



## The Nationalization of Oil Industry from the Point of View of the International Law

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### **Abstract**

Following the nationalization of the Iranian oil industry on March 20, 1951 and the ouster of Anglo-Persian oil company, the British government (taking account of the content and the prescribed arrangements in the text of the agreement between Iran and the British petroleum company) believed that the law of the nationalization of the Iranian oil industry would be considered as a unilateral cancellation; consequently, to exert its political support against Iran the British government filed a Statement of Claim in the secretariat of the International Court of Justice on February 5, 1952 referring to the declaration of the acceptance of the compulsory jurisdiction of the International Court of Justice by Iran. The Iranian government in an opposing action prepared a reply under the title of "The Preliminary Considerations over the Rejection of Jurisdiction of the International Court of Justice by the Iranian Government" and submitted it to the International Court of Justice on March 6, 1952. The Iranian Government, mentioning some reasons, objected to the Jurisdiction of the International Court of Justice to hear the case. To reject the Jurisdiction of the International Court of Justice, the Iranian government addressed this issue that the decision related to the nationalization of oil is an issue associated with Iran's internal affairs (the 2nd paragraph of the article 7 of the Charter of the United Nations) and also mentioned the other reasons which were addressed in the text of that reply.

Despite the reasoning of the both parties to the claim; anyway, the judgement of the International Court of Justice was rendered after discussion and consultation sessions. In this judgement the International Court of Justice, dismissing the claim and complaint made by the Britain government and putting emphasis on its incompetency over hearing the case, rendered an order for the benefit of Iran and the case was gotten off the agenda of the International Court of Justice.

The present article is an attempt to investigate: the process of the formation of this case from the beginning to the declaration of the judgement of the International Court of Justice, the reasoning of the parties to the claim, and the judges of the International Court of Justice and that it is a confirmation for proving the legitimacy of the Iranian government and nation in the nationalization of oil industry from the approach of the International law.

**Keywords:** The Security Council; The International Court of Justice; Iran and the British Petroleum Company; The Nationalization of the Oil Industry; Mosaddegh; The Jurisdiction of the International Court of Justice

## ***Introduction***

After Reuter's attempts failed in the extraction of Iran's oil resources and after ending political adventures inside the country, during Mozaffar ad-Din Shah Qajar's reign, another shameful concession was imposed upon the Iranian oil industry and this became a topic, for some time, in the political circles of the world in those days. This contract called D'Arcy Concession was predisposed by the consultations which "Antoine Kitabgi Khan", the Director General of Persian Customs at that time, exercised.<sup>1</sup>

D'Arcy Concession included 18 articles and the most important articles of it were made up of these titles: the concessionaire's enjoyment of the exclusive right of pipes from oil wells up to the Persian Gulf, being free of all taxes and duties of the Custom-House, granting gratuitously to the concessionaire all necessary uncultivated lands, keeping secured the safety and the execution of the objectives of this concession by the Iranian government, founding one or several companies for the working of concession upmost within the terms of two years by D'Arcy, granting petroleum mines situated at Schouster, Kassre-chirine and Daleki near Bouchir, paying the Imperial Persian government the sum of 20,000 sterling in cash and an additional sum of 20,000 sterling in paid-up shares one month after the first extraction company founded, the conditions of the concession to become null and void, and the manner of the settlement of any probable arising disputes or differences between the two parties to the concession.<sup>2</sup>

The articles 17 and 18 dealt with the peaceful settlement of disputes or differences as following:

Article 17. In the event of there arising between the parties to the present concession any dispute of differences in respect of its interpretation or the rights or responsibilities of one or other of the parties therefore resulting, such dispute or difference shall be submitted to two arbitrators at Tehran, one of whom shall be named by each of the parties, and to an Umpire who shall be appointed by the arbitrators before the proceed to arbitrate. The decision of the arbitrators or, in the event of the latter disagreeing that of umpire, shall be final.

Article 18. This Act of Concession, made in duplicate, is written in the French language and translated into Persian with the same meaning.

But in the event of there being any dispute in relation to such meaning, the French text shall alone prevail.

