Jerzy Sztucki

Interim Measures in the Hague Court

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INTERIM MEASURES IN THE HAGUE COURT

AN ATTEMPT AT A SCRUTINY

BY

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KLUWER LAW AND TAXATION PUBLISHERS

DEVENTER/THE NETHERLANDS
ANTWERP – BOSTON – LONDON – FRANKFURT

ISBN 90 654 4093 3

Distribution in USA and Canada
Kluwer Law and Taxation
190 Old Derby Street
Hingham MA 02043 U.S.A.

Library of Congress Cataloging in Publication Data
Sztucki, Jerzy
Interim measures in the Hague Court.

Bibliography: p. 303
Includes index.
1. International Court of Justice. 2. Provisional remedies. I. Title.

JX1971.6.S97 1983 341.5'52 82–17163

First published by Kluwer, Deventer/The Netherlands

To Commemorate
the Sixtieth Anniversary
of the Hague Court
(1922–1982)

Acknowledgements

This book has been published with the financial support of the Swedish Council for Research in the Humanities and Social Sciences, and of the *Emil Heijnes stiftelse för rättsvetenskaplig forskning;* and I feel greatly obliged to both these institutions.

My warm thanks go to all those who in various ways helped me at the initial stage of the work on this book, and in particular to Judge Gunnar Lagergren, Member of the European Court of Human Rights, to the Registry of the International Court of Justice, the Division of Human Rights of the European Office of the United Nations, the Secretariat of the European Commission of Human Rights, the Secretariat-General of the Benelux Economic Union, the Department of Legal Affairs of the Organization of American States, the Office of the Legal Adviser of the Organization of African Unity, the Foreign and Commonwealth Office of the United Kingdom, the Ministry of Foreign Affairs and External Trade of Belgium, and the United States Embassy in Stockholm. In this connection I would like to pay a special tribute to the late Professor Max Sørensen, former Judge of the Court of Justice of the European Communities.

I wish to express my deep gratitude to Professor Lennart Pålsson, holder of the Chair of International Law at the University of Lund, for his friendly encouragement and support at the final stage of my work.

Finally, a tribute to my wife for her invaluable moral support and patience in enduring my work on this book, not to mention her helping hand with the bibliography and index, and her assistance in the ungrateful task of proof-reading.

Jerzy Sztucki

Preface

In 1926 Nicolas Politis held a series of lectures at Columbia University. The title of his course was '*Les nouvelles tendances du droit international*'. The question of pacific settlement of disputes occupied more than one-fifth of its total volume but provisional measures were not mentioned at all,[1] although they were known in international law by that time from the Statute and the Rules of the Permanent Court of International Justice (hereafter referred to as 'the PCIJ'), from a number of treaties on pacific settlement of disputes, as well as from the jurisprudence of the Central-American Court of Justice and of the Mixed Arbitral Tribunals (hereafter referred to as 'the MATs') established by the Peace Treaties after the First World War.[2]

Some half a century later, in 1978, Eduardo Jiménez de Aréchaga held a general course in public international law at the Hague Academy. The title of his course was also focused on trends of development: 'International Law in the Past Third of a Century', and one-fifth of the chapter on pacific settlement of disputes was devoted to provisional measures.[3]

This comparison reflects the growth of the importance of, and the interest in provisional measures. It certainly has been stimulated by the fact that seven out of nine contentious cases submitted to the International Court of Justice (hereafter referred to as 'the ICJ') during the 1970s were accompanied by requests for interim protection. The revision of the Rules of Court (1978), which in so far as provisional measures are concerned have remained practically unchanged since 1936, is also to be noted in this context.

These developments have become the source of inspiration for the present study.

In venturing it the author had two options: to examine the concept of provisional measures in international law as a whole or to limit the scope of the study to one jurisdiction. The ICJ would have then been the most natural choice – partly because its jurisprudence in the matter of provisional measures has risen to prominence in the last decade; partly because its jurisprudence has the greatest impact on the development of international law in general. For the Court is the only international judicial instance which is accessible to practically all States and whose jurisdiction *ratione materiae* extends at the same time to the whole field of international law.

