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International liability for environmental damage

Gheorghe Buzescu

Ovidius University of Constanța, Romania

buzescugigi@yahoo.com

Abstract. Pollution is a transboundary phenomenon that involves the entire international community and has therefore become a global problem. The intensification and diversification of pollution and the degradation of environmental elements have led to international cooperation and surveillance of environmental protection issues at international and national levels. Time has shown that industrial, agricultural and technological activities carried out on the territory of one country can have harmful effects on the territory of another country or on areas that are not under the jurisdiction of any country. This type of cross-border damage has led to theories about state liability and how to remedy these damages. The most well-known case of transboundary pollution is the Chernobyl accident. The Chernobyl accident was the worst in the history of nuclear accidents. Radioactivity reached alarming levels and the harmful consequences went beyond the borders of the USSR. In this case, there was a big difference between theory and practice in the issue of state liability for transboundary environmental damage. The question arose to what extent a State can be liable under international law for environmental damage caused to other States, and what jurisdictional means are available to the State or even to the affected individuals, to invoke the liability of a State for the damage suffered as a consequence of transboundary environmental damage. These questions will be answered throughout the study, becoming the central element of this research theme, around which the entire analyzed issue will revolve.

Keywords. international cooperation, environmental protection, international liability, international protocol, environmental norms

The principle according to which the violation of an international legal rule entails the liability of the subject of international law to whom this act is attributable is also applicable in international environmental law. Its application was confirmed, for the first time, by the judgment of March 11, 1941, pronounced by the arbitral tribunal in the case of the Trail Smelter, USA-Canada. This decision has the merit of having established the responsibility of the State for acts of pollution originating in its territory and causing damage on the territory of other States, even if the acts of pollution are not attributable to the State or its bodies. The violation of an international obligation regarding the protection or preservation of the environment determines the liability of states under certain conditions.

International law does not contain general rules on state responsibility and more derived from the application of "sic utere tuo" and the principle of good neighborliness or fair use in river basins. Therefore, in the Helsinki Rules, the chapter on pollution seems to recommend countries to adopt good behaviour when using international river waters, rather

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than as a possible codification. According to these rules, pollution is a harmful change in the natural composition, content or quality of water due to the intervention of human factors[1]".

According to Article 10(1)(a) and (b) of the Helsinki Rules, a state is first obliged to prevent the form of water pollution or any increase in the degree of water pollution that could cause serious damage to the territory of a co-basin state and at the same time is obliged to take all reasonable measures to reduce the existing water pollution in an international basin, so as not to cause any substantial damage on the territory of a co-basin state. In the view of the Helsinki Rules drafting committee, an injury is "substantial" if it results in "a material impact" or prevents the rational use of water[2].

The prerequisite for triggering the state's material liability is the existence of material damage. However, it is not enough for the damage to be "significant", but it must also be established bilaterally or multilaterally in standards.

The 1972 Convention takes into account both subjective liability – when the damage is caused by a space object anywhere but the surface of the earth of another space object launched by another state, and strict liability for damage caused by a space object on the surface of the earth or an aircraft[3].

In the first situation, through international agreements of a regional, universal or special nature (the 1960 Paris Convention on Civil Liability in the Field of Nuclear Energy. The Vienna Convention of 21 May 1963 on Civil Liability in Respect of Universal Nuclear Damage; The Brussels Convention of 1962 on the Liability of Nuclear Ship Operators, of a special character) established a unified regime for the regulation of reparations for nuclear damage. But the unified rules of international law are not sufficient to regulate the entire issue of strict liability for nuclear damage, which is why the unified conflict rules are used, which can determine and ensure, according to private international law[4].

Within the framework of civil liability, a reprehensible, antisocial conduct of legal subjects, natural or legal persons, who through their unlawful acts cause damage to environmental factors or to the environment as a whole, is generally sanctioned. In the absence of a special regulation, the classic principles of civil liability are used for situations in which this kind of liability occurs in the event of damage as a result of non-compliance with the legal provisions regarding the conservation, development and protection of the environment.

