

The role of the International Court of Justice in achieving international peace and security (Provisional judicial measures as an example)

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The importance of research is that Provisional international judicial measures issued by the international judiciary during the international dispute resolution phase and before a decision is made through final international judicial judgment. There is a long time between the time of international litigation or international dispute and the time of final judgment. In order not to exacerbate or widen the international conflict between the international parties in conflict during the stage of its submission to the international judiciary, the international judiciary will issue its Provisional judicial measures in order to prevent the escalation of the international conflict and work to reduce it until the final international judicial decision is issued. There is no doubt that the role of these temporary international judicial measures in preventing the escalation of international conflict has had a clear impact on the maintenance and promotion of world peace. To illustrate this role, we have taken the International judicial measures of the International Court of Justice as a model, as the most important provisional judicial body effective.

Keywords: International Court of Justice, Measures Case, Judicial Judgment, International Dispute.

Introduction

The international judiciary has the right to take provisional judicial measures to protect the rights of the parties during the consideration of the international dispute and until the final judgment is issued, in order to avoid the aggravation of the dispute during the decision stage, because the escalation of the dispute will lose the international judicial settlement of its main goal of finding a final settlement of international disputes in a way that maintains world peace.

Interim international judicial measures are one of the forms of judicial protection afforded by international justice to the parties to a conflict, and this type of protection is often necessary to make substantive protection more effective.

Interim judicial measures issued by international courts have procedural and provisional features and, like final international judicial decisions, have binding effect. The main purpose of interim judicial measures within the scope of international justice is to prevent the aggravation of international disputes before they are finally settled.

Interim judicial measures issued by international justice vary according to the circumstances of each of the international disputes submitted to international jurisdiction, such as those relating to disputes that threaten international peace and security, and others related to international environmental and border disputes, among others.

The scope of our research is determined by the statement of the role of the international judiciary in reducing international disputes and promoting world peace through temporary judicial measures issued by the international judiciary during its consideration of international disputes and before deciding on them with final judicial rulings, and the International Court of Justice will be our model in this research to demonstrate this important role of the international judiciary.

Section I: Definition of provisional International Judicial Measures

It is well known that interim judicial measures issued by international justice have characteristics or features that are procedural, conservative, provisional and

mandatory. These interim measures also have the objectives of preventing the escalation or spillover of the conflict during its consideration by international justice, the protection of the rights of the parties and the preservation of evidence.

In the guidance of the foregoing, we will divide this section into two requirements:

Requirement I: Characteristics of Interim International Judicial Measures

Requirement Two: Objectives of Interim International Judicial Measures

Requirement I: Characteristics of Interim International Judicial Measures

Interim international judicial measures are a set of procedures with binding effect ordered by the international judiciary during its consideration of a particular international dispute to prevent the escalation and aggravation of the international dispute by temporarily preserving the rights of the parties to the dispute until the issuance of the final international judicial judgment on the subject matter of the case⁽¹¹⁾.

From this understanding, the characteristics of such interim international judicial measures can be indicated as procedural, conservatory, provisional and mandatory.

First: Procedural Feature

The competence granted to the international judiciary to take interim judicial measures represents a procedural privilege to deal with urgent circumstances requiring provisional and expeditious action, and is therefore independent of the substantive jurisdiction of this judiciary ⁽¹²⁾. However, international jurisdiction, when requested to order interim judicial measures, often observes first whether or not it has substantive jurisdiction with a view to ensuring the implementation of the final judgment. It is issued in the international dispute before it, because the international judiciary cannot preserve the rights temporarily until the final judicial judgment is issued and it does not have the jurisdiction to issue such a final judgment on it⁽¹³⁾.

This is the view of the international judiciary, in the Anglo-Iranian Oil Company case (preliminary objection) in 1952, before the International Court of Justice, the latter

asserting that its competence to take interim judicial measures derives from special provisions in article 41 of the Statute of the International Court of Justice^[4], which is very different from the rules contained in Article 36 of the Statute, i.e. the article that confers jurisdiction on the International Court of Justice^[5].

