



PROVISIONAL MEASURES OF THE INTERNATIONAL COURT OF JUSTICE: BETWEEN INHERENT AND IMPLIED POWERS

This article will aim at examining the power of the International Court of Justice to indicate provisional measures. While the existence of a power to indicate provisional measures is expressed in the ICJ Statute, and it is constantly legitimated in the Court's case law, the scope and the boundaries of this power has proved to be a more controversial issue. This paper argues that the ICJ seems to have recently developed a larger power, which goes beyond a simple application of art. 41 of its Statute. In the context of inherent jurisdiction of the Court, and after a critical analysis of the textual purpose of Article 41 of the ICJ Statute, this work examines the latest Court's case-law to prove to what extent the large growth of provisional measures can be founded in the inherent powers of ICJ, and to what extent could be the result of the application on the implicit powers theory.