In the field of environmental protection, two classic civil law institutions have been used, namely:

a) to the rules relating to neighbourly relations, the essence of which concerns the reconciliation of the interests of the polluting agent with those of the pollution victim, establishing both the permissible limits of pollution and the correlative obligation, that the damages are borne by the polluter;

b) rules governing civil reparatory liability.

The application of the rules of civil law in the field of liability for environmental damage is made by adapting them to the particularities of the legal relationships of environmental law.

[1] https://www.academia.edu/13126082/International_liability

[2] The 1966 Helsinki Rules drawn up by the International Law Association

[3] Convention of 29 March 1972 on International Liability for Damage Caused by Objects Launched into Outer Space

[4] Bogdan Cristian Trandafirescu, *The Uniform Framework of the International Trade Contract*, Universul Juridic Publishing House, Bucharest, 2019

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By definition, the natural environment is not the victim subject that demands reparation, but a fundamental value that is protected by law domestically and internationally. Within the framework of domestic law, this subject can be the state, an administrative-territorial unit, a natural or legal person, public or private, who has been harmed by an unlawful act, as a result of non-compliance with the norms of protection of environmental factors.

At international level, the subject entitled to reparation is, in principle, the "owner" of the environment, i.e. the state if the affected environment is under national jurisdiction or the international community, in the situation where the affected environment has the status of "common heritage". The holder appears not only as a subject of right over patrimony, within the limits of his jurisdiction, but also as a subject with the mission of protecting the environment and conserving its resources, even beyond these limits[5]".

'In order for tort liability to be incurred, the following elements must be met[6]:

- an unlawful act must be committed;
- there is a prejudice;
- there must be a causal relationship between the unlawful act and the damage;
- the fault of the perpetrator of the unlawful act;
- at the time of committing the act, the perpetrator had the capacity to commit a crime.

These elements are required to be met not only when the liability is for one's own act, but also when one is liable for the act of another or for the damage caused by things and animals".

As regards the classic constituent elements of any liability situation, mentioned above, in the field of natural environment protection, the institution of liability has some peculiarities. In order to understand them better, however, I must present their configuration in common law.

In this case, what is worth noting is the general effort in judicial practice to apply the classical rules of civil liability and to adapt to the particularity of environmental damage and then to adapt (primarily the doctrine) the concerns to formulate its own theory, as there are many original accents. As far as environmental responsibility is concerned, there is no regulation of correspondents in positive law. According to legal documents, the term "behavior" can have a narrow meaning (as a perceptible manifestation of our senses, i.e. materialized externalized thinking), or a broader meaning. In addition to the external manifestations of people and their influence materializes in a change in an existing relationship or legal situation.

The act is unlawful when it contravenes the norms of objective law and at the same time violates the subjective right of the injured person.

In environmental law, the acts generating liability include either unlawful conduct through which damage to the natural environment is caused and reprehensible by their illegality, or a number of current, normal, permitted activities that can sometimes constitute causes of environmental damage.

If the first category of acts entails liability on the basis of fault (subjective liability), the second, apart from any fault, engages liability on the basis of risk (strict liability).

With regard to the causes, which lead to the removal of the unlawful nature of the act from civil law, namely: the state of self-defense, the state of necessity, the fulfillment of a duty of service, the consent of the victim and to some extent the exercise of a right, when the act is

[5]https://dreptmd.wordpress.com/university courses/environmental-law /chapter-XII-legal liability in law of the environment/

[6]Alexandru-Adelin Buzescu, *Rules regarding the hearing of the defendant*, Technium Social Sciences Journal, vol. 47, 2023, www.techniumscience.com

related to or has as a consequence the damage to environmental factors or to the environment as a whole, or we believe that in principle, Only the state of necessity can sometimes be taken into account.

Thus, according to the Criminal Code, an act is considered to have been committed in a state of necessity if it is committed in order to save from an imminent danger that could not be removed, the person of the perpetrator or of another or an asset of or of another, or a public interest.

It is noted from the text that in order for the state of necessity to exist, the following conditions are required to be met cumulatively:

- it must be an imminent danger;
- the danger cannot be removed by other means;
- the danger of threatening the life, bodily integrity or health of a person or an important asset of a person or a public interest.