The International Court of Justice, in the 2011 interim measures on the case Seeking the Interpretation of the Court's 1962 Judgment on the Merits of the Case concerning the Temple of Preah Vihear between Cambodia and Thailand, also noted that "to issue provisional measures it must be satisfied that it has jurisdiction, at first glance, in the original proceeding, without having to be assured that it has such jurisdiction definitively"^[6].

Second: Conservative Feature

Interim international judicial measures have the character of a precautionary and preventive nature, and are taken to achieve rapid protection without prejudice to the origin of the right. It is known that the conflicting countries resort to the international judiciary in order to obtain a judicial ruling that gives everyone his right, and since the litigation procedures need a long time in a way that may conflict with the interest of the litigants and delay obtaining the protection of the law. One of the parties to the dispute may also carry out actions during the hearing stage of the case that may make the implementation of the final international award impossible when it is issued. Take provisional international judicial measures to prevent the parties from taking any of the acts that would prejudice their positions in the lawsuit and to preserve the existing conditions at the moment of resorting to international justice. Therefore, provisional international judicial measures are a precautionary preventive action aimed at preserving without affecting the origin of the right and not leading to definitive changes in legal positions⁽⁷⁾.

International jurisprudence, for example, through the International Court of Justice in requesting interim measures in the LaGrand case brought by Germany against the United States in 1999, held that "in view of the grave and exceptional circumstances of this case, and the utmost importance that Germany attaches to the life and freedom

of its nationals, provisional measures are urgently needed to protect the life of German citizen Walter LaGrand. By executing him, Germany will forever be deprived of the opportunity to restore the status quo ante if a ruling is passed in its favor."^[8]

Indeed, the International Court of Justice found that Germany's said request for protection of one of its nationals subject matter of the case was worthy of protection, so it acceded to Germany's request and on March 3, 1999, took its provisional judicial measures in this regard^[9].

Third: provisional Feature

In addition to the procedural and precautionary character, provisional international judicial measures have a provisional feature that has effects in the period preceding the issuance of the final international judicial award in the international dispute that is the subject of the case, and therefore can be modified or canceled at any time if the circumstances that gave justification for their adoption cease to exist (^[10]).

It should be noted that the text of article 48 of the Statute of the International Court of Justice gives the latter general competence to make such orders as it deems necessary for the conduct of the case before it, as it is a comprehensive text that should be interpreted flexibly towards giving the Court broad jurisdiction to accommodate any request relating to the dispute before it, for the purpose of enabling it to take any matter that may be considered necessary for the conduct of the case before it, including interim international judicial measures^[11].

We believe that the international judiciary should play a more positive role during its consideration of the international dispute, including the issuance of various provisional international judicial measures that it deems necessary.

Fourth: Mandatory Feature

With regard to the binding of interim international judicial measures vis-à-vis the parties to the dispute, this issue was one of the most controversial issues in international jurisprudence^[12] until the International Court of Justice settled this controversy in its judgment on the merits of the LaGrand case between Germany and

the United States in 2001, stating that the interim judicial measures it issued had binding effect. In this case, the International Court of Justice has declared that failure to respect its interim measures gives rise to responsibility^[13].

The International Court of Justice, in its 2011 interim measures in the case Seeking Interpretation of its 1962 Judgment on the merits case concerning the Temple of Preah Vihear (Cambodia and Thailand), also reiterated that its interim measures issued in accordance with article 41 of its Statute have binding effect and create international legal obligations to which parties are bound to comply^[14].

It should be noted that interim international judicial measures issued by international jurisdictions, although mandatory but do not enjoy res judicata force, given the temporary nature of such measures, as they can be repealed or modified, and in any case expire with the issuance of the final international judicial judgment in the case before international jurisdiction^[15].

