



Case Concerning the Gabčíkovo-Nagymaros Project Hungary versus Slovakia, (1997)

Caroline Katona

Abstract:

In the ever-evolving domain of international law, there are milestone cases and rulings that bring forth new international norms and mark the beginnings of jurisprudence on certain matters. This paper looks at the milestone case of the Gabčíkovo-Nagymaros Project (Hungary/Slovakia), wherein the damming of the Danube and The Treaty of 16 September 1977 concerning the construction and operation of the Gabčíkovo-Nagymaros System of Locks and both countries' actions regarding the project were contested. The case brings to light, for the first time in the International Court of Justice, the necessity to preserve the environment, the right to the environment as a human right, and the transboundary water law. Although the rulings did not take into consideration enough of the above factors, the published opinions of judges, specifically Judge Weeramantry's interpretation of the case of sustainable development in the context of human rights has been the primary step to discussions at an international level and jurisprudence on the matter. This paper gives an in-depth look at the specificities of the case and ruling, followed by the analysis of its importance in modern international law.

Résumé :

Le domaine de droit international en est un qui change sans cesse. Ces changements viennent avec certain cas et décisions qui marquent la percée de certains sujets sur la scène internationale. Cette dissertation examine le cas du Projet Gabčíkovo-Nagymaros (Hongrie/Slovaquie), et analyse son effet sur la jurisprudence des droits humains à l'environnement. C'était la première fois que la Cour International de Justice devait se prononcer sur une affaire impliquant le droit international de l'environnement et du droit des eaux transfrontalières, et la Cour elle-même n'a pas pris en considération les facteurs ou lois environnementaux. Toutefois, les opinions de certains juges, spécifiquement celui de Juge Weeramantry, ont établi les droits à l'environnement comme un droit humain sur un niveau de droit international.

The dispute surrounding the Danube dam arose from the signing by two states: the Hungarian People's Republic and the Czechoslovak People's Republic (hereinafter referred to as Hungary and Czechoslovakia), of The Treaty of 16 September 1977 concerning the construction and operation of the Gabčíkovo-Nagymaros System of Locks (hereinafter referred to as the "1977 Treaty")¹. The purpose of the 1977 Treaty, as outlined in Article 1 (1), was to "...construct the Gabčíkovo-Nagymaros System of Locks (hereinafter referred to as the "System of Locks") as a joint investment; the System of Locks shall comprise the Gabčíkovo system of locks and the Nagymaros system of locks and shall constitute a single and indivisible operational system of works."² The purpose of this system was the joint and equal utilisation of the Danube River by the contracting parties. It was a joint investment aimed at improving navigation along the Danube, producing hydroelectricity, protecting the banks along the river that flood virtually yearly³, further developing irrigation systems in the area, and protecting the environment⁴. It is also evident that economic interests played a prime role in the drawing up of the 1977 Treaty.

The stretch of the Danube this project concerns is that of approximately 200km between Bratislava, Slovakia and Budapest, Hungary⁵. The 1977 Treaty outlines with specificity that: this is to be an equal investment by both States (Article 1, Article 2, Article 5); the water resource management functions (Chapter 5), the protection of water quality (Article 15) and the protection of the natural environment (Chapter 7). Ultimately, the Danube was to be diverted to a new waterbed in Slovakia where it would be utilized for the aforementioned goals. This would be

¹ In 1993, the Slovak Republic became the Successor State to the Treaty after the division of Czechoslovakia.

² Treaty Between The Hungarian People's Republic and The Czechoslovak Socialist Republic Concerning the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks, Article 1 (1)

³ Compendium of Judicial Decisions on Matters Related to Environment. Nairobi, Kenya: UNEP/UNDP/Dutch Joint Project on Environmental Law and Institutions in Africa, 1998.

⁴ Lee G.J. Thompson. "The ICJ and the Case concerning the Gabčíkovo-Nagymaros Project: The Implications for International Watercourses Law and International Environmental Law." CEPMLP Annual Review 1999.