The first alternative offered an obvious advantage: broader perspective and the possibility of attempting a synthesis. However, the author decided in favour of the second alternative for several reasons. One of them was the fact that two

1. See Politis, *Les nouvelles tendances du droit international* (1927, 245 pp.) esp. pp. 139–191. Likewise in his earlier book, *La justice internationale* (1924, 325 pp.).
2. Guggenheim noted in 1931 that provisional measures 'ont pu passer inaperçues parmis les pouvoirs conférés par un traité international à un organe collectif de la société des États' (Guggenheim, p. 11).
3. See (1978) 159 RCADI 1–343, esp. pp. 143–169.

books on provisional measures in international law in general were published in the not too far distant past.[4] Another – was the awareness that provisional measures in various international instances differ considerably in shape from one another, so that separate examination by instances might anyway turn out to be unavoidable, if details were to be taken into account. Still another reason was the conviction that in the framework of a broader study the ICJ would attract only partial attention, while its jurisprudence – in view of its unique position among international judicial organs – deserved closer and more detailed examination. This, naturally, does not exclude comparisons with the jurisprudence of other international courts.

Having decided in favour of the second option, the author realised that the manuscript might be completed by the year 1982 – the 60th anniversary of the Court. This, in turn, suggested the examination of the matter in historical perspective.

Observers will note that in the recent debates – both on official and scholarly level – on the role, future and 'crisis' of the Court, little attention, if any, was paid to the question of provisional measures.[5] On the other hand, little concern, if any, about the 'big problems' facing the Court has been shown in specialised literature on provisional measures. This gap should not surprise anyone. The high level debates on the role of the Court concentrate mostly on what it has not done and on the prospects of remedying this situation. On the contrary, the interest in provisional measures is based upon what the Court has done – and how – in the field of international adjudication. In this respect the recent practice of the Court warrants growing interest in provisional measures, and some authors believe that interim measures have a 'potential role of great significance' owing to the character of disputes which are recently being submitted to the Court.[6] However that may be, the judicial process as such will always attract the attention of jurists even if its role in solving big political or social conflicts is limited – both on the national and international level.

In one respect, however, the question of provisional measures is related to the big problems facing the Court. This relationship is based on the fact that its power under Article 41 of the Statute is discretionary. Consequently, the way in which the Court exercises this power sheds 'light . . . on the manner in which

4. In chronological order: Toraldo-Serra, *Le misure provvisorie internazionali* (1973, 198 pp.); Oellers-Frahm, *Die einstweilige Anordnung in der internationalen Gerichtsbarkeit* (1975, X + 168 pp.).

5. For debates on the official level see, first of all, records of the 6th Committee of the UN General Assembly at its 25th–27th and 29th sessions, relative to the agenda item 'Review of the Role of the International Court of Justice'. See also the Report of the Secretary-General (1971) prepared pursuant to the General Assembly resolution 2723(XXV), of 15 Dec. 1970 – doc. A/8382, esp. pp. 118–119 and Add. 1–4. No comments on provisional measures appear in the records of the 6th Committee throughout the discussion. This might be partly due to the unwillingness to discuss 'procedural matters' regarded as belonging to the Court's own competence. Among scholarly publications attention should be drawn, in the first place, to a collection of papers under the title *The Future of the International Court of Justice* (ed. Gross, 1976, 2 vols., X + 862 pp.). A total of only 3–4 pp. is devoted in this collection to provisional measures.

6. Goldsworthy, 'Interim Measures of Protection in the ICJ', (1974) 68 AJIL 259. The author also sees prospects of 'an enhanced role for interim measures in inter-State conflicts' (*ibid.* p. 258). His opinion is related to the growing proportion of disputes concerning natural resources and environmental protection which, in his view, are susceptible of calling for interim protection. Another author 'hopes' for 'more frequent resort to the Court under Article 41' (Bernhardt, 'The Provisional Measures Procedure of the ICJ through the U.S. Staff in Tehran', 20 Virginia J.Int.L. (1980) 560). On the other hand, see Gamble and Fisher, *The International Court of Justice: An Analysis of a Failure* (1976), pp. 52–53.

the Court has come to conceive and discharge its judicial function, a subject which is central to the future role of the Court'.[7]

* * *

In presenting this study to the readers the author feels duty bound to provide them with certain explanations of an editorial and technical nature.

