

عنوان مقاله:

Implementation of ICJ Provisional Measures: An Innovative Approach to Article ۷۸ of the Rules of the Court

محل انتشار:

دوفصلنامه ایرانی مطالعات سازمان ملل متحد، دوره 3، شماره 1 (سال: 1399)

تعداد صفحات اصل مقاله: 19

نویسندگان:

وحید بذار - *PhD in International Law, Faculty of Law and Political Science, Allameh Tabataba'i University*

هیبت اله نژندی منش - *Assistant Professor of Public International Law, Faculty of Law and Political Science, Allameh Tabataba'i University*

خلاصه مقاله:

According to Article ۷۸ of the Rules of the International Court of Justice, the Court may request information from the parties on any matter connected with the implementation of any provisional measures it has indicated. While this provision makes it more likely that the provisional measures will be implemented, it is notable that it remains unexplored in the Court's case-law. In the case relating to the "Alleged Violations of the Treaty of Amity", the Court adopted an innovative approach and, contrary to its practice, exercised its power under Article ۷۸ only a few months after it ordered the provisional measures. It thus requested the United States of America to notify the Court of any measures taken to execute the provisional measures within a maximum of ۴۸ days. It is argued here that repetition and confirmation of this innovative approach in future cases will make it possible for the Court to act as a supervisory entity assuring the implementation of any provisional measures it has ordered.

کلمات کلیدی:

International Court of Justice, ICJ, Article ۷۸, Provisional Measures, "Alleged Violations of the Treaty of Amity" case, Islamic Republic of Iran, United States of America

لینک ثابت مقاله در پایگاه سیویلیکا:

<https://civilica.com/doc/1254315>

