



Gabcikovo-Nagymaros Project (Hungary v. Slovakia)

ARGUED: 21 November 2016

DECIDED: 21 November 2016

1 This majority is signed by and agreed to by Justice Buxton, Justice Canizales, Justice Strum, Justice Selvaggi,
2 Justice Harris, Justice Weeks, Justice Madrigal, Justice Larsen, Justice Quinn, Justice Henning, and Justice Ali.

3 On the matter of jurisdiction, the Court has determined it has the ability to rule on the disputes regarding
4 the Gabcikovo-Nagymaros Dam under Article 36, Paragraph 1 of the Statute of the International Court of Justice,
5 as recognized by both participating bodies. Additionally, Article 40, Paragraph 1 of the Statute of the International
6 Court Justice grants the Court jurisdiction on this matter through a special agreement signed on July 2, 1993.

7 With regards to the question on the right of Slovakia as the proper successor of the Czechoslovak Socialist
8 Republic to the 1977 Treaty between the Hungarian Peoples Republic and the Czechoslovak Socialist Republic
9 concerning the Construction and Operation of the Gabcikovo-Nagymaros System of Locks, according to Article 24,
10 Paragraph 1b of the Vienna Convention on the Succession of States, the Court concludes Slovakia as the rightful
11 successor. This article states that any bilateral treaty in which a successor state is involved remains applicable, with
12 the conduct of both parties serving as a form of agreement. The Court recognizes that the special agreement of July
13 2, 1993, between Hungary and Slovakia, serves this purpose.

14 According to Article 26, Paragraph 2c and 3 of the 1977 Treaty, the contracting parties were bound to
15 compensate the other party for any issues resulting from improper performance under the Treaty. While the Court
16 recognizes the environmental concerns addressed by Hungary through Article 15, Paragraph 1 and Article 19 of the
17 1977 Treaty, this does not excuse the lack of compliance by Hungary under Article 26. Despite Hungary's claim that
18 this action was in accordance with Article 42 of the Vienna Convention on the Law of Treaties, which states that
19 the termination of a treaty must meet the provisions outlined in the treaty in question, the Court determined that
20 these provisions were not met by the Hungarian government.

21 Pertaining to the creation of project Variant C by Slovakia, following the unilateral dissolution of the
22 1977 Treaty by Hungary, the Court rules that no legal violation was made by the Slovak government in regards to
23 the aforementioned treaty. However, the Court finds that this plan was in violation of Article 3 of the Convention
24 Concerning the Regime of Navigation of the Danube, which states that this action would be out of its jurisdiction.
25 Furthermore, this plan resulted in various environmental consequences as a result of the adjustment made to the
26 flow of the Danube river.

27 The Court hereby orders the following:

28 First, the contracting parties of the original 1977 Treaty must resume their obligation to this treaty through
29 bilateral discussions.

30 Second, should the Hungarian government choose to dissolve the treaty, Hungary must act in accordance
31 with Article 26, paragraph 2c and 3 of the 1977 Treaty.

32 Third, the Slovak government must cease operations on their Variant C project.

33 Fourth, any actions that were taken following the first breach of the 1977 Treaty by either contracting party
34 must be addressed in bilateral discussions, with the appropriate compensations made by each party.

Signed By

Justice Buxton

Justice Madrigal

Justice Weeks

Justice Selvaggi

Justice Strum

Justice Ali

Justice Quinn

Justice Johnson

Justice Nelson

Justice Farley

Justice Larsen

Justice Gross

Justice Harris

Justice Conizales

Justice Henning

Justice Roehm