On November 27, 1932, the Iranian Ministry of finance sent a letter to Jackson the resident manager of Anglo-Persian oil company in Tehran and informed him that D'Arcy Concession of 1901 did not secure Iran's interests and expedients and a new agreement should be signed in this regard.<sup>3</sup>

## ***The Cancellation of D'Arcy Concession***

On August 17, 1938, D'Arcy oil concession was cancelled by Iran. In that day, in a plenary session of the National Consultative Assembly (Iranian Parliament), Sayed Hassan Taqizadeh the Minister of Finance Affairs declared the cancellation of D'Arcy Oil Concession. Hadji Mohtasham al-Saltaneh-ye Esfandiari, Fahimulmolke Fahimi and Ali Dashti (Parliament representatives) delivered speeches in the line of the confirmation of the measures of the government, the report of the Minister of Finance Affairs related to the cancellation of D'Arcy Concession was ratified unanimously.

It happened despite this fact that in 1901 William D'Arcy, a famous English tycoon, succeeded to acquire the privilege of exploitation, oil piping and asphalt all over Iran except in Northern and Eastern parts of the country for a term of 60 years. The concessionaire had been free of all the imposts, duties and taxes of the Custom-House for: all lands, machineries, apparatuses and required materials imported to the country.

After seven years, D'Arcy's activities ultimately were led to access to oil well of Masjed Soleyman and it made a huge profit for the concessionaire. Thirty years after conclusion of the concession, the Iranian government, which repeatedly expressed this huge privilege against Iran's interests and expedients, cancelled it and this aroused the anger of D'Arcy's company.

After the cancellation of D'Arcy concession, Britain sent a complaint against Iran to the UN and after many disputes, ultimately the 1933 agreement was signed to replace D'Arcy Concession. Although this agreement was not as wide as D'Arcy Concession, but to the majority of experts, it had disadvantages which were much more than its merits. The disadvantages of the 1933 agreement caused quarrels between Iran and Anglo-Persian oil company which finally were led to writing Gass-Golshayan Supplemental Oil Agreement.<sup>4</sup>

This measure taken by Iran put the British Cabinet and AOPC (Anglo-Persian oil company) board in a status similar to anger-induced madness and after consultations between them, Sir Reginald Hoare Minister plenipotentiary to Tehran delivered a severe objection to the Iranian government.<sup>5</sup>

Following this measure, the British government lodged a complaint with the Council of the league of Nations and after many ups and downs and before that the Council of the league of Nations became successful to comment on this issue the two parties (Iran and Anglo-Persian oil company) reach an agreement over a new agreement with each other in April 1933.<sup>6</sup>

What happened following these events is very similar to the happenings occurred after the nationalization of the Iranian oil industry in 1951.<sup>7</sup>

The agreement 1933, ratified by the Iranian government and the former Anglo-Persian oil company on May 28, 1933, had an introduction along with 27 articles and that the matter of the peaceful settlement of disputes was predicted<sup>8</sup> in its 22nd article and the clauses beneath it.

### ***The Main Contents of 1933 Agreement and Its Comparison with D'Arcy Concession***

1. Referring to the text of the clauses A and N of article 22 any differences between the parties of any nature whatever and in particular any differences arising out of the interpretation of this Agreement and of the rights and obligations therein contained as well as any differences of opinion which may arise relative to questions for the settlement of which, by terms of this Agreement, the agreement of both parties is necessary, shall be settled by arbitration. The party which requests arbitration shall so notify the other party in writing. Each of the parties shall appoint an arbitrator, and the arbitrators cannot, within two months, agree on the person of the umpire, the latter shall be nominated, at the request of either of the parties, by the President of the Permanent Court of International Justice.

If the President of Permanent Court of International Justice belongs to a nationality or a country which, in accordance with clause (C), is not qualified to furnish the umpire would be appointed, the nomination shall be made by Vice-President of the said court.

And more important thing was that referring to the article 21 of this agreement, this concession shall not be annulled by the Government and the terms therein contained shall not be altered either by general or special legislation in the future, or by administrative measures or any acts whatever of the executive authorities. a<sup>9</sup>

2. But in the text of D'Arcy Concession and in the article 17, it has been mentioned that in the event of there arising between the parties to the present concession any dispute of differences in respect of its interpretation or the rights or responsibilities of one or the other of the parties therefor resulting, such dispute or difference shall be submitted to two arbitrators at Tehran, one of whom shall be named by each of the parties, and to an umpire who shall be appointed by the arbitrators before the proceed to arbitrate. The decision of the arbitrators or, in the event of latter disagreeing that of umpire, shall be final.<sup>10</sup>
3. In 1933 agreement Iranians' profit (royalty) was to be 4 shillings (gold) per ton of extracted crude oil and also 20 percent of the surplus profit of the company if the gained profit was above 671,250 Pounds Sterling in a year.

