
HAGUE INTERNATIONAL TRIBUNALS

- I. International Court of Justice
- II. International Criminal Tribunal
for the Former Yugoslavia

Subsections are, in principle, divided into the categories (a) List of Current Proceedings, (b) Constitutional and Institutional Developments, and (c) Case Analysis.

I. INTERNATIONAL COURT OF JUSTICE

(a) List of Current Proceedings: Update¹

1. CONTENTIOUS CASES BEFORE THE FULL COURT

1.1. Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

The parties jointly notified the Court on 2 July 1993 of a Special Agreement by which they submitted to it for adjudication the differences between them concerning the Gabčíkovo-Nagymaros Project. By an Order of 14 July 1993, the Court fixed 2 May 1994 as the time-limit for the filing by each of the parties of a Memorial and 5 December 1994 for the filing by each of the parties of a Counter-Memorial.² By Order of 20 December 1994, the President of the Court fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties.³

After having received the written Memorials, the Court entertained the oral arguments of the parties in the first week of March 1997. Between 1 and 4 April 1997, for the first time in its 50-year history, the Court made a visit to the area to which the case relates. The visit was undertaken at the

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- 1. This *List of Current Proceedings: Update* covers a case pending from 1 August 1997 onwards, and which merits attention because of a new procedural event. It describes the course of proceedings in this case up to 1 October 1997.
 - 2. 1993 ICJ Rep. 319.
 - 3. 1994 ICJ Rep. 151

request of both parties and covered areas in both countries.

The second round of oral hearings before the Court commenced on 10 April 1997 and was concluded on 15 April 1997. On 25 September 1997, the Court delivered its judgment on the dispute between Hungary and Slovakia. It called on both countries to carry out the relevant treaty between them while taking the factual situation that has developed since 1989 into account.

In its Judgment⁴ the Court found that:

1. in 1981, Hungary was not entitled to suspend and subsequently abandon its part of the works in the dam project, as laid down in the treaty signed in 1977 by Hungary and Czechoslovakia and its related instruments;
2. in November 1991, Czechoslovakia was entitled to start preparations of an alternative provisional solution (Variant C), but was not to put that solution into operation in October 1992 as a unilateral measure;
3. that Hungary's notification of termination of the 1977 Treaty and related instruments on 19 May 1992 did not legally terminate them (and they are consequently still in force and govern the relationship between the parties); and
4. 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:

1. 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;
2. unless the parties agree otherwise, a joint operational regime for the dam on Slovak territory must be established in accordance with the Treaty of 1977;

4. ICJ Press Communiqué No. 97/10 of 25 September 1997. A summary of the judgment is given in Press Communiqué No. 97/10 bis.¹ The text of the declarations and a brief summary of the opinions may be found in the annex to that Press Communiqué. The full text of the judgment as well as other Press Communiqués are available on the Internet: <http://www.icj-cij.org>.

3. that each party must compensate the other party for the damage caused by its conduct; and
4. 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.

The Court held that newly developed norms of environmental law are relevant for the implementation of the Treaty and the parties could, by agreement, incorporate those by 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 Gabčíkovo 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.⁵

5. ICJ Press Communiqué No. 97/10 of 25 September 1997, at 2.