In the light of the foregoing, it can be said that by proving the binding nature of the provisional international judicial measures it promulgates, the international judiciary has established the great role that these measures play in reducing and preventing the complexity of international disputes, and the consequent preservation and promotion of world peace, by removing everything that could lead to its breach. The binding nature of provisional judicial measures issued by international jurisdiction, therefore, is a necessary consequence of the binding final international judicial rulings.

Requirement Two: Objectives of Interim International Judicial Measures

The main objective of provisional international judicial measures is to prevent the escalation and complexity of the international dispute during the stage of its decision by the international judiciary, and before its final judgment, in addition to that the international interim judicial measures have other objectives that serve to achieve this basic goal, which is to preserve the rights of the conflicting parties, and to preserve evidence at the stage of deciding international disputes before the international judiciary. The Permanent Court of International Justice has emphasized, for example, in its interim measures in the Electricity Company case Sofia and Bulgaria in 1939,

but the prevention of the aggravation of the conflict is a universally accepted principle before international judicial organs^[16].

It is known that when the disputing parties agree to submit the dispute to the international judiciary for decision, it means that they have chosen to resolve it peacefully through judicial settlement, which aims, mainly, to resolve international disputes and not to expand them a fortiori, and this in turn leads to the preservation and strengthening of world peace by removing all causes and factors threatening it ([17]).

International jurisprudence has referred to this fundamental objective in the same provisional international judicial measures it has issued on several occasions, for example, in the case of Armed Activities in the Territory of the Congo between the Democratic Republic of the Congo and Uganda, where the provisional measures taken by the International Court of Justice on 1 July 2000 stated that "both parties shall immediately prevent and refrain from any action, in particular any armed action, which may increase the gravity of the dispute before the Court." or prolong it"^[18].

Since 1990, the United Nations Secretariat has pursued a consistent policy of strengthening the role of the International Court of Justice in the prevention of international disputes, through its advisory competence. The Secretary-General, in his 1990 annual report, therefore stressed the importance of strengthening the preventive role of the International Court of Justice through advisory opinions, when he pointed out that "the rule of law in international cases must be elevated by increasing the request for advisory opinions from the International Court of Justice on the legal aspects of a dispute"^[19].

Interim State judicial measures also have the second objective of protecting and preserving the rights of the parties to the conflict, as expressly provided, for example, in article 41 of the Statute of the International Court of Justice^[20]

Since interim international judicial measures are an interlocutory procedure in respect of the original action used for the purpose of preventing the spillover of the international dispute that is the subject of the original action by protecting the rights

of the parties to that international dispute, they may only be used to protect those rights that are the subject of the original action.^[21] This was pointed out by the International Court of Justice, for example, in the 1979 United States Diplomatic and Consular Personnel in Tehran case (Provisional Measures), where it held that the purpose of provisional measures was to preserve the rights that are the subject of the international dispute in question.^[22]

Therefore, interim international judicial measures are an important means for international justice to prevent the escalation of international conflict and thus to find an appropriate peaceful settlement of this dispute contained in the final international judicial ruling.

During the consideration of the international dispute by the international judiciary, one of the parties may engage in acts leading to the loss of evidence in the case, in which case the latter is entitled to take provisional exemplary measures to protect all evidence relating to the case in question. The International Court of Justice, for example, expressly referred to it through the Chamber it had set up to hear the case concerning the Border Dispute between Burkina Faso and Mali, which had ruled, in its 1986 interim measures, that "the two Governments shall refrain from any action likely to impede the collection of evidence relevant to the case in question".^[23]

We find that this goal is important to limit the international dispute and prevent its extension by preserving evidence to prove the rights of the parties, and then keep the dispute and the rights in dispute as they are until the issuance of the international judiciary for its final ruling, as the strength and stability of the argument is necessary to protect rights, as rights that are devoid of evidence are rights that have no legal value.

Section II: The impact of interim international judicial measures on international disputes before international courts

As is well known, the content of interim judicial measures issued by international jurisdiction has an impact on preventing the complexity of international disputes before international jurisdiction, but the degree of their impact varies in cases before

international jurisdiction, according to the nature and circumstances of each of the different international disputes.

