

NOTTEBOHM CASE (PRELIMINARY OBJECTION)

Judgment of 18 November 1953

In its Judgment in the Nottebohm case (Preliminary Objection) between Liechtenstein and Guatemala, the Court decided, unanimously, to reject the preliminary objection to its jurisdiction which had been raised by Guatemala.

On December 17th, 1951, Liechtenstein had filed an Application instituting proceedings against Guatemala, claiming damages in respect of various measures which Guatemala had taken against the person and property of M. Nottebohm, in alleged contravention of international law. The Application referred to the declarations by which both Parties had accepted the compulsory jurisdiction of the Court.

Guatemala contended that the Court was without jurisdiction, the principal ground for its objection being that the

validity of its declaration of acceptance of the compulsory jurisdiction of the Court expired a few weeks after the filing of the Application by Liechtenstein and, in any event, some considerable time before any settlement of the dispute by the Court.

In its Judgment, the Court came to the conclusion that the expiry on January 26th, 1952, of the five-year period for which Guatemala had accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute did not affect any jurisdiction the Court might have to deal with the claim presented by Liechtenstein on December 17th, 1951. The Court rejected the preliminary objection and resumed the proceedings on the merits, fixing time-limits for the filing of the further pleadings.