It is not believed that in a critical situation, the perpetrator realizes at the time of implementing the behavior that it will lead to significantly more serious consequences than the consequences that may arise if the danger is not eliminated. For example, in the event of a flood, hazardous products and toxic substances are removed from specially designed flood landfills and stored on the land (cultivated or uncultivated), thus creating the possibility of their escape or spread, the risk of poisoning is to humans and animals, as well as to environmental pollution. Or, in the same example, use the same transportation method that removes harmful and toxic substances from landfills and transport them to save people, animals, food, or various materials. With the danger of contamination, the damage is greater than if the landfill had been allowed to be flooded. The consequences of the action to remove the danger are in this situation more serious than those that the danger itself would have caused (water pollution), and the person who could have realized these consequences cannot consider himself in a state of necessity.

In conclusion, the person's act, even if in many situations of necessity it must be considered unlawful, cannot exonerate from liability for the damage to the environment.

As regards the exercise of the right as a situation that removes the illegality of the act, I believe that it is difficult to determine whether the subjective right is exercised according to its economic and social purposes when the environment is damaged, because the environment in the surrounding area is damaged. No one's rights may be exercised in a way that harms the environment or endangers the life and health of humans or animals. On the other hand, the content of subjective law is relatively general and the law cannot be refined.

On the contrary, in the context of increasing pollution, environmental protection requirements are based on reasonable (sufficient and necessary) diligence. When exercising environmental rights, we must be serious and gain a new valence. The realization of any subjective right must begin from the foresight of possible consequences on the natural state of the environment, from every action, from uncertain restrictions on the right to act only in one's own interests, and with the use instead of standardized safety restrictions, the environment, it is imperative to ensure a clean environment.

From this point of view, the abuse can manifest itself through the acts carried out in the exercise of the attributes of the subjective rights over the environment, which exceed by their consequences, the socio-economic purposes that were the basis of their recognition, causing damage to the environment, not complying with the provisions of the normative acts in force and the technical standards on the rational use of natural factors.

In most cases, the act is not committed with the intention of harming the quality of environmental factors but constituting an exercise of subjective rights in inadequate conditions

of diligence and prudence, it determines negative effects on the natural state of the environment, representing a deviation from the socio-economic requirements of its protection, a deviation that attracts the liability of the injured person.

The abuse of rights, as shown in the legal literature, can arise in situations such as:

a) the commission by the land owners, in the exercise of their right, of acts of intensive use that exceed the potential possibility of the soil, leading to the degradation of its quality and to the reduction of its productive potential;

b) carrying out long treatments with pesticides and other chemical substances;

c) the non-rational application, in the exercise of the right of ownership or use, of irrigation, etc.

Manifesting itself in any form, the abuse of rights does not necessarily have to be characterized by the presence of a special intention, i.e. it must arise from the author's desire, through the exercise of his subjective right, to harm the right of third parties or from the acceptance of such a result, it can also manifest itself as a result of the existence of an ease or negligence, as regards the possible results of the actions by which that right is exercised (the abuse of rights is characterized by The fact that the subjective right exercised "in itself" can express a legitimate interest, even by the purpose pursued or by the ease manifested, produces a negative effect, the exercise of the right becoming abusive.

In order to retain the existence of the abuse of rights, it is not sufficient to prove the exercise of this right and its consequences, as long as the culpable nature of the action or inaction, the damage to third parties and the existence of a causal relationship between it are not established, in each case, it is necessary to make a complex assessment of the conditions under which the holder of the right alleged to have abused acted, in order to correctly establish that fact that expresses the abusive nature of the exercise of the right.

Considering the special importance of the conservation, development and protection of natural and anthropogenic environmental factors, especially in the conditions in which today it is observed in our country a serious deterioration of them, on the one hand, that the sources of pollution are extremely different and that each protected environmental factor has its own legal regime, On the other hand, we believe that, depending on the specificity of this protection and the general purpose of the rules in this field, a rule should be provided in future legislation according to which the polluter must repair the damage resulting to the environment from his activity and only exceptionally, be exempt from liability, if the damage caused is the exclusive consequence of special natural phenomena or special socio-political situations of the kind mentioned above[7].

