



Gabkovo-Nagymaros Project (Hungary/Slovakia)

ARGUED: 21 November 2022

DECIDED: 22 November 2022

1 IN THE
2 INTERNATIONAL COURT OF JUSTICE
3 OF THE
4 AMERICAN MODEL UNITED NATIONS

5 Slovakia v. Hungary

6 Argued: 21 November 2022

7 Decided: 22 November 2022

8 The Concurring opinion was signed by and agreed to by Justice Christopherson of the United Arab Emirates,
9 Justice Tuck of Greece, Justice Fetter of Ecuador, and Justice French of Uzbekistan.

10 The explanation of and the reasoning of the court are as follows:

11 The Justices who have issued and signed this opinion fully agree with the majority opinion issued by this
12 court. This concurring opinion seeks to offer a further avenue of legal recourse for Slovakia and Hungary.

13 These Justices believe that while suspending the Gabkovo-Nagymaros Project is a good step forward in
14 resolving this issue, we do not believe it fully resolves it. Leaving the dam in suspension is only going to further
15 cause tensions between the two countries as neither are getting a final answer. A more final resolution to this case
16 would also be more in line with the Gabkovo-Nagymaros Project's secondary goal of strengthening the relations
17 between the two states.

18 Article 54 (b) of the Vienna Convention on the Law of Treaties (Vienna Convention) states that "the
19 termination of a treaty or the withdrawal of a party may take place at any time by consent of all the parties after
20 consultation with the other contracting States". This provides the basis for both Slovakia and Hungary to mutually
21 agree to terminate the Budapest Treaty.

22 Therefore the Justices recommend the following:

- 23 1. Slovakia and Hungary enter into bi-lateral negotiations with an impartial mediator to help facilitate productive
24 negotiations between the two parties,
 - 25 (a) The negotiations should include a consideration of Hungary paying reparations to Slovakia. While Hun-
26 gary makes a valid case that continuing the Gabkovo-Nagymaros Project is detrimental to their country,
27 Slovakia has also contributed resources to the Gabkovo-Nagymaros Project that they should be compen-
28 sated for,
 - 29 (b) The reparation amount should be mutually agreed upon by the two parties and should not exceed the
30 financial costs that Hungary would have to contribute to finish the Gabkovo-Nagymaros Project as is.
- 31 2. After reparations have been paid the two parties should find a mutually agreed-upon way to invoke Article
32 54(b) of the Vienna Convention and terminate the Budapest Treaty so that no more undue burden will be
33 imposed upon either party.
- 34 3. After the Budapest Treaty has been dissolved the partially built dam needs to be dealt with. This could be
35 done by,

- 36 (a) Each party dismantle their own portion of the construction and either reuse the parts or destroy them in
37 the proper manner, or
- 38 (b) The parties can camouflage the dam in an environmentally friendly way so as not to put any undue stress
39 on the country to dismantle it.
- 40 4. Slovakia, if it would still like to benefit from the dam, could build one on the portion of Danube River that is
41 solely in Slovakia.
- 42 (a) As that part of the River is solely in Slovakia they do not have to get permission from another country,
- 43 (b) However, if Slovakia builds a dam they should ensure that it is not going to cause any undue environmental
44 effects on other countries.

Signed By



Justice Abby Fetter



Justice Christopher French



Justice RyLeigh Christopherson



Justice Madison Tuck