

IN THE INTERNATIONAL COURT OF JUSTICE

SLOVAKIA,)
APPLICANT)
V.)
HUNGARY,)
RESPONDENT)

MEMORIAL OF SLOVAKIA

COMES NOW Slovakia and for their Memorial to the Court states the following:

STATEMENT OF LAW

1. On the 16th of September in the year 1977 a bilateral treaty was signed by Hungary and Czechoslovakia. The Budapest treaty called for construction of a series of dams along the Danube River.
2. Slovakia, as a successor to Czechoslovakia, is a party to this treaty and has legal rights to enforcement of said treaty. The Court ruled 12-3 that Slovakia became a party to the Treaty on January 1 1993.
3. The Court declared on 25 September 1997 the Budapest treaty, which included the Gabčíkovo-Nagymaros project, in force despite breached obligations both by Hungary and by Slovakia.
4. The Court gave said parties six months to negotiate in good faith to bring to resolution the problem of constructing the hydroelectric power source. Hungary did in fact abandon these good faith negotiations.

5. Article 4 of Special Agreement signed at Brussels 7 April 1993 by both parties, states that pending the Courts Judgment a temporary water management regime for the Danube would be established and implemented.
6. The Court found 14-1 that Hungary was not entitled to suspend and abandon the Gabčíkovo-Nagymaros project in 1989. The Court ruled 9-6 Czechoslovakia was entitled to proceed with the provisional solution variant c in 1991.

STATEMENT OF FACT

On 16 September 1977 a bilateral treaty was entered into by Hungary and Czechoslovakia, which Slovakia as a successor is a party, to build a cross border system of dams on the Danube River. The Gabčíkovo-Nagymaros Project was subsequently abandoned in 1989 by Hungary citing a “state of ecological necessity”. After signing a Special Agreement in Brussels in 1993 both parties petition the International Court of Justice for a ruling. On 25 September 1997 the court issued its ruling stating that both parties should enter negotiations in good faith in light of the situation, and must take all measures to achieve the objectives set forth in the 1977 treaty. After negotiations, a draft framework was agreed upon and ratified by the Slovakian government, but after the 1998 elections, in which Hungary obtained a new government, the framework was disavowed. Slovakia then refilled for an additional ruling on 3 September 1998 due to the unwillingness of Hungary to implement the previous judgment.

STATEMENT OF JURISDICTION

The Special Agreement reached by both parties on 7 April 1993 brought the dispute to the mercy of the Court giving the Court complete jurisdiction. Both parties agreed to the ruling of the Court under this agreement. According to Article 4 of the Special Agreement the parties agreed pending the final judgment of the Court they would establish and implement a temporary water management regime for the Danube River.

ARGUMENTS

1. Both Hungary and Slovakia, as a successor party to the Budapest Treaty, are still bound to the treaty. The Court ruled on 25 September 1997 said Treaty is still in force.
2. Environmental impact concerns stated by Hungary are greatly over-exaggerated and dam construction will reach all the objectives set forth by the Treaty signed in 1977; i.e. navigation, hydroelectric power.
3. Hungary is in breach of the Court's ruling by disavowing the draft framework, having suspended all negotiations and work on the Gabčíkovo-Nagymaros Project.

SUMMARY AND PRAYER FOR RELIEF

Slovakia seeks an additional ruling from this court in efforts to continue dam construction to the completion. Hungary's government is uncooperative in efforts to conduct good faith negotiations as ordered by this court. Slovakia seeks primarily an order directing Hungary to abide by its obligations to said Treaty, specifically in

completion of the Gabčíkovo-Nagymaros Project. Slovakia also seeks reparations and compensation due to the suspension of the Project by Hungary.