⁵ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Summary of the Judgment of 25 September 1997

done through the construction of two sets of locks: one in Nagymaros, Hungary, and the other in Gabčíkovo, Slovakia, and would form an 'indivisible operational system' as described in Article 1 of the 1977 Treaty. The work commenced in 1978⁶.

It should be noted that Hungary signed the 1977 Treaty while under communist reign, as did Czechoslovakia. In 1989 with the changes in regimes, new environmental assessments were conducted as to the effects of the construction and of the overall project⁷. Between the two countries, the results varied greatly. The Hungarian population began to heavily protest on the grounds of the harsh economic and environmental implications being suffered by the country and put immense pressure on the government to discontinue with the project. The Hungarian government abandoned work in Nagymaros in October of 1989 as a result of detrimental projections of environmental impacts from the assessments and the political pressures, and later that year ceased all construction on the parts of the System of Locks it was responsible for according to the 1977 Treaty⁸. This gave way to many negotiations between the two countries to attempt to resolve the conflicts, none of which led to agreements. Frustrated, Czechoslovakia resorted to 'variant C': its own solution consisting of a unilateral diversion of the waters in order to put the Gabčíkovo dam into operation⁹. By 1992, it completed closure and damming of the Danube. The damming of the river reduced the flow of water to Hungary by approximately 80% (2m-4m) as it was done in a season where the water is at its lowest level¹⁰. In reply, Hungary

⁶ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997,

⁷ Kevin Kurland, Jerry Fortunato, Leslie Barcus. "Hungary Dam, Case 34." in Trade and Environment Database, case 34 (1998)

⁸ Lee G.J. Thompson. "The ICJ and the Case concerning the Gabčíkovo-Nagymaros Project: The Implications for International Watercourses Law and International Environmental Law." CEPMLP Annual Review 1999

⁹ Lee G.J. Thompson. "The ICJ and the Case concerning the Gabčíkovo-Nagymaros Project: The Implications for International Watercourses Law and International Environmental Law." CEPMLP Annual Review 1999

¹⁰ Eckstein, Gabriel E., Yoran Eckstein. "International Water Law, Groundwater Resources And The Danube Dam Case". *Washington College of Law, American University*. International Water Law Project

announced the termination of the 1977 Treaty¹¹. In 1993 the signatories agreed to submit the ongoing dispute to the International Court of Justice (ICJ).

Main Legal Issues, Position of Parties

The ICJ was asked to rule on several issues brought forth:

- "whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary"¹²
- "whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system"¹³
- "what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary"¹⁴

For the first time in the history of the ICJ, there was a sight visit done to assess current circumstances of the projects in the affected areas of a case. This was asked by Slovakia, and Hungary provided full cooperation and invited the ICJ to do so¹⁵.

Suspension and abandonment by Hungary, in 1989, of works on the Project

In 1990, the new government of Hungary announced that "the project was a mistake"¹⁶ and that it could not be "obliged to fulfil a practically impossible task, namely to construct a barrage system

¹¹ Heiko Fürst. "The Hungarian-Slovakian Conflict over the Gabčíkovo-Nagymaros Dams: An Analysis." *Intermarium* 6, no.2 (2003)

¹² Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Summary of the Judgment of 25 September 1997

¹³ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Summary of the Judgment of 25 September 1997

¹⁴ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Summary of the Judgment of 25 September 1997

¹⁵ 1997 International Court of Justice Report of Advisory Opinions and Orders 3 1997, Case Concerning The Gabčíkovo-Nagymaros Project, *Osgoode Hall Law School Library*, HeinOnline

on its own territory that would cause irreparable environmental damage"¹⁷. The representatives argued that the communist regime at the time had neither the wellbeing of the citizens or land in mind, nor the interests of the country and the protection of its environment, and the Treaty was signed for tainted reasons. This was a claim of fundamental change in circumstances.