Consisting of any damage to environmental factors or components of ecological systems, the damage is to be assessed pecuniarily, respectively to estimate the expenses necessary for the restoration of the damaged natural balance.

In this area, repair in kind is not possible. In fact, a previous situation is not to be restored, through a displacement of previous elements, but the obligation is established regarding the payment of sums of money, which only sometimes cover the integrity of the expenses to be made for the restoration of the ecological balance or the damaged environmental factors.

In the field of environmental law, too, the damage must be certain. However, not only the current damages but also the future damages are certain if there is a certainty that they will occur and are necessary elements to determine their extent. As has been shown in the legal

[7]https://www.univnt.ro/wp-content/uploads/doctorat/rezumate_doctorat/Hanciu_Oana.pdf

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literature, in such a situation, if the full extent of the damage cannot be known (which is most often the case when it comes to pollution of environmental factors), the court will limit itself only to ordering compensation for the damage ascertained with certainty, and may subsequently return to award the full compensation for the damages incurred after the judgment was pronounced, with the only condition of proving that they come from the same act.

In environmental law, the term "ecological damage" is also used for damage, which includes both damage suffered by pollution by the natural environment and damage suffered by man or property.

Indeed, due to the unity and interdependence of ecological phenomena, damage to a natural element (water, air, for example) propagates and influences, in one form or another, other components of the environment (soil, flora, etc.). Starting from these particularities of the environment, ecological damage is generally considered to be that injury which affects all the elements of a system and which, due to its indirect and diffuse nature, does not allow the establishment of a right to reparation.

The definition of the notion of ecological damage is particularly important because it conditions the extent of the repair, the development of the restoration actions and therefore the amounts necessary for financing through the links of the contentious path.

Since the quality of the environment is an element of the heritage, the reparation of the damage passes through its reconstruction in what was damaged and amputated. Air, water, soil, landscape are elements of this heritage, but we must also add aesthetics, comfort (noise and wave jamming are pollutions) and health.

Although there are enough controversies regarding its nature and extent in the doctrine, in reality the central problem remains that of knowing whether the victim of the damage is man or his environment. Depending on the answer given, the conception of the nature and extent of ecological damage is also outlined. Thus, in a first solution, the ecological damage is the damage caused to people and property by the environment in which they live, or the damage caused by the natural environment. It can result from air, water or soil pollution, acoustic disturbance, etc.

As can be seen, in such a view, the environment is considered to be the cause, not the victim of the damage. Obviously linked to the theory of neighbourhood disturbances, this position considers that there is only a difference of degree between pollution and traditional neighbourhood sources, consisting in the magnitude of the consequences and the irreversible character of environmental degradation. Ecological damage is characterised by the fact that the interests affected by a natural intermediary are only indirectly and collectively; Consequently, reparation can only be imperfectly ensured by way of classical law, which presupposes the injury of clearly identified individual states.

Some authors consider ecological destruction to be man-made damage to the environment. But the points of view here must also be subtle. Ecological damage is assimilated to damage caused by pollution, which is considered to cover all areas that cause the degradation of natural factors. Whether the damage mainly affects air, water or nature, it does not matter, because these elements are used by humans and therefore, only if we think about when the victim is not only the person who has suffered direct damage (in terms of property or personnel), but also the entire community with interest, the responsibility for this ecological damage is outlined to protect the ecological heritage.

"The representatives of the elements of the natural environment, victims of these ecological damages, must be precisely identified in order to recognize an interest in acting, this being the social function of the nature and environmental protection associations, we can thus admit that the environmental things are also subjects of law and not only objects of law. In such

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a perspective, I consider that we must first distinguish environmental damage in the narrow sense, designating the damage caused to the environment, independently of the direct harm to a human interest. In this case, the natural environment is not only the vector of damage, but constitutes itself the object, the real damage. The second category is the damage suffered by both the environment and man[8]."

Starting from the natural characteristics of the environment, ecological damages are irreversible, they are diffuse damages in their manifestation and in the establishment of the causal link. There are situations when the term "damage" is also used in the sense of compensation established for the coverage of damage. Sometimes the compensation granted – as an operation consisting of the monetary equivalent of the damage caused – is expressed by the notion of damages.

