective way, or through the international organizations, against the state who violate such norms [2]. This kind of behavior norms are generic named juridical norms of conformation which can be or not reputed by the addressee of norms. In condition in which it's appear inobservance cases of this norms it's institute another norms of penalization of those violation with obligatory character, named juridical penalization norms or law sanctions.

Under the international law, we meet, among another norms, judicial norms with recommendation character also – so called soft law – under the aspect of those application and in case of constraint of those norms in which regard those degree of achievement by the states. There is situation in which those norms don't have obligatory character, and those application depend only by the will of the parties which have the attributions in this matter. Such a situations appear when are adopted the judicial international norms by the states or international organizations by agreements or treaties in which text it's provide the enter in vigour is facultative for each party of the agreement, being left by the latitude of them.

The penalization norms represent the justify reaction juridical speaking to the violation of an conformation norm with obligatory character of the international public law. From the definition of the international law, we detach some characteristics which regard the formation of the norms and

of the penalizations of the international law also, and about the accomplishment of those in report with the internal law of states, namely: the international law is an coordination law, because his norms was born behind the will accord of states proper with those interests, achieving judicial force and universal character through consensus and bringing to accomplish of the norms, when they are not reputed it's realize by the same subjects of law which it's edict through measures taken in collective or individual way against of those guilty of violation, base on some disposals of treaties or international organizations[3].

II. THE FORMS OF COUNTERMEASURES

The countermeasures dress the form of the measures with retorts and reprisals character like emerge from the analyze of the doctrine of the international public law.

The retort represent measures with licit character which are taken by an state against the unfriendly deeds commit by another state, contrary to the international custom and they consist of legislative, administrative and judicial measures. More exactly, those retort measures can be varied and an harm state can take following types of countermeasures: the reduction of the imports from the state which commit those deeds contrary to customs, the growth of the custom-house taxes, the expulsion of the nationals (for example, journalists), the prohibitive measures regarding the international trade, the interdiction of the access in harbors of the citizens or ships of that state, the suspension of the flights of some airy companies, the dissonance of financial helps or the suspension of an financial help – based on a treaty -, the denunciation of an accord, the commercial embargo, frizzing of the founds. For example, in case of suspension of an financial help – the decision of Dutch govern after the repression of opposition movement by the new govern in Suriname in 1982 or the suspension by the member states of the European Communities in 1991 of the cooperation accord with Jugoslavia in 1983[4].

According to George Scelle the retort have reciprocity character because tend to injury an identical and egal interest as value. Scelle belive that the retort is an sanction even if the behavior which is penalized it's not neccesary anti-judicial[5]. As examples of this kind of retort measures, we can enumerate:

- the application of economic nature penalties, like was the case of USA who in the '60 had suspension the public help through some states which extended their fishing zone out of teritorial see limits;
- the setting-up of an comercial embargo, as in case of the interdiction of the imports from Argentina to the European Communities during the armed conflict from Falkland Island in 1982 or the embargo institute in the relationships between the USA and Iran in 1980[6[.

The retort measures can manifest it self through the bursting or restraint of the diplomatic relationships, the institute of embargos, the cancelation of voluntary helps programs and stuff. The countermeasures are relatives only at the measures of temporary character which can take a injured state. Analyzing the international practice and the jurisprudence we observe that those claim the fact that the term of countermeasures designate those actions which can have reprisals character, but are not associated of an armed conflict. Instance the case of: The airly services Accord from March 27, 1946 between the USA and France (Nations Unies, Recueil des sentences arbitrales, vol. XVII, 1979), The diplomatic and consulary Staff of USA in Teheran (ICJ Recueil, 1980), The *Gabcikovo-Nagymaros Case (Ungaria c. Slovacia*) in ICJ Reports, 1997[7].

The reprisals represent the measures taken by a state as reaction to the illegal deeds of this state, to force him to stop his illegal behavior and to redress the possible prejudice produced. The term of reprisals was insert to designate the illegal actions or deeds or measures which resort to force, reported to international law as answer to a vilotion of an right. In present this term is associated with the measures taken in the armed conflict periods. From analysis of the doctrine of the international law emerge that there is two categories of reprisals: *peacefull*, such as: the interruption of the commercial, postal, telegraph relationships, the expulsion of some citizens of another state or the refusal of accomplishing of some contractual obligations between two states and military: in generaly, any deed

which suppose the threat with force or the usage of armed force against the state who commit an illegal fact, such as: the blockade or embargo. In the contemporany international law those coercion measures are rare enough and they are applied only when the state in cause don't succed to resolve an dispute in peacefull way.