Some provisional international judicial measures have been taken to prevent the exacerbation and spillover of international conflicts threatening international peace and security, while others have been taken to prevent the escalation of international disputes relating to international relations. Another set of international judicial measures has been issued to curb international environmental and border disputes.

By examining different models of interim international judicial measures taken by international jurisdiction, we will try to show the impact of such measures on preventing the exacerbation of international conflicts that threaten international peace and security and those relating to international relations, the environment and borders. Therefore, we will divide this section into two requirements:

First requirement: provisional international judicial measures for international disputes that threaten international peace and security

Requirement Two: Interim International Judicial Measures Concerning International Disputes Concerning International Relations, Environment and Borders

First requirement: provisional international judicial measures for international disputes that threaten international peace and security

There are many temporary judicial measures taken by the international judiciary in international disputes that threaten international peace and security and have had a clear impact in reducing the seriousness and size of this type of international disputes during the stage of their consideration by the international judiciary and until the issuance of the final international judicial judgment thereon, we refer to two international cases submitted to the International Court of Justice, in which this Court issued its provisional measures to prevent the exacerbation of international disputes that threaten international peace and security, as follows:

I. Interim international judicial measures in the Military and Paramilitary Activities in Nicaragua case

The subject of this case is summarized in the United States of America launching attacks on the territory of Nicaragua and planting mines in its territorial waters in order to prevent ships from reaching its ports, in addition to the establishment of forces opposed to the regime in Nicaragua, training, arming and financing of forces opposed to the regime in Nicaragua, which prompted Nicaragua to file a lawsuit before the International Court of Justice on April 9, 1984 against the United States^{of America} (24).

On the same day, Nicaragua requested the International Court of Justice to take provisional measures, including ordering the United States of America to cease immediately all use of force against Nicaragua and anything that would violate Nicaragua's sovereignty, territorial integrity and political independence. Nicaragua also requested the Court to order the United States of America to refrain from providing any support to any actor engaged in or planning military or paramilitary activities in and against Nicaragua, and to order the United States to refrain from any military or paramilitary activity and from any other use or threat of use of force in its relations with^{Nicaragua}. (25).

Indeed, on 10 May 1984, the International Court of Justice took provisional measures in this case, stating that the United States must refrain from any action restricting access to and from Nicaraguan ports, in particular the laying of mines. The International Court of Justice stated that the United States must fully respect the right to sovereignty and political independence of the Republic of Nicaragua, like any other State in the region or in the world. The International Court of Justice affirmed that "the parties shall refrain from any action which would prejudice the rights of the other party with regard to the implementation of any decision of the International Court of Justice and not to take any action which would aggravate the dispute before the International Court of Justice". (26).

These interim international judicial measures had a clear impact in curbing this international dispute and preventing its extension, which constitutes a clear threat to

international peace and security during the period of submission of the international dispute to the international judiciary represented by the International Court of Justice until the issuance of the final international judicial judgment in this case by this court on June 27, 1986, which led to the end of the aforementioned temporary international judicial measures ⁽²⁷⁾.

II. Interim international judicial measures in the case of armed activities in the territory of the Congo

On 23 June 1999, the Democratic Republic of the Congo filed an application with the International Court of Justice suing Uganda for armed aggression committed by Ugandan forces on its territory. In order to resume fighting between the forces of the parties, on 5 June 2000, the Democratic Republic of the Congo requested the International Court of Justice to take provisional measures, including ordering Uganda to take all measures to ensure that no actor affiliated with, or supported by, commits war crimes or any other coercive or unlawful act against all persons in the territory of the Democratic Republic of the Congo, ceases any action that prevents the population of the occupied territories from enjoying their fundamental human rights, and refrains from any illegal exploitation of the natural resources of the Democratic Republic of the Congo. The Democratic Republic of the Congo also requested the Court to order Uganda to respect the right of the Democratic Republic of the Congo to sovereignty and independence, and to respect the rights and freedoms of persons in its territory ⁽²⁸⁾.

