

The International Boundary Between Hungary And Slovakia: The Nagymaros-Gabcikovo Dispute

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Central and Eastern Europe has witnessed a dramatic growth in boundary conflicts and disputes in the past three years, with attention focussed particularly on inter-ethnic (or inter-national) conflict over territory - the most obvious case being the wars in Croatia and Bosnia-Herzegovina. One exception to this trend is the dispute between Hungary and Slovakia (Czechoslovakia prior to 1 January 1993) over the Nagymaros-Gabcikovo dam (see map 1), and the international boundary along the river Danube. Of especial interest is the fact that both sides have now agreed to take the dispute to the International Court of Justice in The Hague for resolution, a welcome change from so many other international disputes in the region.

Delimitation History:

The present Hungarian-Slovak international boundary stems from the treaties and acts ending World Wars I and II. No treaty prior to 1918 is of significance for the boundary alignment since the region was controlled by the Austro-Hungarian empire and was previously part of the Hungarian Kingdom.

The Treaty of Peace between the Allied and Associated Powers and Hungary and Protocol and Declaration signed at Trianon on 4 June 1920 included a detailed delimitation of the boundary (Article 27, paragraph 4). Article 29 of the treaty created a boundary commission to demarcate the boundary on land. Where the boundary followed a waterway, according to Article 30 of the treaty, the boundary should follow the median line in non-navigable waterways and the *thalweg* in navigable waterways.

A Czechoslovak-Hungarian Boundary Commission worked from 1921 to 1925 on the demarcation of the boundary. Maps of the boundary were incorporated into the *Convention relating to the Settlement of Questions arising out of the Delimitation of the Frontier between the Kingdom of Hungary and the Czechoslovak Republic* signed at Prague on 14 November 1928 with ratifications exchanged at Budapest on 2 December 1930. The 1928 Convention provides detailed descriptions of the management of the boundary.

Though the boundary was altered temporarily by the *Vienna Award* of 2 November 1938, this was annulled by the Treaty of Peace signed on 10 February 1947 by Hungary and the Allied powers which came into effect on 15 September 1947. The boundary had been reduced in length however by the transfer of 5,500 square miles of Ruthenia from Czechoslovakia to the Soviet Union by the *Moscow Agreement* signed on 29 June 1945 by Czechoslovakia and the Soviet Union. This shortened the Hungarian-Czechoslovak boundary by about 50 miles, though it did not alter the alignment of the boundary line - now between Hungary and Ukraine.

One minor change to the prewar boundary was made by the 1947 Treaty of Peace in the Antonienhof sector, close to the Austria-Czechoslovakia-Hungary tripoint.

The Nagymaros-Gabcikovo barrage dispute:

Since 1 January 1993 when the Czech and Slovak Federal Republic was divided, the boundary line has become the Hungarian-Slovak international boundary. One major issue has continued to dominate the management of the international boundary since this change: the continuing dispute over the Nagymaros-Gabcikovo dam, and the alignment of the Danube river.