The difference against the retort is that the reprisals it apply like an answer to illegal deeds commit by a state, in acordance with international law. Although, they appear as a reaction against of some illegal deeds of an state, the reprisals loose the illegal character because they represent an normal, logical reaction to an illegal fact of another state. The reprisals became in this way legal facts and had the intention to determine the author of the illegal fact to recence his behavior or to responde for his actions. As example, we bring the Naulilaa Case from 1928 solved by Portuguese-German Court, Portugal vs. Germany[8]. The case make allusion to an incident which consist in recurrence to armed reprisals by the german force against an portuguese guard post, like revenge for the killing by mistake of three germans. Definitely, the intent was drawing to responsibility of the guilty state, but such reactions are forbidden in present by the international law.

The distinctive forms of the reprisals, deductived by the doctrine of international law are:

- *the embargo* – represent the astriction of the commercial ships and their load of an state who commit an illegal fact, in harbour or teritorial sea, with intent to counteract a violation of the norms of international law and to oblige that state to mend the prejudice commited. The embargo can have many forms: the total embargo (the most austere form of sanction), the freezing of financial assets (the blocking of the banks storage), the control of the imports and exports (which is used to limit the arms exports or another materials used in military means) – for example, the Resolution no. 1907 from December 23, 2009 adopted by The Security Council of UNO against the state Eritreea which provide financial, logistics and political support to the armed grupping from Somalia. The actions of this state represented a threat of international peace and security, and, reductively, it's impose an embargo on the arms of the Eritreea state;
- *the boycott* is an coercion measure which visa the interruption of the commercial relationships with the guilty state by a violation of the international norms or the interruption of the radio, postal, telegraph, railway, airy, maritime comunications. This is a sanction which is apply, ordinarily, by the Security Council of UNO or by The General Assembly through resolution and it is intent against the states who commit deeds of threat of the peace and security or aggresion acts – for example, the refusal of some states to participate at certain activities, for protest against the host state, as it happend to Olympic Games from Moscow in 1980 and Los Angeles in 1984, and again this year (october 2013) an attempt of boycott in Rusia before the begining of the Olympic Games;
- *the peacefull maritim blockade* – consist in the obstruction of an state with help of the navy military force of any comunications forms with the harbours and coast beach of another state, even this two states aren't in belligerence. It is a measure which is adopt by Security Council of UN only against the aggresions acts of an member state or against the acts who put in danger the peace world – for the example, the blockade assessed by Israel to Gaza's Bar in 2007. Israel was criticized by the international community after the intervention of the israel comando team against an humanitarian convoy which want to force the blockade from Gaza; Another example, refer to Resolution no. 1701 from 2006 of the Security Council whereby the Council ask Israel to break up the airy and maritime blockade assessed to Liban, but Israel decline in first stage, but on July 13, 2006 comply with the Resolution of the Council;
- *the bursting of diplomatic relationships* – is a measure which it put in practice through an unilateral act and it's refer to abnegation to permanent diplomatic mission from a state, with the role to constraint another state to stop some illegal acts reclaimed against of this state or the citizens – for example, in 2008 Georgia rived/burst the diplomatic relationships with Rusia because of the conflict broke out between this two states. Rusia sended two fight airplains in the georgian space for spying[9]; another example would be the bursting of the diplomatic relationships between Armenia and Hungary in 2012 owed of an aggresion on a Magyar citizen by an Azer which was disturb by the appreciation made by the Magyar citizen at the flag of Armenia and the army.