Indeed, on 1 July 2000, the International Court of Justice took provisional international judicial measures in this case, which included a request to the parties to refrain from any action that would prejudice the rights of the other party in respect of any judgment that the International Court of Justice might render in the case or that might aggravate the dispute before it or make it difficult to resolve. In these interim measures, the International Court of Justice also stated that the parties must take all necessary measures to comply with all their obligations under international law and comply with Security Council resolution 1304 of 16 June 2000. ⁽²⁹⁾.

These interim international judicial measures have contributed to limiting the exacerbation of the aforementioned international dispute, which threatens international peace and security, during the stage of its consideration by the international judiciary represented by the International Court of Justice and until the final judicial judgment is rendered.

Requirement Two: Interim International Judicial Measures Concerning International Disputes Concerning International Relations, Environment and Borders

The international judiciary has issued many temporary international judicial measures that have had an important impact in reducing the seriousness and aggravation of international disputes related to international relations, and has also taken many provisional international judicial measures that have had a clear impact in preventing the complexity of international disputes related to the environment and borders. As follows:

First: provisional international judicial measures concerned with international disputes related to international relations

The international judiciary has worked on issuing many temporary international judicial measures related to international relations, and we will address, for example: temporary international judicial measures in the case of the United States of America employees in Tehran, and provisional international judicial measures in the Lagrand case, as follows:

1: Interim International Judicial Measures in the Case of the United States of America Personnel in Tehran

On November 4, 1979, a group of Iranian protesters seized the U.S. Embassy building in Tehran, seized embassy documents and the U.S. consulate in Tehran, and arrested 50 U.S. nationals, including 48 embassy staff, and took them hostage. On November 29, 1979, the United States filed a complaint with the International Court of Justice and asked it to order Iran to release the hostages and secure their departure, and on the

same day the United States submitted a request to the International Court of Justice to take interim judicial measures in which Iran orders the immediate release of the American hostages.^[30]

Indeed, on December 15, 1979, the International Court of Justice took provisional judicial measures, which included obliging Iran to ensure that the U.S. Embassy, Ambassador and consular offices were returned to the U.S. authorities, that they were inviolable and protected, that all detained U.S. nationals should be immediately released, and that the Iranian authorities would provide full protection to U.S. diplomatic personnel. These interim judicial measures also included that the Government of the United States of America and the Government of the Republic of Iran should refrain from taking any action that would increase tension between the two countries or complicate the resolution of their international dispute.^[31]

With the issuance of the final judicial judgment of the International Court of Justice in this case on May 24, 1980, the aforementioned provisional judicial measures ended, and these measures had a clear effect in preventing the aggravation of this international dispute in question related to the field or field of international relations, and this facilitated the eventual resolution of this dispute through the final judgment of the aforementioned International Court of Justice.

2: Interim international judicial measures in the LaGrand case

Germany sued the United States of America before the International Court of Justice on March 2, 1999, and the subject of this case is that the authorities of the Arizona state arrested, tried and sentenced to death two German citizens, the Karl LaGrand brothers and Walter Lagrand, without informing them of their right to consular assistance from their country, as stipulated in Article 36/b of the Vienna Convention on Consular Relations in 1963. Consequently, Al claimed Mania before the International Court of Justice that the United States has violated the said Convention. On February 23, 1999, Karl LaGrand was executed, and one day before the execution of the other brother (Walter Lagrand), on March 2, 1999, Germany submitted the case to the International Court of Justice, requesting this court on the same day to take

provisional judicial measures in which the United States orders that it take the necessary measures to ensure that Walter LaGrand is not executed until the final verdict in this case is rendered ^[32].

Indeed, the next day, the International Court of Justice took its provisional measures, obliging the United States to take all possible measures to ensure that Walter LaGrand was not executed, pending the final verdict in this case^[33]. However, the execution by the United States of "Walter LaGrand" of Walter LaGrand by the United States effectively ended these interim measures^[34].