As for establishing the extent of the damage caused, this is difficult to do, because many of the components of the environment cannot be attributed an economic value (for example, it is difficult to assess the price of a bird that has been a victim of the black sea, a degraded landscape, polluted air, etc.).

In relation to the causal relationship between the unlawful act and the damage, it is necessary to take into account the fact that any act takes place in an infinite series of relations with other facts or with a series of external factors.

When proceeding to the artificial isolation of correlations (isolation necessary to establish the causal relationship) a criterion for the analysis and selection of the factors contributing to the production of the damage is also the criterion offered by the relevance that the law itself imposes on a certain behavior, the legal assessment of the non-compliance with these requirements, depending on this criterion it can be assessed to what extent the subject of liability is obliged to act in a certain how, to what extent through this action of his it was possible to stop the course of events or the harmful action or in what way, through the behavior of non-compliance with the law, directly or indirectly determined the production of the damage (In the doctrine and practice of Western countries, different systems have been proposed for the delimitation of the factors or circumstances to be retained in the scope of the cause that determined the production of the damage. Thus, according to the system of equivalence of conditions, in the event that the causes of the damage cannot be precisely established, the value of the equal causes is attributed to all the facts and events that preceded that damage).

The causal relationship between the unlawful act and the damage is most often difficult to establish, as for example, in the case of air pollution, where an important role is also played by the conditions (meteorological or otherwise) that accompany the action of the causes, influencing it in a favorable or unfavorable direction, accelerating or delaying the production of the effects. Likewise, in the case of nuclear accidents, where the relationship between an accident that occurred thousands of kilometers and decades before and its consequences is difficult to establish.

Accompanying the causes in time and space, the conditions influence their action in the sense of producing the effect or, on the contrary, receiving or thwarting this action.

Therefore, due to different conditions, the same cause may produce different results. Therefore, to know the causal relationship, you need to know all the conditions specific to the causal relationship determination process.

Certain damages to the environment or its components may not be caused by the unlawful act of a single person, but there may be a causal relationship between the damage and

[8]https://www.academia.edu/13126082/ International_liability

TechHub Journal Vol. 7, pp. 300-310 (2024)
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the unlawful conduct of several persons (plurality of causes). In this case, in order to consider a result as being caused jointly, it is not necessary for the persons to act by simultaneous acts of the same intensity or for the facts to be linked by a single purpose, nor for the person who caused the result, together with other persons, to know the facts of others. It is only necessary that the acts of the persons constitute as a whole an indivisible whole, the cause of the damage[9].

"The classical European international law has assumed the ecological problem by jurisdictional means, with the help of the ECHR of the specifications of the Convention on Fundamental Rights and Freedoms (1950), but also by convention through the Lugano Convention of 1993, which has a certain influence on the environment. For the acceding countries of the Union, this Convention represents the reference instrument for the international protection of human rights in the European space. It was signed on November 4, 1950 in Rome, and supplemented by several protocols. In this situation, even if environmental protection is not among the main issues dealt with by the convention, the interpretations of the European Court of Human Rights have repeatedly included them, forcing states to an important regime of responsibility in the matter. The Convention is more than a simple exchange of international commitments, it guarantees the protection of the interests of individuals under national authority and creates objective obligations for the observance of which States are obliged. The protection of the environment intervenes in an exceptional manner compared to the protection of private and family life, in order to assert itself from now on as an important element with the affirmation of the phrase "the right to a healthy environment[10]".

The basic rule of state responsibility in the context of environmental protection can be summarized as follows: states are responsible for damage to the environment of other states or to the global environment, resulting from the violation of an international rule or a generally accepted international standard.

"States have a responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas outside the limits of national jurisdiction. [11]".

