

No. 97/10
25 September 1997

Case concerning Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

Judgment

The Hague, 25 September. The International Court of Justice today delivered judgment on a protracted dispute between Hungary and Slovakia over the construction and operation of dams on the river Danube which found both States in breach of their legal obligations. It called on both countries to carry out the relevant treaty between them while taking account of the factual situation that has developed since 1989.

Hungary and Czechoslovakia in 1977 concluded a treaty for the building of dam structures in Slovakia and Hungary for the production of electric power, flood control and improvement of navigation on the Danube. 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 (successor to Czechoslovakia) 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.

In its judgment, the Court found:

- that Hungary was not entitled to suspend and subsequently abandon, in 1989, its part of the works in the dam project, as laid down in the treaty signed in 1977 by Hungary and Czechoslovakia and related instruments;
- that Czechoslovakia was entitled to start, in November 1991, preparation of an alternative provisional solution (called "Variant C"), but not to put that solution into operation in October 1992 as a unilateral measure;
- that Hungary's notification of termination of the 1977 Treaty and related instruments on 19 May 1992 did not legally terminate them (and that they are consequently still in force and govern the relationship between the Parties);
- and that Slovakia, as successor to Czechoslovakia became a party to the Treaty of 1977.

As to the future conduct of the Parties, the Court found:

- that Hungary and Slovakia must negotiate in good faith in the light of the prevailing situation, and must take all necessary measures to ensure the achievement of the objectives of the 1977 Treaty;
- that, unless the Parties agree otherwise, a joint operational régime for the dam on Slovak territory must be established in accordance with the Treaty of 1977;
- that each Party must compensate the other Party for the damage caused by its conduct;

- and that the accounts for the construction and operation of the works must be settled in accordance with the relevant provisions of the 1977 Treaty and its related instruments.

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The Court held that newly developed norms of environmental law are relevant for the implementation of the Treaty and that the Parties could, by agreement, incorporate them through the application of several of its articles. It found that the Parties, in order to reconcile economic development with protection of the environment, "should look afresh at the effects on the environment of the operation of the Gab...íkovo power plant. In particular they must find a satisfactory solution for the volume of water to be released into the old bed of the Danube and into the side-arms of the river."

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The Court was composed as follows: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski; Registrar Valencia-Ospina.

President Schwebel and Judge Rezek appended declarations to the Judgment of the Court; Vice-President Weeramantry and Judges Bedjaoui and Koroma appended separate opinions; Judges Oda, Ranjeva, Herczegh, Fleischhauer, Vereshchetin, Parra-Aranguren and Judge ad hoc Skubiszewski appended dissenting opinions.

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A summary of the Judgment is given in Press Communiqué No. 97/10 bis. The text of the declarations and a brief summary of the opinions may be found in the Annex to that press communiqué.

The printed text of the Judgment and of the declarations and opinions appended to it will become available in due course (orders and enquiries should be addressed to the Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10; the Sales Section, United Nations, New York, N.Y. 10017; or any appropriate specialized bookshop).

The full text of the Judgment, as well as of the Press Communiqués, will be available on the Internet. The address of the Court's website is: <http://www.icj-cij.org>