Hungary claimed a state of ecological necessity¹⁸ to justify the cessation of construction¹⁹. After requesting expert opinions and assessments, the Hungarian government saw many ecological dangers as a result of the project: the water quality would be drastically diminished due to silting and erosion, the biodiversity was put at risk of extinction, and there was risk of eutrophication²⁰. To apply this, Hungary drew on the applicability of the Vienna Convention on The Law of Treaties and the law of State responsibility²¹. This would imply that the State of Hungary had no other means of safeguarding its national interests, in this case the environment, than to abandon its international obligation.

Slovakia rebutted that all ecological problems resulting from the construction of the System of Locks could and would be remedied²², thus insinuating that Hungary had other means to protect their interests, negating the claim of ‘state of ecological necessity’.

¹⁶ International Court of Justice: Judgement in Case Concerning The Gabčíkovo-Nagymaros Project, *Osgoode Hall Law School Library*, HeinOnline, 37 I.L.M. 162 1998

¹⁷ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997, p.56

¹⁸ “The state of necessity is “the situation of a State whose sole means of safeguarding an essential interest threatened by a grave and imminent peril is to adopt conduct not in conformity with what is required of it by an international obligation to another state.” -“International Decisions”. *Nairobi, Kenya*, Compendium of Judicial Decisions on Matters Related to Environment: UNEP/UNDP/Dutch Joint Project on Environmental Law and Institutions in Africa, 1998 p.14

¹⁹ Jessica Howley. “The Gabčíkovo-Nagymaros Case: The Influence of the International Court of Justice on the Law of Sustainable Development” *Queensland Law Student Review*, Vol 2:1, (2009)

²⁰ UNEP/UNDP/Dutch Joint Project on Environmental Law, “International Decisions” Compendium of Judicial Decisions on Matters Related to Environment 1, December 1998.

²¹ International Court of Justice: Judgement in Case Concerning The Gabčíkovo-Nagymaros Project, *Osgoode Hall Law School Library*, HeinOnline, 37 I.L.M. 162 1998

²² UNEP/UNDP/Dutch Joint Project on Environmental Law, “International Decisions” Compendium of Judicial Decisions on Matters Related to Environment 1, December 1998.

Czechoslovakia's implementation of the 'provisional solution' or 'variant C'

Hungary stated variant C to be a breach of the 1977 Treaty, as well as a treaty ratified by the two parties in 1976 regarding the water management of boundary waters, and a breach of the "...principles of sovereignty, territorial integrity, with the inviolability of State borders, as well as with the general customary norms on international rivers and the spirit of the 1948 Belgrade Danube Convention"²³. It claimed that it was an international wrongful act to deprive a state of their rightful share of natural resources by unilaterally taking control of a shared resource.

It must be taken into account that in 1992, Czechoslovakia agreed to stop the implementation of the provisional solution and to continue working on the System of Locks: a motion which was rejected by Hungary. At this time, Czechoslovakia made the case that resorting to variant C was inevitable as Hungary was not willing to resume the fulfilment of its responsibilities set forth in the 1977 Treaty. Because Hungary abandoned the project at such a late state, Slovakia (successor of the 1977 Treaty) claimed the duty to mitigate the ecological, economical and navigational damages imposed upon it²⁴. It claimed that a "...State which is confronted with a wrongful act of another State is under an obligation to minimize its losses and, thereby, the damages claimable against the wrongdoing State"²⁵. Later in court, Slovakia refuted the accusations of an international wrongful act on account of Hungary's actions disabling its abilities to fulfil the duties with which it was attributed by the 1977 Treaty, and thus entitled it to enact a solution as close to the original project as possible²⁶, this being the 'principle of approximate application'²⁷. Slovakia insists that variant C is justifiable as a countermeasure.

²³ Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

²⁴ Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

²⁵ Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

²⁶ Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

²⁷ UNEP/UNDP/Dutch Joint Project on Environmental Law, "International Decisions" Compendium of Judicial Decisions on Matters Related to Environment 1, December 1998.

