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# The Danube River Case



**Hungary / Slovakia**



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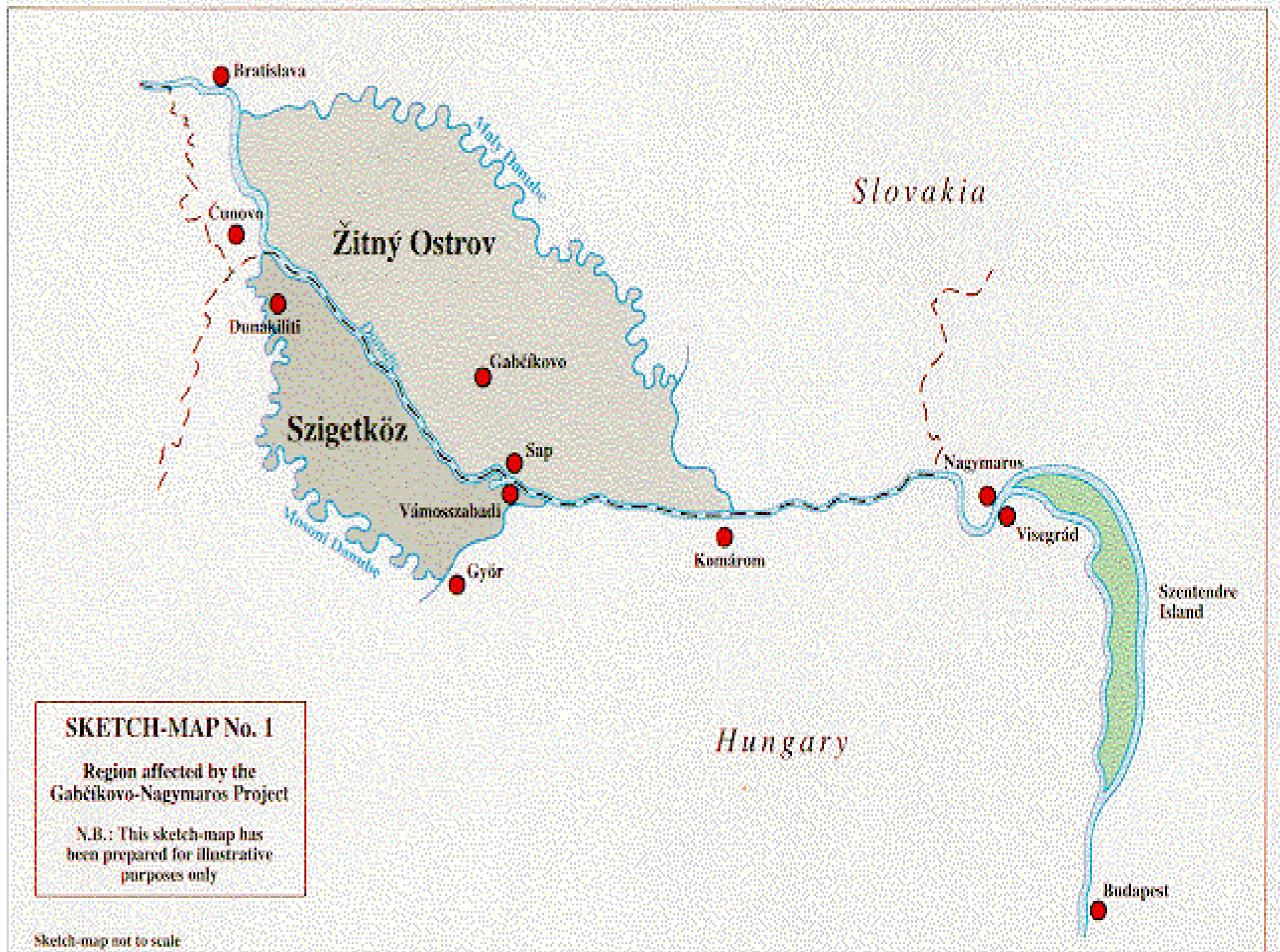