On June 27, 2001, the final judgment in this case was issued by the International Court of Justice, in which it noted that the failure of the United States of America to take all measures at its disposal to ensure that Walter LaGrand was not executed, meant that the United States had violated all its obligations under the provisional measures it issued in this case, and the International Court of Justice ruled, in this judgment, that the United States of America had violated the Vienna Convention on Consular Relations in 1963 by executing her. German citizens without being informed of their right to consular assistance from their country following their arrest without delay^[35].

Although the interim judicial measures in this case ended and did not achieve their goal in preventing the execution of "Walter Lagrand" and thus exacerbated and complicated the international dispute, on the other hand, this case showed us the great role played by temporary international judicial measures in cases before the international judiciary, as the non-implementation of these interim judicial measures has a significant impact on the formation of the conviction of the international judiciary towards issuing its final judgment in the case against the party refraining from implementation. This case also showed that interim international judicial measures are the most important means of ensuring the implementation of the final judicial judgment issued by the international judiciary later.

Second: Interim International Judicial Measures for International Environmental and Boundary Disputes

The international judiciary has taken many international interim judicial measures related to international environmental and border disputes, and we will refer to two cases in this regard: interim international judicial measures in the case of nuclear tests, and temporary international judicial measures in the case of the border dispute between (Burkina Faso and Mali), as follows:

1: Interim international judicial measures in the Nuclear Tests case

In two separate lawsuits against France on 9 May 1973, Australia and New Zealand filed their claims before the International Court of Justice, due to France's conduct of nuclear tests in the Pacific Ocean, which resulted in the fall of atomic dust on their territory ⁽³⁶⁾. Australia and New Zealand then requested the International Court of Justice to take interim judicial measures ordering France to refrain from conducting any nuclear tests in the Pacific region until the final judgment of the International Court of Justice in this case ⁽³⁷⁾.

Indeed, on June 22, 1973, the International Court of Justice took its provisional judicial measures, ordering France to refrain from carrying out nuclear tests that cause atomic radiation to fall on the territory of the two countries (Australia and New Zealand) until its final judgment in this case is issued. In these measures, the Court also ordered the three States (parties) to refrain from any action that would lead to the widening and difficult resolution of the international dispute ⁽³⁸⁾.

These provisional judicial measures achieved their goal and prevented the aggravation of the international dispute in question in this case, and even ended this international dispute, as the International Court of Justice issued on December 20, 1974 its decision to stop the two lawsuits, on the grounds that they no longer have a subject that requires their continuation after the fulfillment of the demands of Australia and New Zealand, following several official French statements in which it announced that it would not conduct further nuclear tests in the Pacific region once a series of tests were completed in 2000. 1974 ⁽³⁹⁾.

2: Interim international judicial measures in the Burkina Faso-Mali Border Dispute case

This case concerns an international dispute between "Burkina Faso and Mali" over a border area between them, which the two countries have tried since 1964 to settle this dispute, but failed to reach a solution. Therefore, on September 16, 1983, the parties concluded a special agreement for the purpose of referring the dispute to the International Court of Justice, which provided that this Court would decide the dispute by a special chamber constituted by the International Court of Justice^[40].

This Chamber has already begun its work to resolve the aforementioned dispute, but a military confrontation took place on 31 December 1985 between the armed forces of both countries, prompting the parties to request the Chamber to take interim judicial measures, to prevent the escalation of the dispute and to avoid any action that would prejudice the implementation of the final judicial judgment of the Chamber of the International Court of Justice^[41].

Indeed, on 10 January 1986, the ICJ Chamber adopted its provisional measures in which it ordered the parties to refrain from any action that would exacerbate the dispute before the Chamber or prejudice the implementation of any final judgment of the Chamber, and to abide by the ceasefire agreed between them^[42].

The provisional international judicial measures in this case contributed to preventing the expansion of the said international boundary dispute during the stage of its consideration by the international judiciary (the International Court of Justice), and therefore these interim international judicial measures ended with the issuance of the final judicial judgment of the International Court of Justice on 22 December 1986 in this case or the international boundary dispute^[43].

