

# ARCHIVES

I.C.J.

Communiqué No. 62/17

(Unofficial)

The following information from the Registry of the International Court of Justice is communicated to the press:

On 19 June 1962, the Belgian government caused to be handed to the Registrar of the International Court of Justice an Application instituting new proceedings before the Court concerning the dispute between the Belgian government and the Spanish government on the subject of the Barcelona Traction, Light & Power Company, Ltd.

This claim, the subject of which is reparation for the damage caused to a number of Belgian subjects by the conduct of various organs of the Spanish State with regard to the aforementioned company, had been the subject of earlier proceedings brought before the Court by an Application of 15 September 1958. In those proceedings the Spanish government had, on 21 May 1960, filed preliminary objections to the jurisdiction of the Court. The possibility of negotiation having subsequently arisen, and those concerned having intimated that they did not wish to negotiate while the proceedings continued before the Court, the Belgian government gave notice of discontinuance. This discontinuance having been accepted on 5 April 1961, the Court officially recorded it and, by an Order of 10 April 1961, directed the removal of the case from the list. The negotiations having failed, however, the Belgian government has instituted before the Court the new proceedings which are the subject of the Application of 19 June 1962.

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To found the jurisdiction of the Court the Application relies on Article 17 of the Treaty of Conciliation, Judicial Settlement and Arbitration between Belgium and Spain signed on 19 July 1927, under which disputes between the Parties may, in certain circumstances, be submitted to the Permanent Court of International Justice, and on Article 37 of the Statute of the International Court of Justice under which when a treaty or convention in force provides for reference of a matter to the Permanent Court of International Justice, it shall be referred to the International Court of Justice. The Belgian government asks the Court to adjudge and declare that the Spanish State is under an obligation towards Belgium to make reparation for the damage caused by the conduct of its organs to the Belgian subjects who are shareholders of Barcelona Traction; to adjudge and declare that such reparation must so far as possible obliterate all the consequences for Belgian subjects of the acts contrary to the law of Nations committed by the organs of the Spanish State and to determine in addition the compensation to be paid by the Spanish State to the Belgian State by reason of all further damage suffered by Belgian subjects; and to adjudge and declare that in the event of obliteration of the consequences of the acts complained of proving impossible, the Spanish State shall be under an obligation to pay to the Belgian State compensation amounting to 88 per cent. of the net value of the business on 12 February 1948, increased by an amount corresponding to all the further damage suffered by Belgian subjects as a result of the acts complained of.

The Hague, 21 June 1962.