1. An effort was made to supply the presentation with as many comprehensive references to the publiçations of the Court as possible. On the other hand, for the sake of saving space, references to the literature have been reduced to what was considered necessary for the purpose of authentication or exemplification.

2. The texts which are commonly known or easily available in a number of authoritative publications, including the Statute of the Court and consecutive versions of the Rules of Court, are quoted without reference to the source. Articles of the Statute are referred to by numbers only. Other documentary references – again, in order to save space – are made to one source only, preferably an official publication, even if other sources might be more easily available.

3. Both official texts and scholarly writings are quoted in the original languages, unless an authoritative translation into English was available to the author.

4. Unless otherwise indicated: (a) 'the Court' is used as a generic term comprising both the PCIJ and the ICJ; (b) 'the President', 'the Statute', 'the Rules', etc., envisage the President, etc., of the Court; (c) references to cases envisage proceedings and orders on provisional measures in those cases.

5. When terminological changes were made in the Statute and the Rules,[8] the recent terminology is used regardless of the period to which it relates – except in quotations.

6. As is known, the English terminology denoting the institute which is the subject-matter of this study has varied. The statutory term is 'provisional measures' but the relevant provisions of the Rules have always had the sub-title 'interim protection', while the term 'interim measures of protection' was used in the actual text of the Rules prior to 1978. The present Rules reverted to the statutory term, except in the sub-title.[9] The literature offers a still greater variety of terms. Since there appears to be no risk of notional confusion, various terms are used interchangeably in this study as fully synonymous.

7. With few exceptions, the study is based on facts, documents and literature known or available to the author as at 31 May 1981. The author regrets that he could not take account of the study by Jerome B. Elkind, *Interim Protection. A Functional Approach,* the notice of this valuable publication having reached him when this book was already in the press.

Lund, 1 September 1982 Jerzy Sztucki

7. *The Future of the ICJ,* p. 739 (conclusions from the work of the Panel, by L. Gross).
8. Thus, 'Memorial' and 'Counter-Memorial' have been substituted for 'Case' and 'Counter-Case'; and 'Application' (for the indication of interim measures) has been replaced by 'Request', as distinct from the application instituting proceedings.
9. In French the term consistently used in all the texts of the Court and throughout its history has been '*mesures conservatoires*'.

List of Abbreviations Used

A. PUBLICATIONS OF THE COURT

Ser. A	– Publications of the Permanent Court of International Justice. Collection of Judgments (until 1930).
Ser. B	– (*Ditto*). Collection of Advisory Opinions (until 1930).
Ser. A/B	– Permanent Court of International Justice. Judgments, Orders and Advisory Opinions (since 1931).
Ser. C	– Publications of the Permanent Court of International Justice. Acts and Documents Relating to Judgments and Advisory Opinions Given by the Court (until 1930); Permanent Court of International Justice. Pleadings, Oral Statements and Documents (since 1931).
Ser. D	– (Publications of the (until 1930)) Permanent Court of International Justice. Acts and Documents Concerning the Organisation of the Court.
Ser. E	– (*Ditto*). Annual Reports.
Reports	– International Court of Justice. Reports of Judgments, Advisory Opinions and Orders.
Pleadings	– (*Ditto*). Pleadings, Oral Arguments, Documents.
Yearbook	– (*Ditto*). Yearbook

B. OTHER PUBLICATIONS

ACJ I	– Permanent Court of International Justice. Advisory Committee of Jurists. Documents Presented to the Committee.
ACJ II	– (*Ditto*). Procès-Verbaux of the Proceedings of the Committee.
ACJ III	– League of Nations. Permanent Court of International Justice. Documents concerning the Action taken by the Council of the League of Nations under Article 14 of the Covenant and the Adoption by the Assembly of the Statute of the Permanent Court.
AFDI	– *Annuaire Français de Droit International,* Paris.
AIDI	– *Annuaire de l'Institut de Droit International,* Bruxelles (until 1948), Bâle (since 1950).
AJIL	– *American Journal of International Law,* Washington, D.C.
BYBIL	– *British Year Book of International Law,* London.
Committee 1929	– League of Nations. Committee of Jurists on the Statute of the Permanent Court of International Justice. Minutes of the Session (doc. C.166.M.66.1929.V).