III. THE APPLICATION OF THE COUNTERMEASURES

According to article 49 from The Articles Project regarding the responsibility of states for illegal international facts, adopted by Commission of International Law in 2001, a state which is consider damaged can't use the countermeasures against a state who commit an illegal international fact than to determine the guilty state to accomplish his infringe obligations. Only in this way can be excluded the illegal character of the countermeasures, as stipulate the article 22 of the Project. This Project establish an settlement frame, conditions and limits more precise than those existing until then, with the intention to assure the specific settlements for the application of those sanctions in conditions general accepted and to diminish possible abuses regarding of the recourse of this kind of countermeasures[10]. The article 50 from Project it's refer to the fact that the recourse to countermeasures must not affect:

- the obligation to abstain from the threat with force or the usage of the force conforming with the UN Charter;
- the obligation of protection of the human fundamental rights;
- the obligations with humanitarian character which forbid the reprisals;
- other obligations scheduled in imperatives norms of international public law;
- the achievement of the state which apply the sanction of the obligations which accrue from a procedure of settlement of the disputes, applicable between this state and the respondent state;
- the keeping the inviolability of the diplomatic or consular agents, of the archives, the building and the documents of those, by the state who apply the sanction[11].

The states don't allow to appeal to countermeasures immediatily what an illegal act has commited. In first stage, the injury state must to ask the cessasion of the illegal act and the restorable of an evenatualy prejudice. If the state the author of the act refuse the petitions, then it can pass to countermeasures, but only after the notification of state in cause. Of course, the countermeasures must be proportional with the solemnity of the illegal fact, and the injury state has the liberty to establish the form and size of the countermeasures. According to article 52 of the Project, before tooking the countermeasures, the injury state must appeal to guilty state to accomplish the obligations, to communicate of that any decision regarding of the countermeasure and to propose the negociations with this state. In case in which the illegal international fact or act has stoped or the conflict is submit of an instance which has the authority to pronounce the obligatory resolutions toward the involved parties, then the countermeasures can not be taken, and if the procedure is start must be pendulous immediatly, with exception of the situations of puting in application with dishonesty of the procedures of settlement of the conflicts by the guilty state.

The international law devote a series of obligations, of which violation don't necessitate the application of the countermeasures. Here we refer to the obligations which accrue from the imperative norms of international law, as obligations which to follow from non-aggression principle, which forbid the application of force or the force threat, including the application of the countermeasures. It's constitute exception only in case of self-defense. The Declaration of UN from 1970 concerning the principles of the international law regarding friendly and cooperation relationships between the states concordant UN Charter – the resolution no. 2625 (XXV) anticipate "the states will abstain from the acts of reprisals, which involve the application of force". The countermeasure does not apply in case of violation of the obligations in human rights domain, of the obligations with humanitarian character, which forbid the military reprisals. This stipulations it's included in the treaties concerning the human rights and humanitarian law[12].

The state who apply the countermeasures is not in right to refuse the accomplishing of the obligations concerning the peaceful settled of an difference, as like of the diplomatic immunities. The decision of International Court of Justice (ICJ) in case concerning *diplomatic and consular personnel USA at Teheran* establish that "in any case, any supposed violation of a treaty by one of the parties can't impedes this party to make referral to the stipulations of Treaty, which refer to peaceful settled of the differences"[13].

The countermeasures can not be apply in case in which the illegal international fact come to an end or the difference is advance to the judicial instance or of the arbitration. This, is looked the case of the adoption of the measures on the part of the states who didn't suffer, but which are participants to obligations settled in intention of collective interests of an group of states or of an obligation which it's refer to the international community in general. Any of these states is in right to draw at responsibility the guilty state, to take legal measures against that for the assurance of stopping of the illegal international fact.

IV. COUNTER- MEASURES LAID DOWN IN INTERNATIONAL TREATIES APPLICABLE TO THE STATES

Besides the sanctions of international public law applicable to international disputes there is also another category regarding the specific sanctions laid down in international treaties or in some constituting documents of some international documents regulating the field of the international cooperation of the states. Where the provisions of a treaty are broken, the damaged state may refer to the application of measures in the form of sanctions such as: the suspention of the effects of the treaties or even the termination of that agreement, with the exception of the peace treaties and the disarming treaties. As regards the breaking up by the states of the conventions of diplomatic law, the environmental law or the human rights, there are also covered a number of specific measures.

Without entering into the details of the law of the treaties, about which we have already discussed in the pages of this thesis, we are just reminding, as it is well known, that the treaty represents the main legal document establishing the understanding between two or more states or other subjects of international law in order to create, amend or extinguish international law norms [14]. *Negotium juris* (ie legal operation), the treaty is a legal act concluded between two or more states, on the basis of their willing agreement, which determines both their mutual rights and obligations and also the norms of behaviour that they are determined to respect[15].