Here the interesting part is that in this new agreement Iranians had no role in managing Anglo-Persian oil company and the performance report of the company and the amount of acquired profit were determined and calculated by British government.

4. In this new agreement the duration of the concession was extended to the end of 1993 whereas if the reached agreements in D'Arcy's concession were ratified, Iranian government could cancel this concession legally in 1961.
5. In 1933 agreement Anglo-Persian oil company was exempted from the payment of any taxes to the Iranian government but D'Arcy's Concession gave this permission to the Iranian government to obtain taxes on the distributed and sold oil in the country and the oil consumed by the company itself.
6. If D'Arcy's concession was implemented after the termination of the concession in 1961, not only could the Iranian government reach 16 percent of net profit, but also it could freely have all the equipment and machineries imported by Anglo-Persian oil company for operations and this clause was eliminated in 1933 agreement.

The assassination of Razmara was the manifestation of the importance of Iranians' feelings against Anglo-Persian oil company and their request for the nationalization of Iran's oil industry. Anglo-Persian oil company (APOC), the visualized example of colonialist imperialism of Britain emperor, had been considered as the main source of social and economic injustice and more above this, "oil issue" had been turned into an issue that Iranians could unite with each other on it regardless of their social status and records and raise their voices against the "old order".

Two days after the occurrence of this assassination (March 8, 1951), "The Oil Commission" ratified a resolution by consensus in which the nationalization of oil industry was recommended and in this way it gave a positive answer to public feelings. The resolution had asked the National Consultative Assembly (Iranian Parliament) for a two-month opportunity to study from what way this can be implemented in a more suitable and proper form during this period of time.

Whilst "Hossein Ala' " accepted to be the Prime Minister on March 12,1951, the National Consultative Assembly also ratified the suggested report of The Oil Commission on March 20,1951 as following:

"In the name of the happiness of Iranian nation and for the purpose of securing world peace we the following signatories suggest that Iranian oil industry should be announced a nationalized one in all regions of the country with no exception; that is, the whole operations of discovery, extraction and exploitation should be in the hand of the government."<sup>12</sup>

Dr. Mosaddegh, after receiving a vote of confidence, introduced his cabinet to the Iranian Parliament on May 3,1951. The most important programs of his government consisted of the execution of the oil industry nationalization law all over the country and the allocation of the resulted revenues from it to strengthen the economic power of the country and the amendment of the laws related to the Parliament and municipalities elections.

Since Dr. Mosaddegh had set the execution of the nationalization law of the oil industry as the agenda for his program, he announced in a circular the dissolution of APOC to all government departments and organizations on May 17,1951 which severely faced with the objection of the Britain government. The expression of this circular caused, one more time, a wave of political disputes and conflicts between the Britain government from one side and the directors of APOC from other side with the Iranian government in a way that it took most of the time of the Iranian government.<sup>13</sup>

### ***Legal Positions of Britain Government***

#### **1. Security Council**

The British Foreign Office released a detailed declaration on September 28,1951 in London and, after describing past events and taken measures to solve the oil issue, stated that the decision of the Iranian government to dismiss 350 British experts was against international principles and even though such a decision makes it justifiable for Britain to use military forces to protect the interests of Britain ;anyway, the Britain government would avoid such an action to make stable the power of the UN and would submit the case to the Security Council and at the same time it would resort to any action so that Iran could not sell oil to others.

The same day, the British government informed the Security council via a letter that since Iranian government had not observed the security measures determined by the International Court of Justice concerning APOC and; therefore, it requested the aforementioned case to be filed on the agenda of the Security Council.

In the meeting of the Security Council on October 1, 1951, the representatives of USSR and Yugoslavia expressed that the issue of the nationalization of the oil industry in Iran and the residence of foreign nationals were among issues exclusively in national competency of Iran and were related to the internal affairs of that country in a way that the Security Council had no right to intervene in it. The representatives of Turkey, France, Ecuador, India and China agreed to put the issue on the agenda and after hearing the claims of the both parties, the Security Council could make decision on its competency.