Dumbauld	– E. Dumbauld, *Interim Measures of Protection in International Controversies* (1932).
ECR	– Court of Justice of the European Communities. *Reports of Cases before the Court* (*European Court Reports*), Luxembourg.
Fitzmaurice	– G. G. Fitzmaurice, *The Law and Procedure of the International Court of Justice 1951–1954* (1958) XXXIV BYBIL.
GAOR	– United Nations. General Assembly, Official Records, New York.
Guggenheim	– P. Guggenheim, *Les mesures provisoires de Procédure internationale et leur Influence sur le Développement du Droit des Gens* (1931).
Guggenheim-*Recueil*	– *id., Les mesures conservatoires dans la procédure arbitrale et judiciaire* (1932) 40 RCADI
Hammarskjöld	– Å. Hammarskjöld, *Juridiction Internationale* (1938).
Hudson (1934)	– M. O. Hudson, *The Permanent Court of International Justice. A Treatise* (1934).
Hudson (1943)	– *id., The Permanent Court of International Justice 1920–1942. A Treatise* (1943).
ILM	– *International Legal Materials,* Washington, D.C.
ILR	– *International Law Reports,* London.
LNTS	– League of Nations. Treaty Series, Genève.
Multilateral Treaties	– United Nations. Multilateral Treaties in respect of which the Secretary-General performs Depository Functions; List of Signatures, Ratifications, Accessions, etc., New York.
Niemeyer	– H. G. Niemeyer, *Einstweilige Verfügungen des Weltgerichtshofs, ihr Wesen und ihre Grenzen* (1932).
Oellers-Frahm	– K. Oellers-Frahm, *Die einstweilige Anordnung in der internationalen Gerichtsbarkeit* (1975).
RCADI	– *Recueil des Cours.* Académie de Droit International, La Haye.
RGDIP	– *Revue générale de Droit International Public,* Paris.
RIAA	– United Nations. *Reports of International Arbitral Awards,* New York.
Rivista	– *Rivista di diritto internazionale,* Roma-Milano.
Rosenne (1957)	– S. Rosenne, *The International Court of Justice; An Essay in Political and Legal Theory* (1957).
Rosenne (1965)	– *id., The Law and Practice of the International Court,* vols. I–II (1965).
SCOR	– United Nations, Security Council, Official Records, New York.
Steinitz	– H. Steinitz, *Vorläufige Massnahmen in öffenttlichrechtlichen Streitigkeiten unter besonderer Berücksichtigung des Ständigen Internationalen Gerichtshofs und des Schweizer Bundesgerichts* (mimeo.) (1933).

TAM	– *Recueil des décisions des Tribunaux arbitraux mixtes,* Paris.
Toraldo-Serra	– N. Toraldo-Serra, *Misure provvisorie internazionali; Ricerca storico-giuridica* (1973).
UNCIO	– Documents of the United Nations Conference on International Organization, 1945, London–New York.
UNTS	– United Nations. Treaty Series, New York.
YECHR	– *Yearbook of the European Convention on Human Rights,* The Hague.
ZaöRV	– *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht,* Berlin.

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Chapter 1

Introduction – Development of the Concept of Provisional Measures in International Law

It is commonplace that international judicial systems developed on the wave of pacifist ideas which flourished at the end of the nineteenth and beginning of the twentieth centuries. The idea that the rule of law must replace the use of force as the means of solving international conflicts was elaborated upon in all possible ways in the political and legal literature of that period and transpired through countless treaties and drafts, including the preparatory works of the Statute.[1] At the same time one had to take into account that States could not be expected to rely on time-consuming judicial procedures unless they might be reasonably sure that *faits accomplis* possibly created by the other party pending the final decision would not nullify its practical value. Accordingly, one had to have a possibility to preserve the *status quo pendente lite* in order to ensure confidence in the international judicial process. Thus, provisional measures, as a means of preservation of that *status quo,* almost automatically – though indirectly – acquired the rank of an integral part of the judicial peace-keeping machinery.