In circumstances in which it is found that a state- party to an international treaty has broken the obligations arising out of the treaty, the application of sanctions will begin for the author-state responsible for the breach, as a reaction agaist the breaking of that treaty. The violation of the treaty by one of the party can attract its suspension or even its termination. However, the interest of the parties is usually the continuous running of the treaty, even though some clauses have been broken. Thus, until the application of punitive measures one shall apply to some diplomatic or economic measures in order to determine the guity state to change its conduct.

There are several criteria to be taken into account in the case of breaking some clauses of the treaties and here we mean: *the object of the offence* when the breach may cover the nature of the obligations or procedural breaches (failure to comply with the time limits laid down); *the subjective position* that we act with willingly, or out of guilt*; the character of the breaches* that can be comissive or omissive; *the gravity of the beaches* that can be meaningful to the interests of the parties or they can be of a secondary nature. Therefore, the measures of constraint, whether direct or indirect, for the violation of certain provisions of a treaty may be disposed unilaterally or collectively and can take the form of the suspension of the treaty, the withdrawal from that treaty and thus its termination or the form of counter- measures taken against the guilty state.

In the international law doctrine and in the practice of the states the terms of termination or suspension provided for in the treaties wasn't contested, but neither were determined the conditions for carrying out the right of the parties to put an end or to suspend a treaty because of breaking its provisions. The state that requires the putting into practice of such clauses has to arrive to an understanding with the other countries-parties to that agreement. These termination clauses are made up of events or circumstances of a legal or political nature, which may lead to the termination of the effects of a treaty in accordance with the procedures regulated by international law. In order to ensure the legal international order, some treaties may be suspended or their effects may stop by the will of the parties, these measures may take the form of a sanction for breaking the terms of the treaty by one of the parties. In the case of a breach of the provisions of a treaty, the injured party is entitled to

suspend or to stop the execution of the provisions and the obligations arising out of that treaty, situation in which the rule of the civil law *inadimplenti non est adimplendum* (towards the one who doesn't fulfil his obligation, the obligation must not be fulfilled) or it can be applied the exception of not fulfilling the contract- *exceptio non adimpleti contractus*[16]. Therefore, in the event of a breach of a treaty, its suspension or its termination may represent a measure of retaliation, set up out of the refusal for executing the treaty by the injured party. This measure is designed to provide pressures for the party who broke the obligations, for putting into practice some constraints. The ICJ has recognised as a cause of termination or suspensio the violation of a treaty of the advisory approval of 1971 on the dispute between Namibia and South Africa [17] and in 1972 on the occasion of solving the dispute between India and Pakistan*, in the case concerning the appeal relating to the competence of the Council of the International Organization of the Civil Aviation*[18]. Both India and Pakistan, were members of the Organization of the International Civil Aviation and signatories of the *Convention on the International Civil Aviation* from 1944 and of the *Transit Agreement for using the International air-services* by the countries- parties, without the necessity of a prior notice by one of the parties, according to the article. 1 of the Agreement. In 1948 the two states have signed a bilateral air services Agreement. In August-September 1965 a series of military hostilities have begun between the two countries, following which the provisions of the bilateral Agreement of 1948 and those of the Convention of the International Civil Aviation were suspended, and in 1971 an aircraft incident took place which resulted in the hijacking of a passenger plane under the indian flag in the Pakistan air space. The subject of the dispute referred to the laws of the Council of the International Organization of the Civil Aviation, appearing the question of whether or not it can regulate the dispute between the two states and if the dispute concerning the termination or the suspension of the treaty can be regarded as a dispute concerning the interpretation and the application of the treaty[19].

The Vienna Convention from 1969 is the one that established the first practical rules in this field, coming up with solutions on issues regarding the causes for the termination or suspension of a treaty, as a result of breaking its provisions. However, the Convention leaves at the discretion of the parties the freedom of appreciation between suspension and termination, either partial or total of the broken treaty. In circumstances where the other party of the treaty contests the existence of the breach or of the substancial character one shall initiate the peaceful solving of the international disputes. But the neasure to terminate or to suspend the application of a treaty may give rise to serious consequences for the international community, resulting in repercussions in the relationships between the states and, for this reason, the Vienna Convention from 1969 has awarded an increased importance to the codification of the law of the treaties, governing the procedures that can be applied in such cases of termination or suspension of the treaties. Therefore, the Convention from 1969 has regulated a series of procedural guarantees concerning three aspects:

-the notification addressed to the other parties of the treaty that is going to be suspended or terminated;

-the fulfillment of the formal conditions, if they are laid down in the treaty, without the existence of a general rule imposed by the international law in this sense;

-the establishment of the means to solve the disputes that may arise as a consequence of the suspentio or termination of the treaty.