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## Background

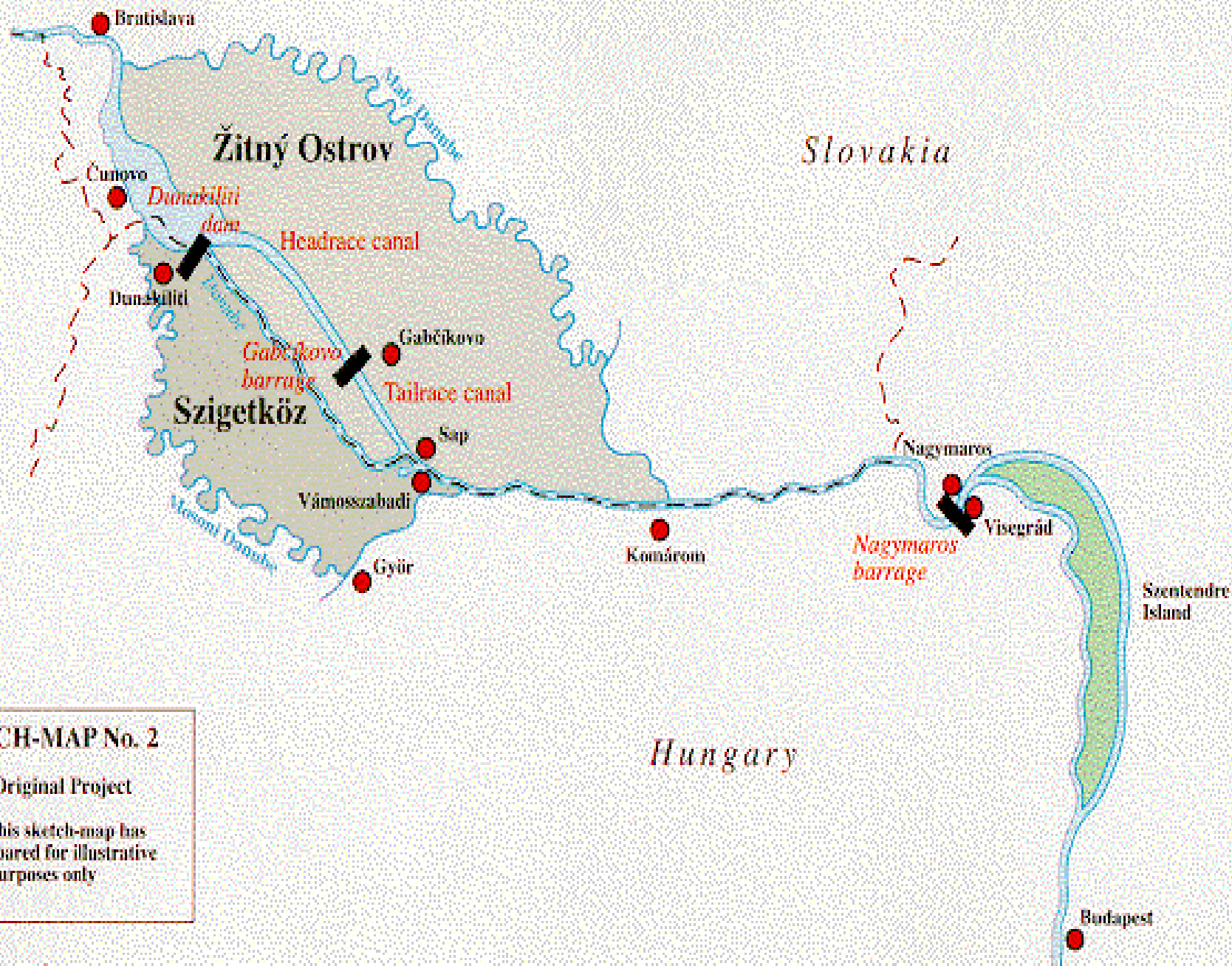
- **1977 Treaty concerning the Gabčíkovo-Nagymaros System of Locks**
- **1989 - Suspension and abandonment by Hungary**
- **1991-1992 - Czechoslovakia's proceedings to "Variant C"**
- **1992 - 1977 Treaty terminated by Hungary**
- **1993 - Submission of the dispute to ICJ**
- **1997 - ICJ ruling on the merits**

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**SKETCH-MAP No. 1**  
Region affected by the  
Gabčíkovo-Nagymaros Project  
N.B.: This sketch-map has  
been prepared for illustrative  
purposes only