In the course of time the limited role of the Court (and of international tribunals in general) in the maintenance of international peace has become ever more evident.[2] Yet, leaving aside over-ambitious illusions, the experience of the PCIJ was positively assessed when the time had come to elaborate designs for the organisation of the world after the Second World War; and it was taken for granted that the Court would be revived in one form or another. However, the drafters of the UN Charter have emphasised the Security Council's 'primary responsibility for the maintenance of international peace and security' (Art. 24(1) of the Charter), while the Court has been reconstituted as 'the principal judicial organ of the United Nations' (Art. 92 of the Charter). Today probably no one will regard the provisional measures administered by international judicial instances as an integral part of peace-keeping machinery. The development of international tribunals active in special fields, whose

1. Some examples of statements in this vein: 'The object was to create an institution which will prevent the use of force' (Mr. Root at a meeting of the Advisory Committee of Jurists – ACJ II, p. 134); 'The object of international justice is to substitute procedure before a judge for methods of violence' (President of the ACJ (Baron Descamps) at the same forum – *ibid.* p. 533).

2. For an early warning against exaggerated expectations see the statement of Mr. Ricci-Busatti at a meeting of the ACJ (*ibid.* p. 128). Among later pre-war assessments see Hammarskjöld, pp. 385–394. For an early post-war opinion see, for instance, Lissitzyn, *The International Court of Justice* (1951), pp. 16, 73, 100–107.

relationship to the maintenance of peace is rather remote, if any at all, must have contributed to this disjunction. On the other hand, one should note the numerical growth of international judicial instances and the corresponding growth of the number of provisions on interim protection in their statutory instruments and/or their rules of procedure. This tends to demonstrate the recognised importance of provisional measures in those fields which are proper for international judicial activity.

It is equally commonplace that international tribunals of justice have developed from international arbitration. Indeed, in so far as the jurisdiction of the former is – at least in the last instance – based on voluntary submission of the prospective litigants, they will never fully relieve themselves of some traits of the latter, much as one may wish to emphasise the distinction between arbitration and judicial procedure. Still, in so far as the two procedures differ from each other, it is no wonder that one had to look into the already developed domestic processual systems as a source of inspiration when shaping the international judicial process.

Many institutions of the international judicial process are borrowed from national processual laws – usually civil, sometimes administrative. This is also true of provisional measures, whatever their particular names, forms and fields of application in various domestic judicial systems. This is so even if it is true that the introduction of provisional measures into international law was motivated by the autonomous need of that legal system and even if it is true that an international treaty rather than any national code of procedure served as an immediate model for Article 41.[3]

In a recent book on provisional measures in international adjudication they have been defined as: 'jede das ausserprozessuale Verhalten der Parteien im Hinblick auf die richterliche Entscheidung während der Dauer der Rechtshängigkeit regelnde Verfügung seitens des Gerichts.'[4]

Leaving aside for the moment provisional measures applied by international political organs,[5] as well as provisional measures in the interest of the actual proceedings (for instance, measures intended to safeguard the evidence material), the above-quoted definition can be accepted as the point of departure for the presentation which follows.

It has been repeatedly, and correctly, noted in the literature that the *ratio existendi* of provisional measures in domestic legal systems and in the system of

3. Namely, Art. 4(2) of the so-called 'Bryan Treaties' of the United States with China, France and Sweden (1914) providing for an investigation procedure. This provision – identical in all the three treaties – reads: 'In case the cause of the dispute should consist of certain acts already committed or about to be committed, the Commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report' (quoted after *Treaties for the Advancement of Peace* (Introduction by J. B. Scott, 1920), pp. 17, 37–38 and 95 respectively). For an earlier provision on conservatory measures see Art. XVIII of the Washington Convention for the Constitution of a Central American Court of Justice, of 20 Dec. 1907. It read as follows: 'From the moment in which any suit is instituted against any one or more Governments up to that in which a final decision has been pronounced, the Court may at the solicitation of any one of the parties fix the situation in which the contending parties must remain, to the end that the difficulty shall not be aggravated and that things shall be conserved in *statu quo* pending a final decision' (quoted after 2 AJIL (1908), Suppl., 238). This provision was further elaborated on in the Regulations of the Court (1911) and in its Ordinance of Procedure (1912) – see 8 AJIL (1914), Suppl. 179 and 194, respectively.