Termination of the Treaty by the Republic of Hungary

The State of Hungary claimed variant C as a breach of not only the 1977 Treaty, but also a major violation of international law (for the aforementioned reasons). It gave warning that if immediate cessation of construction on variant C did not occur, it would be forced to respond to this state of necessity by termination of the 1977 Treaty. Hungary reasoned so by stating that: it could not support the destruction of the environment, nor the implementation of variant C as it was as destructive ecologically as the original project, that this provisional solution, by diverting the course of the Danube, infringed on the sovereignty of the Hungarian State as well as violating several international agreements²⁸. Hungary claimed the impossibility of performance of the 1977 Treaty, the occurrence of the regime change which qualified as a change in fundamental circumstances, and the formerly mentioned material breaches of Czechoslovakia, namely that of The Convention of 31 May 1976 on the Regulation of Water Management Issues of Boundary Waters. The final argument provided by Hungary was that there are new norms of international environmental law, which supersede the 1977 Treaty²⁹. These are the grounds upon which Hungary chose to end the 1977 Treaty.

Czechoslovakia responded to the threat of termination by agreeing to participate in good faith in any and all negotiations; however it refused to halt work on the provisional solution. It denied that Hungary was in a state of necessity based on scientific fact, thus had no grounds for termination. Slovakia contended that the changes in fundamental circumstances did not, in any way, effect changes in the responsibilities agreed to in the 1977 Treaty and were irrelevant. Slovakia denies breaches on its behalf, as well as on behalf of Czechoslovakia, claiming that water quality and nature were monitored and protected at all times, and due to the fact that

²⁸ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997

²⁹ Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997

variant C was used as "the best possible approximate application"³⁰ of the 1977 Treaty. Slovakia denied and refuted any and all reasons given by Hungary to terminate the 1977 Treaty.

Ruling of The International Court of Justice

Suspension and abandonment by Hungary, in 1989, of works on the Project

The Court did not accept Hungary's actions to abandon work at the designated locations by the 1977 Treaty as lawful. It views these actions as an unwillingness to comply with the binding responsibilities attributed to it in the 1977 Treaty and as actions that undermine and render impossible the fulfilment of the "single and indivisible" project agreed on³¹.

The Court ruled that Hungary did not meet the requirements needed to claim a state of necessity. It points out that at the time of claiming state necessity these circumstances were not present; these actions were ruled unlawful, and thus Hungary incurred State Responsibility³².

Czechoslovakia's implementation of the 'provisional solution' or 'variant C'

The Court has determined that Hungary was unlawful in abandoning its responsibilities. These actions made it impossible for Czechoslovakia to fulfil its duties according to the 1977 Treaty; it follows that Czechoslovakia was allowed to proceed with its solution, applying the 'principle of approximate application'. It is noted that Czechoslovakia was the victim of an international wrongful act. Although this warrants its claims to mitigate damages, it does not justify the damming of the Danube, which The Court deems as an international wrongful act on the grounds

³⁰ Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

³¹ 1997 International Court of Justice Report of Advisory Opinions and Orders 3 1997, Case Concerning The Gabcikovo-Nagymaros Project, *Osgoode Hall Law School Library*, HeinOnline, 1997

³² Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

of unilateral control of a shared resource. Otherwise put, Czechoslovakia was entitled to mitigate damages, but in 1992 was unlawful in proceeding with variant C.

Termination of the Treaty by the Republic of Hungary

With regards to the five arguments presented by Hungary as grounds for termination of the 1977 Treaty, The Court ruled the following: even if a state necessity was to exist, it is not grounds for termination of a treaty in this case; there was no impossibility of performance as the treaty provided the necessary tools for renegotiation and readjustment to address Hungary's concerns; the political circumstances were not closely linked to the signing of the Treaty and are therefore not considered a fundamental change in circumstances; the material breach of Czechoslovakia occurred after Hungary had claimed termination of the 1977 Treaty; and as the breach did not occur until the damming of the Danube in 1992, and the notice of termination was sent earlier in the year, the notice was premature and the development of new norms in international environmental law are relevant to the case. However, the provisions of the treaty allow for the implementation of practices adhering to these new norms, and that these developments are not ground for termination. The Court found that with the above conclusions, it follows that Hungary's notice of termination did not have legal effect and the 1977 Treaty is still valid.³³

The Court stated that unless the parties can further negotiate, Hungary is to pay reparations for the damages incurred to Czechoslovakia and Slovakia due to its abandonment of the System of Locks³⁴.