The British representative, due to the status of the Security Council and the strong opposition of the representatives of USSR and Yugoslavia, instantly recognized that his request might not be accepted

by all members of the Security Council and declared that according to the article 35 of the UN Charter every UN nation member had the right to make the Security Council pay attention to any discord jeopardizing world peace and security and thus he requested the Security Council to deal with these discords with reference to the article 35. After this comment, the President of the Security Council left the issue of filing the complaint of the British government in agenda to the Security Council members and except the representatives of USSR and Yugoslavia who basically opposed to filing the claim as well, the representatives of other states voted for it and so with nine votes in favor and two against, the issue was entered in the agenda. Then the President of the Security Council invited the representative of Iran to attend the meeting and the aforementioned representative stated that since his government would send special representatives to the Security Council to give answers to the claims of the British government; therefore, he requested the case to be postponed for 10 days and some days later he informed the President of Security Council that due to the Prime Minister would personally come to New York to attend the meeting then he requested the case to be postponed for other 5 days and the meeting postponed to October 15,1951.

On October 10,1951, the British government submitted a lawsuit to the International Court of Justice in Hague and requested the International Court of Justice to say that the cancellation of APOC concession and the refusal to refer it to arbitration as provided in concession deed and this had caused APOC to be deprived from the execution of justice and it had caused the violation of the international rules.

In addition to the above-mentioned measure, the British government revised its first suggested resolution to the Security Council and claimed that since the dismissal of British experts from Abadan is an action that has been done, now the case found another form and therefore it was needed to revise its suggested resolution. The second resolution which the British government requested to be ratified was that the negotiations between the two governments to settle the dispute according to the security order issued by the International Court of Justice as soon as possible and at the same time the two parties should avoid any measure adding to the aggravation of the situation and damaging the rights and claims of each one of the parties.

On October 7, 1951, the Prime Minister and companions, four of them were the members of the board (Dr. Matin Daftari, Allahyar Saleh, Bayat and Dr. Shayegan) departed for New York and attended the meetings of the Security Council held from October 14 to October, 1951 and discussed the complaint of the British government.

Contrary to the request of Britain, in terms of its internal regulations, the Security Council prescribed that the International Court of Justice did not comment on its competency and the case should stay silent. Then referrals to the Security Council were to the detriment of the British government and the mission of Iranian board ended.<sup>14</sup>

## 2. Filing the Claim and the Petition of the British Government to The Hague Tribunal

The British government submitted a petition to The Hague Tribunal against Iran on May 26,1951 and requested the above-mentioned tribunal to announce whether Iranian government had been obliged to refer its dispute with APOC to arbitration according to the articles 26 and 29 of the agreement 1933 or express that the alteration and the cancellation of the agreement 1933 was something against the criteria of the international law and the Iranian government was needed to pay compensation to the above-mentioned company and obtain its consent.

On May 27, 1951 the above-mentioned court issued an order as security measures to prevent the execution of dispossession that the Iranian government started and the Iranian government recognized it as something rejected and discredited due to the incompetency of the Hague Tribunal.

On October 10, 1951 the first bill of the British government over the competency of the claim of that government against Iran was submitted to The Hague Tribunal and it was informed to the Iranian government. The above-mentioned bill was studied and after review and consultation with legal experts an answer was prepared under the title of "The Preliminary Considerations over the Rejection of the Jurisdiction of The International Court of the Justice on the Part of Iranian Government" and was submitted to The Hague Tribunal on February 5, 1952. After that the Britain government submitted its second bill to The Hague tribunal on Mars 24, 1952 the above-mentioned tribunal scheduled the time for hearing on May 6, 1952 but in term of the time extension requested by the Iranian government the meeting was postponed to June 9, 1952. The Iranian government had chosen Professor Henri Rollin and M. Marcel Sluszny as its legal adviser and advocate and the advocates of the British government included Sir Eric Beckett legal adviser of foreign office and Sir Lionel Heald Attorney-General of Britain.<sup>15</sup>

### ***The Legal Positions of Iran Presided by Dr. Mossadegh***

After that the meeting was held on June 9, 1952 Dr. Mossadegh attended it. Dr. Mossadegh gave a speech which had a political aspect and a legal one as well. Politically, Iranian government could bring the oppression of the Iranian nation to the world using this public forum and speak of British colonial policies and measures in Iran. He made this statement in one part of his speech:

" The British government has wanted to show itself the victim of the dispute between Iran and APOC with referral to the International Court of Justice..... The British government had turned APOC into a government inside the territory of Iran, APOC had organized spy service not only within the field of their operations but also all over Iran."