4. Oellers-Frahm, p. 11.

5. See pp. 5 and 9, *infra*.

international law is basically the same. It was spelled out by the Polish-German MAT in the following words: 'Par les mesures conservatoires les Tribunaux cherchent à remédier aux lenteurs de la justice, de manière qu'autant que possible l'issue du procès soit la même que s'il pouvait se terminer en un jour'.[6] In other words, the purpose is to prevent such developments *pendente lite* which might render the final decision nugatory.

But safe analogies probably end at this point. From the perspective of decades it would be difficult to concur in the opinion that the first decision on provisional measures made by the Central American Court of Justice in 1908 showed 'the complete analogy between public and private law'.[7] One is rather inclined to recall the warnings against confusing national and international legal organisations since 'a complete analogy between these two organisations could not be established'.[8]

Indeed, beyond the most general propositions as to the purpose of interim measures, such as those quoted earlier, there is no universal common pattern of provisional measures in domestic legislation, which might be borrowed for general application on the international level.[9] Even if there were such a pattern, one would have to be very cautious in drawing municipal law analogies in international law, since the conditions for exercising judicial power on the international level are quite different from those existing in domestic legal systems.[10]

Furthermore, once the institution of provisional measures entered the sphere of international law, it paved its way to the statutory instruments and/or the rules of procedure of a great number of judicial and quasi-judicial instances which differ from one another in many respects. This, in turn has led to a considerable diversification in international measures of interim protection.

In order to demonstrate the variety of these measures and the range of differences involved it may be appropriate to make an excursion beyond the subject-matter of this study and to present briefly the gallery of international

6. TAM, Vol. 5, p. 459 (*Ellermann* v. *The Polish State* (1924)). It is ironic that this pronouncement was made in a case in which the decision *on provisional measures* was rendered almost seven months after the request therefor. The *Ellermann Case* was the first instance in the history of the MATs, in which interim measures were ordered against an Allied Power.

7. *The First Decision of the Central American Court of Justice* (Editorial Comment), 3 AJIL (1909) 436 (the dispute was between Honduras on the one side, and Guatemala and El Salvador on the other side). For similar opinions with respect to the PCIJ see, *inter alios,* Hammarskjöld, p. 423 (an article written in 1923); de Magyary, *La juridiction de la Cour permanente de Justice internationale* (1931), pp. 102, 105.

8. Baron Descamps – at a meeting of the ACJ (ACJ II, pp. 532–533); see also the statements by Messrs. Root and Adatci on the same occasion (*ibid.* pp. 532 and 529 respectively).

9. A review of provisional measures in various domestic legal systems was presented by Dumbauld (pp. 8–81). Although the positive law material on which it was based has considerably changed since, the general picture of the variety of specific solutions has retained its validity. For some references to the contemporary British law and practice see Wortley, 'Interim Reflections on Procedures for Interim Measures of Protection in the ICJ' (1975) XIV *Communicazioni e studi* 1009–1010; Adede, 'The Rule of Interlocutory Injunction under Domestic Law and the Interim Measures of Protection under International Law', 4 Syracuse J. Int.L. & Comm. (1977) 277, 279.

