

IN THE INTERNATIONAL COURT OF JUSTICE

THE SLOVAK REPUBLIC

V.

THE REPUBLIC OF HUNGARY

MEMORIAL OF THE REPUBLIC OF HUNGARY

COMES NOW the Republic of Hungary and for their memorial to the Courts states the following:

STATEMENT OF LAW:

1. On 2 July 1993, the Republic of Hungary and Czechoslovakia entered into a special agreement for Submission to the International Court of Justice on the differences between the two states concerning the Gabčíkovo–Nagymaros Project. The purpose of the special agreement was to enforce the exchange of instruments of ratification in Brussels on 28 June 1993.
2. Under the 1977 Budapest Treaty, which sought to maintain environmental protection, there was a breach in Article 15 which states, “The Contracting Parties shall ensure, be it the means specified in the joint contractual plan, that the quality of the water in the Danube is not impaired as a result of the construction and operation of the System of Loch,” Article 19 which states, “The Contracting Parties shall, through the means specified in the Joint Contractual Plan, ensure compliance with the obligations for the protection of nature arising in connection with the construction and operation of the System of Locks,” and lastly Article 20 stating, “The Contracting Parties, within the framework of national investment, shall take appropriate measures for the protection of fishing interests in conformity with the Danube Fisheries' Agreement, concluded at Bucharest on 29 January 1958.” Due to the breach in these articles, the Republic of Hungary believes we had a right to back out of the treaty, as environmental needs were not met by Czechoslovakia.
3. Construction of the dam also violated the environmental protection by Principle 21 of the 1972 Stockholm Conference’s Declaration on the Human Environment. According to the UN Charter and the principles of international law, states have “the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States.” The building of the dam and prolonged use would cause

damage to the environment and surrounding regions in Hungary. Therefore, in doing so the Slovak Republic violated its obligation to international law.

4. Under the Vienna Convention the Republic of Hungary had a right to back out of the 1977 Treaty due to Article 60 and Article 61. Under Article 60, we believe we had a right to back out of the treaty because there was a material breach of the treaty, which is protected under Section 3. Czechoslovakia refused to adapt to breach of environmental policies, and put in place Variant-C, which broke the treaty. Under Article 62, the Republic of Hungary had a right to back out of the treaty due to a Fundamental Change of Circumstances. There is a change in economic viability and progressing environmental knowledge and laws that we feel gave us the right to back out of the treaty.

STATEMENT OF FACT:

On 16 September 1977, the Republic of Hungary and Czechoslovakia signed a treaty together to construct a dam along the Danube River. The Danube River flows along the Northeastern border of the Republic of Hungary, and the Southwestern border of The Republic of Czechoslovakia. It is the second largest river in Europe. The Republic of Czechoslovakia began working on the dam in their respective territory. The Republic of Hungary stopped working on the project in 1989, because it was not providing equal gain for both countries as the Republic of Czechoslovakia were unlawfully taking control of the area. Negotiations were attempted, but the republic of Hungary terminated the treaty in 1992 because of a lack of compromise.

The Slovakian Government has now taken the responsibility of the Czechoslovakian side of the agreement, and both parties seek a decision from the International Court of Justice, to provide an end to the dispute.

STATEMENT OF JURISDICTION:

The International Court of Justice has jurisdiction to determine any legal issues that may be necessary to decide what legal consequences are faced in the case. The Court is asked to decide legal questions that aren't a part of the actual relations between Hungary and Slovakia. Both Hungary and Slovakia asked that this case be heard in the ICJ.

ARGUMENTS:

1. The environmental impact of building the dam could do irreparable damage to the surrounding area's environmental life. The areas that would be affected are also major parts of Hungary (Szigetköz, the Danube Valley, the Danube Bend, and Budapest). The land will be damaged due to the water retention capacity as it would slow down water

flow and disrupt the natural vegetation. (*Final Report*, p 29; Annexes, vol 5, annex 16,)

2. Not only will the land around the surrounding areas be impacted, so would the wildlife that grows in the region. In Sziegetköz alone there are 96 species of crustaceans, 206 species of birds, 11 species of amphibia, and 65 species of fish, according to the R F A Grimmatt and T A Jones, Important Birds Areas in Europe. Establishing a hydraulic dam in the area would tarnish the wildlife in the regions and cause for disproportionate and chaotic change in the environment for generations to come.
3. The Czechoslovakian government violated the regulation put in place to limit environmental harm. The treaty was signed in Budapest on September 16th 1977, in both Slovak and Hungarian, both of which being equally authentic. There still lies the concern of Slovakia being the immediate successor to Czechoslovakia in regards to the project. While the Czech Republic made no such claim to the project, it is still worth noting that there's no statute that would allow Slovakia to inherit the right to be the representation for the dissolved Czechoslovakia. (Annexes vol 3 and 21)

SUMMARY AND REQUESTS:

In conclusion, the Hungarian government requested the suspension of the construction work. The Slovakian government refused to engage in meaningful negotiations that could have reached an equitable solution of the dispute to the benefit of both parties.

Recognizing The Republic of Czechoslovakia broke environmental protocol due to their negligence of Article 15, Article 19, and Article 20 of the 1977 Treaty, The Republic of Hungary requests that the honorable courts rule in favor of Hungary's choice in backing out of the treaty to further protect the surrounding environment. Further, the Republic of Hungary pleads the International Courts to penalize The Slovak Republic for direct dereliction of duty to protect environmental affairs in our region.