

IN THE INTERNATIONAL COURT OF JUSTICE

SLOVAKIA, APPLICANT V. HUNGARY, RESPONDENT

MEMORIAL OF HUNGARY

COMES NOW the country of Hungary and for their Memorial to the Court states the following:

STATEMENT OF LAW

1. The International Court of Justice has jurisdiction over disputes between two states.
2. The Vienna Convention on the Law of Treaties states that disputes concerning treaties should be settled in conformity with the principles of justice and international law.
3. The Vienna Convention on the Law of Treaties recognizes that ascension to a treaty may be withdrawn if a fundamental change in circumstances which constitute an essential basis of the consent of the bound parties occurs.
4. The Vienna Convention on the Law of Treaties states that a party may withdraw from a treaty due to an impossibility of performance resulting from the permanent disappearance or destruction of an object (capital) indispensable for the execution of the agreement.
5. The Vienna Convention on the Law of Treaties notes that a treaty may be terminated or suspended by a party if the other party commits a material breach. A material breach is constituted by a repudiation of the treaty not sanctioned by present conventions.
6. The Convention Regarding the Regime of Navigation on the Danube requires signers to undertake to maintain their sections of the Danube in a navigable condition for river-going and, on the appropriate sections, for sea-going vessels and to carry out the works necessary for the maintenance and improvement of navigation conditions and not to obstruct or hinder navigation on the navigable channels of the Danube.

STATEMENT OF FACT

1. Unforeseen economic and environmental hardships plagued Hungary beginning in the 1980s.
2. The Danube River was, unilaterally and without consent, diverted by Slovakia after 1992.
3. Slovakia unilaterally continued with construction on the dam, specifically Variant C, following Hungary's official declaration of treaty suspension.
4. Construction impeded Hungary's natural boundaries, as Variant C served to block the natural flow of the Danube.
5. International legal precedent, as set in *United Kingdom v. Iceland* (1974), ruled that states cannot use national territory to harm other states.

6. Slovakia has not engaged in productive discussions with respect to Hungary's environmental concerns pursuant to continued dam construction.

STATEMENT OF JURISDICTION

The Court has the jurisdiction to hear this case because the incident constitutes an international dispute. The Court possesses jurisdiction over international affairs.

ARGUMENTS

1. The hardships experienced by Hungary following the initial treaty agreement have constituted a fundamental and unprecedented change in the circumstances upon which the initial treaty rests.
2. The diversion of the Danube River caused extreme environmental destruction and devastation in Hungary.
3. Slovakia's Variant C project threatened Hungary's territorial sovereignty via the elimination of Hungary's natural border.
4. Unilateral Slovakian construction violated the Convention Regarding the Regime of Navigation on the Danube via a material breach of its own responsibilities, as well as impeding Hungary's ability to perform its convention-related duties.
5. Slovakia's abuse of an international natural resource directly violates international legal precedent.
6. Slovakia has not fulfilled its responsibilities as directed in the 1997 judgment.
7. The initial treaty regarding bilateral dam construction has been rendered null and void because of Slovakian breaches and actions.

SUMMARY AND PRAYER FOR RELIEF

Hungary is seeking the reprimand of Slovakia by the International Court of Justice, as well as the reconsideration of the previous ruling which favored the treaty's continued validity. Further, Hungary fulfilled its treaty obligations to the best of its ability given the fundamental changes in circumstances that have beset the nation, including but not limited to: economic hardship, environmental devastation, and the diversion of the Danube River by Slovakia. Slovakia has violated the Vienna Convention on the Law of Treaties, as well as the Convention Regarding the Regime of Navigation on the Danube. Further, it has taken aggressive actions to prevent Hungary from fulfilling its obligations pursuant to the Convention Regarding the Regime of Navigation on the Danube and has not negotiated in a good-faith effort regarding potential solutions to the dispute-at-hand. Hungary prays that this Court will recognize the culpability of Slovakia in the sustainability of this dispute. Hungary wishes that the International Court of Justice will aid both nations in taking tangible steps towards a solution that is both economically and environmentally viable.