Sketch-map not to scale

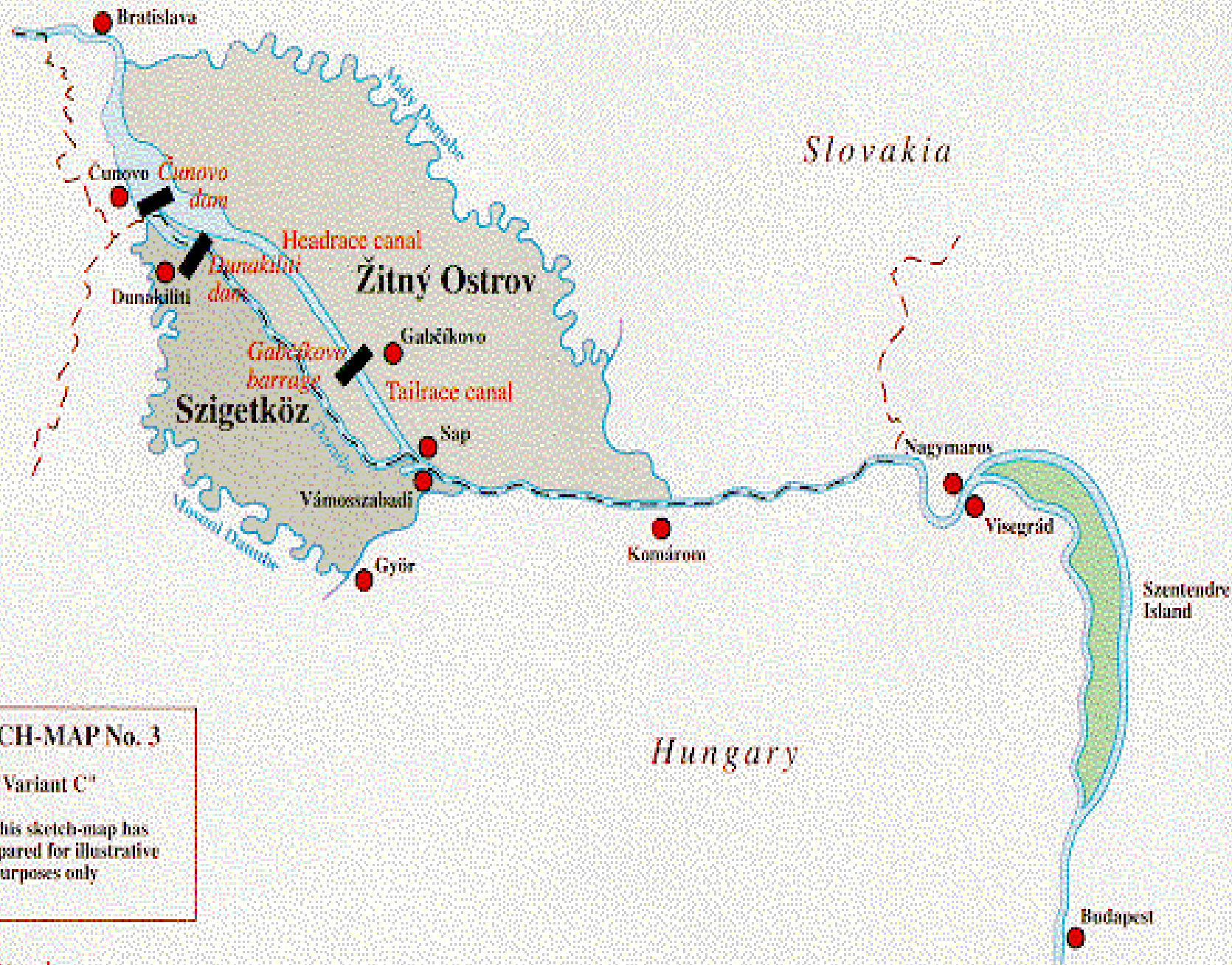


**SKETCH-MAP No. 2**

The Original Project

N.B.: This sketch-map has been prepared for illustrative purposes only

Sketch-map not to scale



**SKETCH-MAP No. 3**

**"Variant C"**

N.B.: This sketch-map has been prepared for illustrative purposes only

Sketch-map not to scale

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## Questions before the Court

- Whether Hungary was entitled to suspend and abandon the works on the Project
  - Whether Czechoslovakia was entitled to proceed to the “provisional solution” and to put into operation the system
  - What are the legal effects of the termination of the 1977 Treaty by Hungary
  - The legal consequences arising from the ICJ decision
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## Issues of international law

- **validity and termination of international treaties**
- **state succession**
- **state responsibility for the breach of international obligations**
- **reparation and compensation for damages**
- **environmental law**
- **shared water resources**
- **1997 UN Convention**



## ICJ Decision

- Hungary was not entitled to suspend and abandon the Project
- Czechoslovakia was entitled to proceed
- to the “provisional solution”
- Czechoslovakia was not entitled to put into operation this “provisional solution”
- Termination of the 1977 Treaty by Hungary not have legal effects
- Hungary and Slovakia must negotiate to ensure the achievement of the treaty objectives

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## ICJ Decision

- **Joint operational regime must be established**
- **Hungary shall compensate Slovakia for the damage**
- **Slovakia shall compensate Hungary for damage**

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# Summary

- **1977 Treaty upheld**
  - **Principle of equitable and reasonable utilisation reiterated**
  - **No absolute priority to any factor related to water utilisation**
  - **No peremptory rules of environmental law**
  - **Environmental norms to be taken into consideration**
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