

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE AU PROJET
GABČÍKOVO-NAGYMAROS

(HONGRIE/SLOVAQUIE)

ORDONNANCE DU 5 FÉVRIER 1997

1997

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING
THE GABČÍKOVO-NAGYMAROS PROJECT

(HUNGARY/SLOVAKIA)

ORDER OF 5 FEBRUARY 1997

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General List
No. 92CASE CONCERNING
THE GABČÍKOVO-NAGYMAROS PROJECT

(HUNGARY/SLOVAKIA)

ORDER

Present: President BEDJAOU; *Vice-President* SCHWEBEL; *Judges* ODA, GUILLAUME, WEERAMANTRY, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, PARRA-ARANGUREN; *Judge ad hoc* SKUBISZEWSKI; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 44 and 48 of the Statute of the Court and to Articles 31 and 66 of the Rules of Court,

Makes the following Order:

Having regard to the Special Agreement between the Republic of Hungary and the Slovak Republic, signed in Brussels on 7 April 1993 and notified jointly to the Court on 2 July 1993, whereby the Parties submitted to the Court the differences between them concerning the Gabčíkovo-Nagymaros Project,

Having regard to the Memorials, Counter-Memorials and Replies

which were filed by the Parties within the time-limits fixed to that end by the Orders dated 14 July 1993 and 20 December 1994;

Whereas, by a letter dated 16 June 1995, the Agent of Slovakia asked the Court “to be so good as to implement its powers under Article 66 of the Rules of Court and to decide to visit the locality to which the case concerning the *Gabčíkovo-Nagymaros Project* relates, and there to exercise its functions with regard to the obtaining of evidence”; and whereas a copy of that letter was duly transmitted to the Agent of Hungary;

Whereas, by a letter dated 28 June 1995, the Agent of Hungary informed the Court that if it “should decide that a visit to the various areas affected by the Project (or, more precisely, affected by variant C) would be useful, Hungary would be pleased to co-operate in organizing such a visit”;

Whereas, further to certain exchanges of views between the President of the Court and the Agents of the Parties on 30 June 1995, the Agents, by a letter dated 14 November 1995, jointly notified the Court of the text of a “Protocol of Agreement between the Republic of Hungary and the Slovak Republic with a view to proposing to the International Court of Justice the arrangements for a visit *in situ* in the case concerning the *Gabčíkovo-Nagymaros Project*”, done in Budapest and New York on 14 November 1995, and signed by them;

Whereas by the terms of that Protocol the Parties “propose[d] by mutual agreement to the Court that it should effect a visit” *in situ* under the conditions set forth therein; and whereas those conditions included the outline of a programme, the precise dates and details of which were to be defined at a later time by the Court, after ascertaining the view of the Parties;

Whereas, during a meeting held by the President of the Court with the Agents of the Parties on 5 December 1996, the Agents agreed on dates at which the proposed visit might take place; and whereas the Registrar confirmed to them, by letters dated 6 December 1996, that those dates were agreeable to the Court;

Whereas the Agents of the Parties jointly notified to the Court, by letter dated 3 February 1997, the text of Agreed Minutes done at Budapest and at New York on 3 February 1997, and signed by them; and whereas those Agreed Minutes supplemented the Protocol of Agreement of 14 November 1995 and contained detailed proposals for the conduct of the visit *in situ*;

Whereas it appears to the Court that to exercise its functions with regard to the obtaining of evidence at a place or locality to which the case relates may facilitate its task in the instant case, and whereas the proposals made by the Parties to that end may be accepted,

THE COURT,

Unanimously,

(1) *Decides* to exercise its functions with regard to the obtaining of evidence by visiting a place or locality to which the case relates;

(2) *Decides* to adopt to that end the arrangements proposed by the Parties in the Protocol of Agreement dated 14 November 1995, as subsequently specified, in accordance with the provisions of that Protocol, in the Agreed Minutes dated 3 February 1997.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this fifth day of February, one thousand nine hundred and ninety-seven, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Hungary and the Government of the Slovak Republic, respectively.

(*Signed*) Mohammed BEDJAOUI,
President.

(*Signed*) Eduardo VALENCIA-OSPINA,
Registrar.