³³ Judgements paraphrased from: Gabčíkovo-Nagymaros Project (Hungary/Slovakia) , Judgment, I.C.J. Reports 1997

³⁴ Summary of the Summary of the Judgment of 25 September 1997, _Case concerning Gabčíkovo-Nagymaros Project (Hungary/Slovakia), I.C.J Reports

The decisions were not unanimous and it is worthwhile to mention the positions of the opposed judges, Judge Weeramantry in particular, who drew on the principle of sustainable development. It was stated that this is an integral part of modern international law and should have been taken into account more so than it had been, encompassing environmental impact assessment, environmental protection and factors such as environmental damage. Judge Weeramantry noted that there were other factors and actions of the parties to consider, however; had that not been the case, Hungary's contentions would have been conclusive³⁵. He stated that there is a great 'need for human activity to respect the environment', and that this should be regarded as a universal international value and as a human right³⁶.

Implications of The Ruling

The Court's ruling meant that the 1977 Treaty was still in effect and still governed the relationship between the two parties regarding the System of Locks. They suggested further negotiations as a means to achieve the goals and objections set forth by the original project. One option it suggested was that of modifying variant C to conform to the 1977 Treaty in a manner that Hungary could utilize as well, while taking into consideration the grave environmental concerns brought forth by Hungary. In addition, the ICJ stated that Czechoslovakia's breach of the Convention on the Law of the Non-Navigable Uses of International Watercourses could end as collaboration and would be a shared utilization of the source, and no longer a unilateral one³⁷.

³⁵ UNEP/UNDP/Dutch Joint Project on Environmental Law, "International Decisions" Compendium of Judicial Decisions on Matters Related to Environment 1, December 1998

³⁶ Jessica Howley. "The Gabčíkovo-Nagymaros Case: The Influence of the International Court of Justice on the Law of Sustainable Development" Queensland Law Student Review, Vol 2:1, (2009)

³⁷ Judgements paraphrased from: Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997

Analysis

The ICJ had never ruled on a transboundary water issues before the Gabčíkovo-Nagymaros case. This was an opportunity for the ICJ to set a strong precedent, and rule on issues concerning transboundary environmental harm. It also offered an opportunity to rule on the ownership, protection and sharing of natural resources, and apply international water law³⁸. The ICJ stated that it deemed necessary to demonstrate “the great significance that it attaches to the environment, not only for states, but for the whole of mankind³⁹.” Although this was stated, the Court declined to consider the validity or value of the data provided, as it was not in the Court’s scope to determine scientific value or validity[□]. The Court relied on the more traditional methods of using international treaty law to rule on the case, thus it can be argued that the ecological and environmental factors and the future effects of current circumstances were not drawn upon heavily enough, as state of ecological necessity was not granted. It must also be noted, that due to the damming of the Danube and the drop of water levels, many regions surrounding the banks and wells dried up, biodiversity was in grave danger as unusual deaths of large fish and other species were reported, and the rate of particle-settling in the river increased drastically which in turn increases the risk and likelihood of aquifer contamination⁴⁰. It can be contested that this is a state of ecological necessity.

This also brings into question the ICJ’s view of sustainable development. It is a newer development in international environmental law describing the principle of balancing

³⁸ Gabriel E. Eckstein, Yoran Eckstein. “International Water Law, Groundwater Resources And The Danube Dam Case”, in *Gambling With Groundwater: Physical, Chemical and Biological Aspects of Aquifer-Stream Relations* (Washington College of Law, American University, 1998)

³⁹ ICJ 1997, paragraph. 53

□ Gabriel E. Eckstein, Yoran Eckstein. “International Water Law, Groundwater Resources And The Danube Dam Case”, in *Gambling With Groundwater: Physical, Chemical and Biological Aspects of Aquifer-Stream Relations* (Washington College of Law, American University, 1998)