In the light of the foregoing, we conclude that the provisional international judicial measures taken by international justice, during its consideration of various international disputes and before the final resolution thereof, have contributed to preventing the expansion and exacerbation of international disputes during the period of their submission to international jurisdiction. There is no doubt that this preventive

role of provisional international judicial measures enhances the role of these measures in maintaining and strengthening world peace, especially with regard to the International Court of Justice, which we have taken as a model for international justice in this research, the function of the Court of Justice As stated in its 1963 judgment on the North Cameroon (Cameroon and United Kingdom) case, its function is to state the law, but its provisions must have the potential to have practical consequences, in the sense that they can affect the legal rights or obligations of existing parties, thus removing uncertainty in legal relations^[44].

Conclusion

After studying the topic of "The role of provisional international judicial measures in preventing the expansion of international conflicts and promoting world peace (the International Court of Justice as a model)", we concluded the most important conclusions and proposals, which are as follows:

First: Results

1. Interim international judicial measures are a set of binding measures taken by the international judiciary during the stage of its consideration of a particular international dispute to prevent the expansion and widening of the international dispute by temporarily preserving the rights of the parties to the dispute until the issuance of the final provisional judicial judgment on the subject matter of the case. Through this concept, it can be said that the characteristics of provisional international judicial measures are as follows: Procedural, conservative, provisional, and mandatory.
- 2- The fact that the International Court of Justice proves the binding nature of the interim international judicial measures it issues means that the international judiciary has established the great role played by these measures in reducing international disputes and preventing their extension, and the consequent preservation and consolidation of world peace.

3. The binding nature of interim judicial measures issued by international justice is a necessary consequence of the binding final international judicial awards.
- 4- The ultimate goal of provisional international judicial measures is to prevent the escalation and extension of the dispute submitted to the international judiciary, when the disputing parties agree to submit the dispute to the international judiciary for decision, this means that they have chosen to resolve it peacefully through judicial settlement, which aims, mainly, to resolve international disputes and not to widen them a fortiori, and this in turn leads to the preservation and confirmation of world peace.
5. Interim international judicial measures are an important means by international jurisdiction to prevent the escalation of international disputes and thus find an appropriate peaceful settlement of this dispute contained in the final international judicial ruling.
6. Judicial measures of the provisional State also have the second objective of protecting and preserving the rights of the parties to the conflict. We find that this objective is important to limit the international dispute and prevent its spillover by preserving evidence to prove the rights of the parties, and thus keeping the international dispute and the rights in dispute intact until the international judiciary issues its final judgment.
- 7- Interim international judicial measures have had a clear impact on curbing international disputes and preventing their extension that threaten international peace and security during the period of submission of these disputes to the international judiciary, represented by the International Court of Justice, until the issuance of final international judicial rulings therein. These interim international judicial measures have also had a clear impact in preventing the exacerbation of international disputes relating to the field of international relations, and international disputes concerning the environment and borders.

Second: Suggestions

1. In order to ensure greater effectiveness of the role of the international judiciary in preventing the expansion and exacerbation of international conflicts, especially those that threaten world peace, the judiciary should play a more positive role in its consideration of international conflict, including the issuance of various provisional international judicial measures it deems necessary. The function of the international judiciary is to achieve justice through its initiative in directing the course of the case at hand in a way that leads to a peaceful and just settlement of the dispute in its final judgment without complicating the international disputes before it and in a way that enhances World peace.

2- Work to amend the text of Article 41/1 of the Statute of the International Court of Justice so that the amended text explicitly includes the main objective of issuing interim judicial measures, which is to prevent the spread and exacerbation of the international dispute.

We propose that the first phrase of rule 76.1 of the rules of procedure of the International Court of Justice "at the request of a party" be deleted, thus giving the International Court of Justice the possibility of automatically cancelling or amending interim judicial measures it had previously taken if there is a need to do so without specifying its authority to do so only at the request of a part

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