Addressing the International Court of Justice and in the continuation of his words, Dr. Mossadegh said so:

" You cannot prevent a small nation from defending its rights against deceitful attacks of a great nation which is industrially, economically and financially strong, I ask you to know our national feelings..... We want to convince you, aside from legal problems to the competency of the International Court of Justice which I will say, due to ethical considerations it is impossible for us to let the issue of oil nationalization be discussed and objected."

After Prime Minister's remarks, Iran's advocate Professor Rollin raised the reasons related to the incompetency of the International Court of Justice and concluded that the decision of the oil nationalization was related to Iran's internal affairs and that the agreement 1933 was concluded between Iran and APOC not between Iran and the British government and addressing this issue is something beyond the competency of the International Court of Justice.<sup>16</sup>

### ***The Legal and International Positions of the International Court of Justice***

Referring to the article 92 of the Charter of the United Nations, the International Court of Justice has been "the principal judicial organ of the United Nations" and referring to the article 93 of the Charter

of the United Nations and all Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice. The jurisdiction of the International Court of Justice to hear disputes is dependent upon the consent of the governments which are the parties to the claim since exercising the right to arbitrate and judge in international affairs is not possible except based on the desire and will of governments and the agreement of governments is the main condition and precondition for the execution of judgement method in the settlement of their disputes.

In addition to this jurisdiction which is called in jurisdiction "litigate or judiciary", the International Court of Justice can issue advisory opinion in any judicial issue at the request of any organization or institute predicted in the Charter of United Nations. Thus the jurisdiction of the International Court of Justice can be divided into two types of litigate competency and advisory competency.<sup>17</sup>

If one of the judges of the International Court of Justice is a citizen of one of the countries being the parties to the claim, the other party is given the right to introduce as judge one of its nationals or a foreigner person having required qualifications to the International Court of Justice. This judge is called "ad hoc judge" and whenever among the judges of the International Court of Justice, there were no one nationals of the parties of the raised claim anyone of the parties can choose and introduce an ad hoc judge in the manner of above way.

An ad hoc judge is temporarily chosen for specific claims and when the claim is ended, her/his mission will finish as well. An ad hoc judge has the same special competences of the other members of the International Court of Justice.

Apparently, it comes into mind so that ad hoc judges exert the views of their countries whilst in many cases it has been seen that the opposite of this case has been true.

The intervention of ad hoc judge is a deviation from the judicial procedure of the settlement of disputes and mostly it has an aspect of arbitration, but still it has many benefits and that most important of them is the ease of acceptance of judgement for convict. However, the determination and the selection of ad hoc judge is legal, but it is not obligatory.<sup>18</sup>

In this connection, Dr. Karim Sanjabi was Iran's ad hoc judge in this " court".<sup>19</sup>

The Iranian government conditionally accepted the jurisdiction of the " International Court of Justice" based on the second paragraph of article 36 of "the statute of the International Court of Justice" with its declaration on September 19, 1952, it was stated in this declaration that Iran accepted the competence of the International Court of Justice only about disputes which were observers of situations that would be directly or indirectly related to the execution of contracts and treaties accepted by Iran after ratification of this declaration.<sup>20</sup>

Following one of the requests of the British government from the International Court of Justice based on the issuance of security and temporary measures in accordance with the article 41 of its statute and given the problems ahead in the quick determining of the issue, the International Court of Justice with entering its order of June 5, 1951 knew this request of Britain justifiable and decided that the following security and temporary measures to be taken based on mutual respect:

1. The refrainment of the both parties from any action that may cause the exacerbation of disputes
2. The refrainment of the both parties from any action that prevents industrial and commercial exploitation of oil

The International Court of Justice had predicted a board of control and supervision in its interim injunction to take care of the operation of APOC. This order was issued by a majority of 10 votes to 2 opposing votes. The Iranian government instantly announced that it would not execute that order and in an objection to the International Court of Justice, the Iranian government withdrew the declaration of the acceptance of the compulsory jurisdiction of the International Court of Justice by the telegraph dated June 9, 1951. This caused the complaint of British to the Security Council on September 29, 1951. The decision of the Security Council of October 19, 1952 was keeping the issue silent until the end of the work of the International Court of Justice.