The fundamental constituents for claiming state responsibility are considered to be the following:

- The damage caused to the environment must be the result of the violation of an international law. International environmental law is in the making, and many environmental treaties are strongly grounded in general cooperation obligations. These obligations, together with the specific prohibition provisions, often pose difficult problems in proving and confirming guilt;

- The State is responsible both for its own activities and for the activities of legal or natural persons under its own jurisdiction or control. Thus, even if the state is not the direct polluter, it is responsible for its failure to stop or control the polluting activities carried out by others. Under this rule, states may be liable for: failing to adopt or enforce the laws necessary for environmental protection; dangerous activities have not ceased; or have left cases of violation of the law unpunished;

[9]http://cogito.ucdc.ro/nr_1/8%20-%20Daniela%20Marinescu%20 %20GENERAL CONSIDERATIONS%20REGARDING%20CIVIL LIABILITY%20TORT%20I N%20DREPTUL%20MEDIULUI.pdf
[10]ECHR Decision, Guerra and Others v. Italy, 19 February 1998
[11]Stockholm Declaration

TechHub Journal Vol. 7, pp. 300-310 (2024)
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www.techhubresearch.com

- There must be no justifying circumstances, such as the agreement of the affected state with an intermediate cause, such as a divine action;

- The damage must be "significant", which can pose serious problems for the constitution of evidence and the quantification of damages. In practice, there are few legal actions based on state responsibility, most pollution cases not being solved at international level, but through international rules of civil liability, i.e. directly between the people involved. Also important are the international claims commissions, which distribute funds "donated" by the state generating the damage, directly to the claimant state. Such a procedure allows states to settle claims, without admitting legal responsibility.

International responsibility is governed by customary rules and the attempts of the International Law Commission to qualify in this area. The problem is complex due to the fact that it is approached both from the point of view of repairing the damage caused and from the point of view of sanctioning the perpetrator of an unlawful act causing damage[12]. Moreover, the implementation of the concepts that govern this matter is very difficult to do by the very nature of the international society, which is poorly hierarchical.

Generating event:

International responsibility results from an unlawful act attributable to a subject of international law.

a) Wrongfulness of the chargeable event: The basis of liability is wrongfulness, which manifests itself in an action that violates an international obligation. This customary principle is applied by numerous judicial or arbitral decisions. The wrongfulness may only entail a simple reparation of the damage caused. But it can also provoke the implementation of sanctions. The value of an obligation essential to safeguarding the fundamental interests of international communities can indeed be qualified as an international crime.

In certain cases, however, an unlawful act causing damage may not give rise to the responsibility of its author, this is the case, for example, of the act committed under the effect of force majeure. On the other hand, there is a tendency to admit responsibility for the unlawful act causing damage. This "objective" liability has been established by conventions in particular cases.

b) Imputability: The taxable event in the liability system must be attributable to the responsible legal subject. If we are referring to states, the chargeable event can be committed by a static authority acting in the name of the state itself: it can be administrative authorities (damage to a contract concluded with a foreigner, arbitrary arrest or expulsion, etc.), legislative (refusal to take measures recognized as necessary for the execution of an international obligation, adoption of a law contrary to an international commitment) or jurisdictional (the refusal to do justice being of a different nature). particular gravity). An incompetent agent or official can engage the responsibility of the state if he gives the appearance of an official agent. The local and departmental collectivities of the state, the public and personal moral services of private law, invested with prerogatives of public authority, may equally engage the responsibility of the state.

Damage

International responsibility[13] arises only if a right has been prejudiced, not just an interest. This right must be subjective, to be individualized: international law does not establish

[12]Alexandru-Adelin Buzescu, *Criminal liability of a minor*, Editura Sitech, Craiova, 2018

[13]Bogdan Cristian Trandafirescu, *Comparative Private International Law. Usefulness and Perspectives*, Pro Patria Lex Magazine, no.1/2012, Bucharest

the right to collective redress that would be brought by any subject of law on the pretext that another subject of law has violated a rule of law, without having caused him prejudice. Damage is most often material but can also be moral, such as the injury to the honor of a state, for example: The victim of the damage can be a state or another subject of international law. Subjects of domestic law (natural or legal persons) do not have international means of action against states likely to harm them. This explains the institution called "diplomatic protection".

"Diplomatic protection" is a customary institution of international law (which should not be confused with the simple steps taken by a diplomat to the accrediting government in favor of the nationals of his state) by virtue of which a state "endorses" the claim of one of its nationals who has suffered an injury from a foreign state and acts against that state in order to obtain reparations.

For the implementation of diplomatic protection, the link between the injured private person and the State that practices the endorsement must be enforceable against the State that caused the damage.