10. Oppenheim observed that many international lawyers, 'in forming their opinion, are influenced by the Municipal Law under which they live and work. . . . They take it for granted that the principles and rules of International Law are to be construed and interpreted according to views upheld by their Municipal Law and their national jurisprudence. Many a controversy is due to this faulty attitude on the part of those who expound the rules of International Law' (introduction to Roxburgh, *International Conventions and Third States* (1917), pp. v–vi). See also, *inter alios,* Sereni, *Principi generali di diritto e processo internazionale* (1955), pp. 44, 50–51; and – in more specific contexts – Rotholz, 'La nature juridique des ordonnances de la CPJI' (1936) 43 RGDIP 684–685; Toraldo-Serra, p. 8; Adede, *op. cit.* pp. 279–281.

organs – existing or past – competent to decide on provisional measures of whatever nature. Leaving aside the Court as well as the already mentioned Central American Court of Justice (1908–17), and without an ambition to be exhaustive, one can roughly summarise the relevant material in approximately chronological order as follows.

a. The rules of procedure of 33 out of 36 'bilateral' MATs, established by the peace treaties after the First World War included rather detailed provisions on conservatory measures.[11] The MATs, were competent to decide disputes arising out of the peace treaty provisions relative to private law debts; property, rights and interests; contracts, prescriptions and judgments; rights to industrial, literary and artistic property. Characteristic features of provisional measures as conceived in these rules included: the possibility of obtaining interim relief before filing the main application and of granting such a relief *ex parte;* the possibility of requiring security of the party which requests interim protection and of third party opposition against the grant of interim relief. The decisions of the MATs on interim protection were directly enforceable in the national legal systems of the parties concerned.[12] As demonstrated by their jurisprudence, interim relief granted by the MATs might consist in temporary partial satisfaction of the principal claim.[13]

b. Article 13(3) of the Statute on Freedom of Transit (1921); Article 22(3) of the Statute on the Régime of Navigable Waterways (1921); Article 35(1) of the Statute on the International Régime of Railways (1923); and Article 21(2) of the Statute on the International Régime of Maritime Ports (1923) envisaged the possibility of submitting disputes concerning the implementation of the respective acts 'for an opinion to any body established by the League of Nations'. 'In urgent cases' this body might, by way of 'a preliminary opinion', 'recommend temporary measures intended, in particular, to restore the facilities . . . which existed before the act or occurrence which gave rise to the dispute.[14]

c. The Permanent Arbitral Tribunal for Danzig (or, subsidiarily, its President) had the power 'to order' provisional measures under Article 16 of the Convention between Germany, Poland and Danzig, of 21 April 1921, on the freedom of transit.[15]

d. Likewise, the Polish-German Mixed Commission and the Arbitral Tribunal for Upper Silesia were authorised to decide on provisional measures

11. Provisional measures were not mentioned in the rules of procedure of the English-German, the Japanese-German and the Japanese-Austrian MAT.

12. The rules were modelled in principle, after five patterns which may be called 'French', 'Belgian', 'British', 'Italian', and 'Lausanne', respectively. Except for the 'British' pattern which differed more considerably from the others, the differences between the other four patterns were insignificant. Within the same pattern, the rules differed from one another mostly in stylistic details. For the 'pattern-setting' texts see Arts. 31–36 of the Rules of the French-German MAT, of 2 Apr. 1920 (TAM, Vol. 1, pp. 49–50); Arts. 45–47 of the Rules of the Belgian-German MAT, of 19 Oct. 1920 (*ibid.* p. 39); paras. 60–61 and 74–75 of the Rules of the British-Austrian MAT, of 16 Aug. 1921 (*ibid.* pp. 631–632, 633); Arts. 70–75 of the Rules of the Italian-German MAT, of 20 Dec. 1921 (*ibid.* pp. 810–811); Arts. 138–147 of the Rules of the Romanian-Turkish MAT, of 24 Dec. 1925 (*op. cit.* Vol. 5, pp. 1010–1011).

13. See TAM, Vol. 5, p. 461 (the case mentioned in n. 6, *supra*).

14. LNTS, Vol. VII, p. 31 (No. 171); *ibid.* p. 63 (No. 172); Vol. XLVII, p. 55 (No. 1129); and Vol. LVIII, p. 307 (No. 1379) respectively. The Statutes formed Annexes to international Conventions on the respective subject-matters, signed at Barcelona, on 21 Apr. 1921, and at Geneva, on 3 Nov. 1923, respectively.

15. See LNTS, Vol. XII, p. 71 (No. 308). The Tribunal was established pursuant to Art. 11 of the same Convention (see *ibid.* p. 69).