

Abstract for the general public

Effectiveness of provisional measures in disputes between States

The proceedings before international tribunals in disputes between States are generally lengthy. Sometimes, even after many years, the final judgment may not be satisfactory for any of the parties. Disputes increasingly concern major cases where it is not possible to wait for a long time for a final decision (e.g. concerning the legality of a ‘special military operation’, the execution of the death penalty, the operation of an entity to the detriment of the environment, or alleged genocide). To that end, international tribunals have the power to grant provisional measures, designed to ‘freeze’ the dispute between the parties so that the final award is enforceable at all.

The main objective of the project is to define what it is and how to determine the effectiveness of such measures. The relevance of the research project is due to the increase in the number of disputes pending before international courts and related requests for provisional measures, which concern increasingly new areas such as marine resources, education, or access to humanitarian convoys. The issue of provisional measures arose in as much as ca. 45 % of the cases initiated between 2010 and 2019, compared to ca. 21.5 % between 1980 and 1989 and only ca. 6.5 % in the period 1950-1959.

The observed research gap relates to the lack of a systemic approach in the analysis of provisional measures and assessment of their effectiveness. The structure of the project involves critical analysis of the literature, case law of international courts (International Court of Justice, International Tribunal for the Law of the Sea, Permanent Court of Arbitration, European Court of Human Rights and Court of Justice of the European Union) as well as the exchange of views with other researchers. The main results of the project will include the preparation of a doctoral dissertation (on a related topic), publications of peer-reviewed articles and participation in (international) scientific conferences.