



American Model United Nations
International Court of Justice

1 IN THE INTERNATIONAL COURT OF JUSTICE

2 THE SLOVAK REPUBLIC

3 JOINT APPLICANT

4 V.

5 THE REPUBLIC OF HUNGARY

6 JOINT APPLICANT

7 MEMORIAL OF THE SLOVAK REPUBLIC

8 COMES NOW The Slovak Republic and for their memorial to the Court states the following:

9 STATEMENT OF LAW:

- 10 1. Under the Budapest Treaty of 1977, Czechoslovakia (whose place in the agreement was taken by the Slovak
11 Republic in 1993) and Hungary agreed to jointly undertake the construction of the Gabkovo-Nagymaros Project
12 on the Danube River. This treaty stipulates that both parties would equally contribute to the completion of
13 the project, and equally share the costs of labor, supplies, and materials, as well as the eventual electrical
14 output of the hydroelectric system of locks.

15 STATEMENT OF FACTS:

16 In 1977, The Hungarian People's Republic and Czechoslovakia signed the Budapest Treaty, contracting
17 to build the Gabikovo-Nagymaros project, which was a set of flood-control locks and hydroelectric dams. The
18 parties agreed to mutual assistance in building this project, and the subsequent mutual benefit once the project was
19 completed, including the hydroelectric power generated by the project. The goal of the jointly owned and operated
20 system was to "strengthen the fraternal relations of the two states and significantly contribute to the bringing about
21 of the[ir] socialist integration."

22 The two parties began construction on the dam, but their progress did not match what was agreed upon
23 in the treaty, especially the progress of the Hungarian People's Republic. Therefore, the agreement was amended
24 in both 1983 and 1989. By 1989, Gabikovo was nearly complete, while Nagymaros had barely begun. Noting this,
25 Czechoslovakia proposed seven solutions to help alleviate the responsibilities of the Hungarian People's Republic, as
26 part of the lack of productivity was as a result of adverse domestic conditions. The Hungarian People's Republic
27 refused to even consider six of the seven, leaving Czechoslovakia to carry out the only alternative that could be
28 pursued without Hungarian approval: Variant C.

29 In May of 1989, just three months after expressing a renewed commitment to the agreement through amend-
30 ments in February, the Hungarian Prime Minister expressed intent to leave the agreement, citing changed public
31 opinion. In 1992, the People's Republic of Hungary gave Czechoslovakia (succeeded by the Slovak Republic) notice
32 that they wished to terminate the treaty on the grounds of environmental necessity. A subsequent 1993 European
33 Commission study, however, found minimal damage to the environment as a result of Variant C and the Gabikovo
34 dam. The People's Republic of Hungary also sought to halt the construction of Variant C, despite the fact that this
35 part of the project took place within Czechoslovakian/Slovak Republic borders.

36 STATEMENT OF JURISDICTION:

37 The Slovak Republic and the Republic of Hungary submitted a Special Agreement to the Registrar of
38 the International Court of Justice on 2 July 1993. The two parties have agreed to the International Court of
39 Justice's jurisdiction on the matter. Additionally, it should be noted that the Slovak Republic has taken the place
40 of Czechoslovakia as party to the agreement.

41 ARGUMENTS:

- 42 1. The Republic of Hungary has failed to fulfill its obligations under the Budapest Treaty, therefore violating the
43 treaty. Upon this failure, the Republic of Hungary has also attempted to infringe upon the sovereignty of the

44 Slovak Republic by attempting to force the state to dismantle Gabikovo, which was built and funded almost
45 entirely by the Slovak Republic.

46 2. The environmental concerns cited by the Republic of Hungary as grounds for rejection of “Variant C” do not
47 meet the required criteria for termination of a treaty. The Vienna Convention on Treaties requires “grave and
48 imminent peril” to the environment in order to invoke the defense of “Ecological Necessity” in the termination
49 of a treaty.

50 SUMMARY AND REQUESTS:

51 Reiterating the Republic of Hungary’s violation of the Budapest Treaty, the Slovak Republic prays the court
52 to allow for the continued construction of the Gabkovo-Nagymaros Project, and to enforce the Budapest Treaty of
53 1977 that created this project.