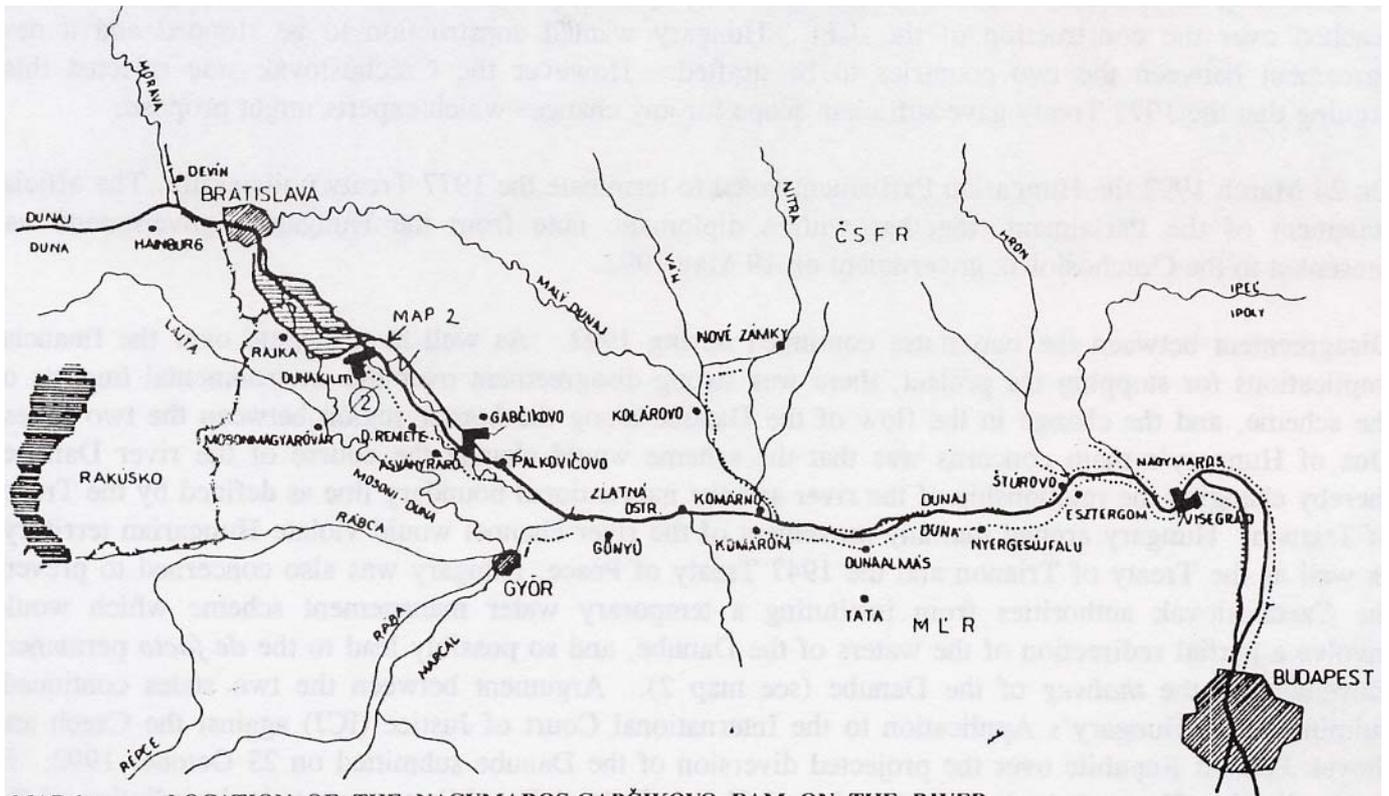
The Nagymaros-Gabcikovo dam scheme was designed as a joint Czechoslovak-Hungarian project to dam the river Danube in order to generate hydroelectric power, and to improve communications by constructing navigation channels past the dam. Such a project was first discussed by the two governments in the early 1960s, however a formal agreement was not signed until September 1977 in Budapest, entitled the *Treaty on the Construction and Operation of the System of Waterworks of Gabcikovo-Nagymaros* (ratified in June 1978). One major problem with the scheme is that it will change the course of the river Danube, and therefore the relationship between the river and the international boundary as delimited by the Treaty of Trianon and the 1947 Treaty of Peace.

During the late 1970s and early 1980s progress on the scheme was slow, mainly for financial reasons. In 1981 negotiations were started to consider a postponement of the scheme, and in October 1983 a Protocol was signed by the two governments in Prague, by which it was agreed to postpone the scheme for five years. Though construction was started in the mid-1980s with considerable Austrian financial backing, there was opposition to the scheme particularly in Hungary, where doubts were expressed by environmental groups about the impact of the scheme on the Danube. There was also increasing concern over the huge cost. However in Slovakia the government gave strong backing to the scheme, not least because it would dramatically increase power generation capacity in the region, something Slovakia needed desperately.