Consequences of liability

Liability leads to compensation for occasional damage and may, in some cases, lead to the imposition of a sanction against the wrongdoer. Sometimes the compensatory and repressive aspects of the law of liability are partially overlapped here.

a) Reparation

"Any violation of a commitment entails the obligation to make amends" – a principle of international law".

The reparation, which can be obtained by negotiation or by arbitration or judicial decision, can take several forms. If the damage is purely moral, the victim can be satisfied with a "satisfaction": internal sanctions against the perpetrator of the unlawful act, expression of official and public regrets.

Most often, the reparation takes the form of an indemnity. The methods of calculating it encounter difficulties when it comes to compensating not only the damage caused, but also the loss of earnings. Often the author of the damage will be sentenced to restore things to the state in which they were initially.

b) Sanction

A state can commit an international crime or offence in violation of a rule of essential importance for the protection of international communities. States that are victims of these crimes can implement counter-measures, aiming not only at compensating them, but also at punishing the guilty state. Thus, the sanctions taken against Iraq, under the authority of the Security Council, after the success of Operation Desert Storm, which put an end to its invasion of Kuwait, have been analysed, and the same measures are currently being tried in relation to the former Yugoslavia, and in this area a codification will also be very useful[14].

BIBLIOGRAPHY

- Bogdan Cristian Trandafirescu, *Comparative Private International Law. Usefulness and* Perspectives, Pro Patria Lex Magazine, no.1/2012, Bucharest;

- Bogdan Cristian Trandafirescu, *The Uniform Framework of the International Trade Contract*, Universul Juridic Publishing House, Bucharest, 2019;

- Alexandru-Adelin Buzescu, *Rules regarding the hearing of the defendant*, Technium Social Sciences Journal, vol. 47, 2023;

[14]http://www.usem.md/uploads/files/Note_de_curs_drept_ciclul_1/053_Dreptul_international_ al_mediului.pdf

- Alexandru-Adelin Buzescu, *Criminal liability of a minor*, Editura Sitech, Craiova, 2018;
- Convention of 29 March 1972 on International Liability for Damage Caused by Objects Launched into Outer Space
- ECHR Decision, Guerra and Others v. Italy, 19 February 1998
- http://ro.wikipedia.org/wiki/Accidentul_nuclear_de_la_Cernob%C3%AEl
- http://ro.wikipedia.org/wiki/Conven%C8%9Bia_Ramsar
- http://www.academia.edu/4718786/Drept-International-Public
- http://www.historia.ro/exclusiv_web/actualitate/articol/cernob-l-povestea-dezastrului-urss
- http://www.usem.md/uploads/files/Note_de_curs_drept_ciclul_1/053_Dreptul_international_al_mediului.pdf
- https://www.academia.edu/13126082/raspunderea_internationala
- https://www.univnt.ro/wp-content/uploads/doctorat/rezumate_doctorat/Hanciu_Oana.pdf
- https://www.vocativ-plus.com/am-dat-cu-pamantul-de-pereti/
- legal-https://dreptmd.wordpress.com/cursuri-universitare/dreptul-mediului/capitolul-xii-raspunderea-in-the-environmental-law/
- legal-https://dreptmd.wordpress.com/cursuri-universitare/dreptul-mediului/capitolul-xii-raspunderea-in-the-environmental-law/
- Lucica Roșu, Mihai Florea, Environmental Legislation, Vol. II Sectorial Legislation, Matrix Rom Publishing House, Bucharest, 2007;
- Stockholm Declaration
- The Convention was drawn up within the Council of Europe by the Ad Hoc Committee of Experts for the Protection of Wildlife (meeting in November 1979), and adopted by the Committee of Ministers (on 18 June 1979), and was opened for signature by the Member States of the Council and the Member States which participated in its preparation, as well as by the European Economic Communities on 19 September 1979
- The Helsinki Rules of 1966 developed by the International Law Association
-http://cogito.ucdc.ro/nr_1/8%20-%20Daniela%20Marinescu%20%20CONSIDERATIONS%20GENERAL%20REGARDING%20CIVIL LIABILITY%20DELICTUALA%20IN%20DREPTUL%20MEDIULUI.pdf