Through international convention international sanctions are laid down for breaking international obligations in various fields with an imporatnt role held for the development of peaceful relationships in the international community, the most significant being the charges applicable for breaking particular international rules relating to the disarmament, the protection of the environment, the maritime law, the diplomatic law or the human rights, but also the sanctions provided in the peace treaties

V. COUNTER-MEASURES PROVIDED BY THE INTERNATIONAL TREATIES REGARDING THE DISARMAMENT

Before the presentation of the sanctions options from this area, e must explain certain aspects. The notion of disarmament is used for the purposes of the numeric reduction or the removal of certain weapon- systems, namely, the limitation of the use of weapons imposed to a state, with the aim of concluding a war, the prohibition of some military activities, the freezing, the reduction or the abolition of certain types of weapons, the regulation of certain limits in the location of the armed forces, the reduction of the risk of the western initiation of the war [20]. Moreover, the main purpose of the UNO is the elimination of the force from the international relationships, through its body, the Security Council. At the European level, the OSCE initiates among the best regional negotiating machinery in the field of the international security and of the dezarmament. The sanctions for not respecting the treaties regarding the disarmament are taken in compliance with the rules of the international law and concern the suspension of the treaty, the withdrawal from the treaty or counter-measures, after the case. The reactions against the states that break the obligations stipulated by this type of treaties can be direct or indirect, unilateral or collective, spontaneous or regulated (arranged ad hoc or subject to some conditions, such as the notification, the statement of reasons). The counter-measures may take the form of *economic measures*, like the suspension of the assistance programmes, the imposition of commercial restrictions, the slowing down of the deliveries of raw materials or equipments and of the *political and diplomatic measures*, by reducing the frequency of the relationships with the guilty state. For example, taking into account the high degree of danger created by performing the nuclear experiences by India and Pakistan in 1998, the international reactions were categorical by the condemnation of many states and international oraganizations, especially the UNO, and the warning about the fatal impact of these experiences on the international security. As a consequence, some countries have withdrawn their support for India for a permanent membership in the UNO Security Council. Some states have adopted besides the political condemnations and other sanctions, such as those imposed by the U.S.A regarding the cancellation of its economic assistance, the cancellation of the armament sales and military products, the rejection of the request for credits and financial support, the banning of exportation of articles and technologies submitted to licenses (all these sanctions were lifte on 22 September 2001 in the context of the campaign against terrorism, following the events from September 11).

It is possible that some treaties on disarmament not to have inserted into their text the provisions relating to sanctions applicable to the states which do not respect the provisions of the treaty, but it is regulated the possibility of notifying the Security Council of the UNO in the case of breaking of the obligations stipulated by that treaty. In other treaties, this reference about notifying the Security Council may be missing, on the contrary there are laid down a number of guarantees and measures that can be taken for compliance with the regulations of the treaty. The procedure that the injured state may have, refers to, first of all, the formal notification of the UNO or other competent international organisations, which makes it possible the bringing of the case to the public opinion, which essentially represents a saction, since it affects the credibility and the prestige of the state guilty of a violation the international obligations. The injured state has to recourse to the possibility of directly bringing the Security Council bringing in this respect the necessary evidence to support its referral. The Council is the one that can decide if the breaking of an obligation from the treaty may constitute a threat to the peace and the international security and, according to Chapter VII of the Charter of the UNO may ask UNO Member States the application of the sanctions to the guilty state. These sanctions can be: the total or partial interruption of the economic relationships, of the maritime, railway, airy, postal, wiry and radio communications, force demonstrations, blockades or other operations of the armies belonging to the UNO member states, according to art. 41 and 42 of the Charter of the UNO[21]. Theoretically, the Security Council has the necessary means to combat this negative actions against the peace and security, in practice, however, this is more difficult to accomplish because there must be a consensus from the part of its members and even if there is the required 2/3 majority, the decision may be blocked by the veto of one of the five permanent members.

