

IN THE INTERNATIONAL COURT OF JUSTICE

THE SLOVAK REPUBLIC

JOINT APPLICANT

V.

THE REPUBLIC OF HUNGARY

JOINT APPLICANT

MEMORIAL OF THE SLOVAK REPUBLIC

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

STATEMENT OF LAW

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

STATEMENT OF FACTS

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

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

In May of 1989, just three months after expressing a renewed commitment to the agreement through amendments in February, the Hungarian Prime Minister expressed intent to leave the agreement, citing changed public opinion. In 1992, the People's Republic of Hungary gave Czechoslovakia (succeeded by the Slovak Republic) notice that they wished to terminate the

treaty on the grounds of environmental necessity. A subsequent 1993 European Commission study, however, found minimal damage to the environment as a result of Variant C and the Gabčíkovo dam. The People's Republic of Hungary also sought to halt the construction of Variant C, despite the fact that this part of the project took place within Czechoslovakian/Slovak Republic borders.

STATEMENT OF JURISDICTION

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

ARGUMENTS

1. The Republic of Hungary has failed to fulfill its obligations under the Budapest Treaty, therefore violating the treaty. Upon this failure, the Republic of Hungary has also attempted to infringe upon the sovereignty of the Slovak Republic by attempting to force the state to dismantle Gabčíkovo, which was built and funded almost entirely by the Slovak Republic.
2. The environmental concerns cited by the Republic of Hungary as grounds for rejection of "Variant C" do not meet the required criteria for termination of a treaty. The Vienna Convention on Treaties requires "grave and imminent peril" to the environment in order to invoke the defense of "Ecological Necessity" in the termination of a treaty.

SUMMARY AND REQUESTS

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