



INTERNATIONAL COURT OF JUSTICE

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Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

Hungary to file by 7 December 1998 a written statement of its position on Slovakia's request for an additional Judgment

THE HAGUE, 7 October 1998. Hungary is to file by 7 December 1998 a written statement of its position on the request for an additional Judgment submitted by Slovakia on 3 September 1998 in the case concerning Gabčíkovo-Nagymaros Project (Hungary/Slovakia) relating to the construction and operation of dams on the river Danube for the production of electricity, flood control and improvement of navigation.

It was so decided at a meeting that the President of the International Court of Justice, Judge Stephen M. Schwebel, held today at The Hague with the representatives of the Parties in order to ascertain their views on questions of procedure.

The President will meet again with the Parties shortly after the filing of Hungary's written statement.

History of the dispute

On 2 July 1993, Hungary and Slovakia notified jointly to the Court a Special Agreement signed on 7 April 1993 for the submission of certain issues arising out of differences regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system.

In 1989, Hungary suspended and subsequently abandoned completion of the project alleging that it entailed grave risks to the Hungarian environment and the water supply of Budapest. Slovakia denied these allegations and insisted that Hungary carry out its treaty obligations. It planned and subsequently put into operation an alternative project only on Slovak territory, whose operation had effects on Hungary's access to the water of the Danube.

Hearings in the case were held between 3 March and 15 April 1997, the Court paying a site visit (the first ever in its history) to the Gabčíkovo-Nagymaros Project between those dates.

In its Judgment of 25 September 1997, the Court found that both Hungary and Slovakia had breached their legal obligations. It called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Budapest Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

On 3 September 1998, Slovakia filed in the Registry of the Court a request for an additional Judgment, arguing that such a Judgment was necessary because of the unwillingness of Hungary to implement the Judgment delivered by the Court on 25 September 1997.

In its request, Slovakia stated that the Parties had conducted a series of negotiations on the modalities for executing the Court's Judgment and had initialled a draft Framework Agreement, which was approved by the Government of Slovakia on 10 March 1998. Slovakia, however, contended that "on 5 March 1998, Hungary postponed its approval and, upon the accession of its new Government following the May elections, it proceeded to disavow the draft Framework Agreement and [was now further delaying] implementing the Judgment". Slovakia maintained that it wanted the Court to determine the modalities for executing the Judgment.

As the basis for its request, Slovakia invoked Article 5 (3) of the Special Agreement signed at Brussels on 7 April 1993 by itself and Hungary with a view to the joint submission of their dispute to the Court.

Website of the Court: <http://www.icj-cij.org>

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