VI. COUNTER-MEASURES OF INTERNATIONAL LAW LAID DOWN IN THE PEACE TREATIES

With the help of peace treaties one may express the desire of party-states to put in practice the main desiderata of the international law regarding the public security system and the world peace, the prevention of aggression, the disarmament with the aim of contractional development of peaceful relationships between all the states of the world. When analysing the international law doctrine, one may notice that a number of regulations from the field of dezarmament may be applied to the peace treaties. The difference between them consists in the fact that , in the case of peace treaties, the parties don't negotiate from equal positions, but from the perspective of the winning countries. Through the peace treaties they can impose on the defeated states some binding measures with the aim of recovering the damage produced to the winning states and with the aim of limiting the military possibilities to start a new possible armed conflict. Of a primordial importance for the formalization of the principles relating to the consolidation of peace in Europe after the conclusion of the first World War are considered to be the peace treaties of Versailles in 1919-1920, since they contain inserted in their clauses many of the international law charges applied to the aggressing states.

At the time of the conclusion of the peace Treaty with Austria it was also signed the Arrangement regarding the contribution to the expenses for the liberation of the territories of the former Austro-Hungarian Monarchy, when implicitely Romania agreed to contribute to the costs occasioned by the issuance of the respective territories. Among the constraining measures and the stipulated obligations, we can mention: banning of exports for several categories of weapons (missiles, bombs, grenades, explosives, machine guns, etc.) for Hungary- the abolition of the compulsory military service, the limiting of the future effective armies, the banning to export gold up to May 1, 1921, the payment of war repairings, the establishment of a commission to check how the measures imposed are respected; Germany- the assuming of full responsibilities for starting the war, the payment of war repairings, the loss of territories in favour of the neighbouring countries, the dispossession of both its African and of the oversea colonies (Togo, Cameroon, Namibia, Burundi and Rwanda) and the drastical limiting of the armed forces; for Romania- the granting of the freedom of transit for persons, goods, ships, postal couriers, vehicles both on the Romanian territory and onthe territorial waters as well as giving to all the inhabitants the entire and full protection.

After the second world war, in the context of the amplification of the codification process of international public law, through peace Conferences and through various other peace treaties (for example: the Conferences from Posdam from 1945, the peace Conference from Paris in 1946 and 1947, the peace treaties of 1949, etc. [22]) a series of coercive measures were statuted with the purpose to, among others: withdraw the armed forces from Romania, divide the Romanian territories (Transylvania came back to Romania, Bessarabia and Northern Bukovina went back to the Soviet Union), pay the war expenses, limit the army and the war materials, ensure the fundamental human rights and freedoms, including the freedom of speech, the freedom of the press, the freedom of worship, the freedom of assembly, the banning of religious, race, sex or language discrimination, dissolve all the fascist organizations, arrest and surrender for judgement of the persons accused of war crimes and those against the peace and security etc. At the same time, there were inserted in the text of the peace treaties some military, territorial, economic clauses whose provisions were binding on all states parties in those treaties.

VII. CONCLUSION

The imperative norms of the international law are drafting the obligations that the states have towards the international community as a whole and their compliance with these legal norms arise from the mutual legal interest of all the states. The violation of these international obligations deriving from the imperative norms of the international public law may well result in consequences for the responsible state and also for the other states. Art. 40 of the Draft articles of the IDC stipulates the situation of a "serious violation" by a state of an obligation arising from the

mandatory rules of international law, by defining the content of this notion, namely the fact that the violation is serious if it demonstrates from the state guilty of a systematic and grave failure to comply with the obligations, and art. 41 refers to the cooperation of the states to put an end, by illegal means, to any serious violations.

As a conclusion for all we have mentioned before, we consider that, in order to respect the norms and the basic principles of international public law, to ensure the cooperation and the security in the world, all the states and implicitly the international organizations must bear both the consequence in the case of irregularities or those relating to serious breaches of international rules, as a result of their wrongful conduct as well as the constraining measures laid down by the injured states. Any decision taken by the representatives of the states in various problems they are confronted with should be correctly calculated in order to counter any illegal action that could put in danger another state.

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