⁴⁰ Gabriel E. Eckstein, Yoran Eckstein. “International Water Law, Groundwater Resources And The Danube Dam Case”, in *Gambling With Groundwater: Physical, Chemical and Biological Aspects of Aquifer-Stream Relations* (Washington College of Law, American University, 1998)

development with environmental protection, containing within itself three main principles: the concept of sustainable development, the precautionary principle, and the principle of Environmental Impact Assessments⁴¹. Despite this being a development that is agreed to be of great importance, the specificities of its meaning remain debated. The ICJ presented in the judgement sustainable development as a ‘concept’, thus implying it was not legally binding as international customary law, and furthermore, the ICJ did not develop the parameters of this concept. Although this does show that sustainable development has a certain status in international law, it denies it as a State responsibility⁴². Contesting to this conclusion was Judge Weeramantry. His decision marked a sort of milestone in international environmental law, as it was the beginning of jurisprudence on this matter for the ICJ.

This case was also thought to be important, as it could have further defined what types of damages, in an environmental context and give rise to liability within international society. These expectations however, were not met, as the ICJ did not rely so much on international water law principles, but on treaty laws.

There was mention in Judge Weeramantry’s interpretation of the case of sustainable development in the context of human rights. This is greatly discussed as being a primary step to acknowledging future arguments on rights to the environment. The argument he presented was then used in court cases to support claims to the right of life, which can be degraded by the deterioration of the environment (argument given by the United States), along with the right to life and a clean environment⁴³.

⁴¹ Jessica Howley. “The Gabci kovo-Nagymaros Case: The Influence of the International Court of Justice on the Law of Sustainable Development” Queensland Law Student Review, Vol 2:1, (2009)

⁴² Jessica Howley. “The Gabci kovo-Nagymaros Case: The Influence of the International Court of Justice on the Law of Sustainable Development” Queensland Law Student Review, Vol 2:1, (2009)

⁴³ Jessica Howley. “The Gabci kovo-Nagymaros Case: The Influence of the International Court of Justice on the Law of Sustainable Development” Queensland Law Student Review, Vol 2:1, (2009)

It was very interesting that the ICJ did not consider a State being under the reign of communism as a likely cause of why the project was adopted to begin with. It was well established that, in communist countries at that time, it was common for leaders to attempt or plan to reshape nature as a way of producing economic gain while simultaneously causing many irreparable damages to the environment⁴⁴. There had been several attempts at such projects before the Gabčíkovo-Nagymaros case, and although within the 1977 Treaty there is mention of the environment and its protection, after assessing the effects of the project (as done by Hungary), it can be said that the proper protective measures were not followed, especially not with regards to modern international environmental law. Interestingly enough, the lack of these considerations and measures by a communist government were seen to be of very little relevance. It is a remaining query that, had the implications of such decisions under such political circumstances been not of an environmental nature, but that of, say, national security; would a shift in the political regime be sufficient to claim fundamental change of circumstances? If so, would it be deemed grounds for the termination of a treaty?

The ruling on the Gabčíkovo-Nagymaros case had a great impact on the perception of the roles of political circumstances and environmental circumstances. Although many contest that the rulings did not take into consideration the severity of ecological and environmental effects of the project, the publications of opinions given by judicial members, such as Judge Weeramantry, have served as precedence and as support for claims to human rights to the environment and to sustainable development. This case brought into light newly developing norms of international environmental law and its emerging place in international society, thus international law. This is evident in the formal address to the ICJ and the ICJ's mention of these factors in the judgements

⁴⁴ Kevin Kurland, Jerry Fortunato, Leslie Barcus. "Hungary Dam, Case 34." in Trade and Environment Database, case 34 (1998).

(even though they were found to be inadequate grounds). Simply the mention of the necessity of international environmental law, its factors and the concept of sustainable development affected the interpretation of the aforementioned in international and domestic judicial legal practices.

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