In those days, Sir Arnold McNair also from England was the president of Hague International Court of Arbitration in the time of the complaint of the British government and because of legal obstacles and limitation in hearing the claims related to the respecting states of judges of International Court of Arbitration he transferred his position temporarily to his deputy Jose Gustavo Guerrero an 80-years judge from El Salvador and then the International Court of Arbitration presided by him was formed with its other 14 members from different countries.

Referring to the article 51 of the regulations of that court, based on raising the preliminary objections of Iranian government On February 11, 1952, concerning the emphasis on the incompetency of the court by the Iranian Royal government, the temporary president of the International Court of Arbitration initially emphasized on the necessity of presenting the statements of Iran's representative and hearing the relevant instances and the necessity of stopping trial on merits in this dossier.

Nevertheless, the decision was for the court to abstain regarding the ascertainment of its jurisdiction or incompetency in a short time and on July 5, 1952 it came to a temporary decision that the governments of Iran and Britain should refrain from measures which may cause damages to industrial and commercial exploitation of oil, but one month later the court ruled after deliberations on July 22, 1952. In this rule the court, rejecting the claim and the complaint of the Britain government and emphasizing on its incompetency to hear the case, ruled in favor of the Iranian government as this:

" The compulsory submission of Iran to the acceptance of the jurisdiction of the court is limited to the disputes that are somehow related to the treaties and the conventions accepted by that country after the ratification of 1932 declaration. On the contrary to the viewpoint of the British government that the intervention of the Council of the league of Nations in the dispute of 1933 between Iran and AOPC has turned the concession into a treaty between the two countries of Iran and Britain this concession is nothing but an agreement between a government and a foreign institute for cooperation and in-between the British government cannot be considered as a party of the agreement."

In addition to this, the court rejected the opinion of Britain based on the acceptance of raising the issue in the world court by Iran considering the principle of "resort to a reference" is the reason that Iran has accepted the jurisdiction of the court and ruled for the incompetency of the court in hearing this case and also emphasized on that "temporary measures" included in taken agenda on July 5, 1952 are not executable and effective.

To the court, none of the reactions of Iran against the claims of Britain were reasons for the consent of this government to the jurisdiction of the court. Finally, the order of the court was released by a majority vote of yes with 9 against 5 votes of no. The votes of no were related to the judges from America, Canada, France, Chile and Brazil.

In this way, the legal and international efforts of Dr. Mossadegh's knowing- law government for asserting the rights of Iranian nation and government (which were based on full knowledge of this statesman of the world diplomacy, of the international and law rules and knowing of the international

capacities of world organizations, structure and statute of the International Court of Justice and its boundaries of jurisdiction and scope) caused the strengthening of international prestige of Iran, establishment and conformation of its international and national legitimacy and precluded from imposing any international sanctions and practical and effective referral of the case of the government to the Security Council which were in favor of Iranian nation something that was opposing to the procedures and performances of the governments after it.<sup>21</sup>

## ***Conclusion***

The oil case of Iran-Britain is the first presence of Iran in the International Court of Justice, this presence happened for Iran as the defendant of the case following the petition of the British government to the International Court of justice. A quick, short and historical look and the examination of its legal and international aspects prove this matter that by knowing legal and international rules and regulations and using experienced and expert lawyers in the field of international law affairs it is possible to secure interests and acquire the legitimate rights of Iranian nation and also it is trackable and accessible to use international capacities and opportunities. As we saw, Iran as the defendant of the claim could convince the court via legal and logical reasoning and proved this matter that the International Court of Justice lacks the jurisdiction to hear the nature of the raised claim in a form that the order of the International Court of Justice ended with these:

"..... the court concludes such that it does not have the jurisdiction to hear the complaint raised by the British government and it does not know it necessary to enter other issues which were raised to be under the jurisdiction of the court. According to the order that the court issued on July 5, 1951, it was stated that the expressed security measures in the above-mentioned order have been prescribed temporarily and were waiting for final judgement. Now that the judgement of the court has been issued, it is obvious that the above-mentioned temporary order is void and there will be no effect on it."

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