

Provisional Remedies in the World Court: The ICJ in the 21st Century

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45 ATENEO L.J. 129 (2001)

SUBJECT(S): PUBLIC INTERNATIONAL LAW

KEYWORD(S): INTERNATIONAL COURT OF JUSTICE, REMEDIES

The power of the International Court of Justice to grant provisional measures, as provided in Article 41(1) of the Statute of the International Court of Justice, is the main focus of the Author in this Article. He starts by comparing *U.S. v. Switz* and *Yugo v. Belgium*, two cases where the International Court of Justice was requested to indicate provisional measures.

A discussion of jurisdiction follows. In analyzing the connection of International Court of Justice's jurisdiction to provisional remedies, he takes notice that under the existing jurisprudence, the Court's ruling on jurisdiction issues are mainly based on its understanding of the function of provisional measures. The twin requirements, urgency and irreparable prejudice, in availing the provisional remedies in the International Court of Justice are also discussed in this Article. In explaining these requirements, the Author cites a number of cases decided by the International Court of Justice.

In addition, the Author also discusses other factors that are considered by the International Court of Justice in ruling over questions of provisional remedies. These factors are: state of affairs, relation between main claim and the measures requested, due process, complex question, prospect of success on the merits, jurisdiction *rationae materiae*.