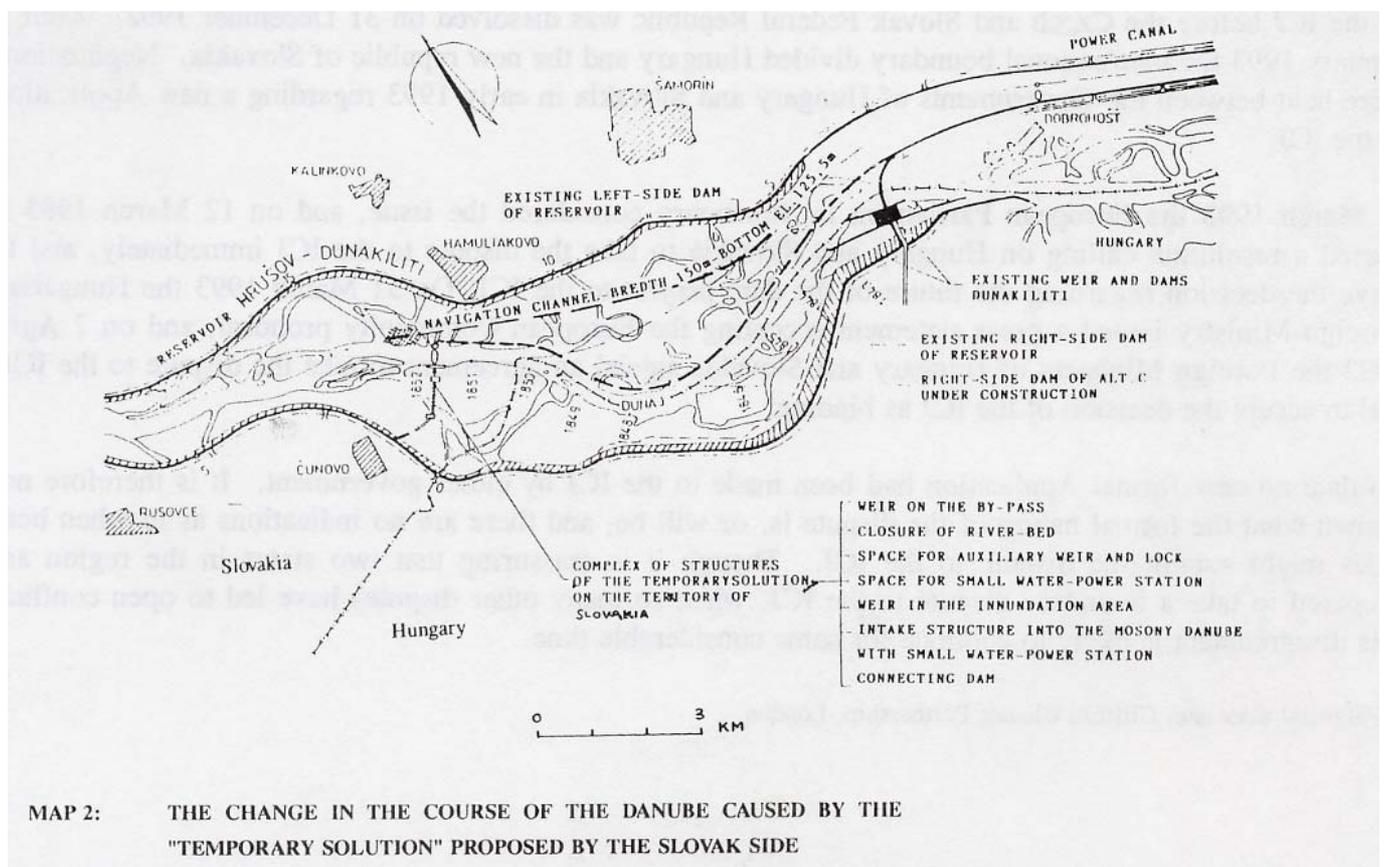
On 13 May 1989 the Hungarian government announced the unilateral suspension of construction of the dam at Nagymaros, and this was approved by the Hungarian Parliament on 2 June 1989. The Czechoslovak government opposed the Hungarian position in diplomatic correspondence in July and August 1989, however in November 1989 the Hungarian side terminated contracts with Austrian companies related to the construction of the scheme.

Relations between the two governments regarding the dam project deteriorated, and in May 1990 the new Hungarian government published its general political programme in which it announced that it considered the scheme to be a mistake, and would initiate negotiations with the Czechoslovak government to change the scheme. Discussions were held between the Hungarian and Czechoslovak governments during 1990 and early 1991 on various proposals for the future of the scheme. On 22 April 1991 an intergovernmental meeting was held in Budapest at which the Hungarian government argued for a complete termination of the 1977 Treaty. The Czechoslovak government rejected this, and little progress was made at a second intergovernmental meeting held in Bratislava on 15 July 1991.

At a subsequent meeting in Budapest held in December 1991 the two sides agreed to establish a joint expert committee to review the scheme. However this did not prove successful. The Czechoslovak side argued that it could not suspend construction, and the Hungarian side demanded that the river should not be diverted by the scheme until full agreement had been reached.



MAP 1: LOCATION OF THE NAGYMAROS-GABČIKOVO DAM ON THE RIVER DANUBE



MAP 2: THE CHANGE IN THE COURSE OF THE DANUBE CAUSED BY THE "TEMPORARY SOLUTION" PROPOSED BY THE SLOVAK SIDE

At a meeting in February 1992 in Prague between representatives of the two sides no agreement was reached over the construction of the dam. Hungary wanted construction to be stopped and a new agreement between the two countries to be drafted. However the Czechoslovak side rejected this, arguing that the 1977 Treaty gave sufficient scope for any changes which experts might propose.

On 24 March 1992 the Hungarian Parliament voted to terminate the 1977 Treaty unilaterally. The official statement of the Parliament, together with a diplomatic note from the Hungarian government was presented to the Czechoslovak government on 19 May 1992.

Disagreement between the two states continued during 1992. As well as a dispute over the financial implications for stopping the project, there was strong disagreement over the environmental impacts of the scheme, and the change in the flow of the Danube along the border region between the two states. One of Hungary's main concerns was that the scheme would change the course of the river Danube, thereby changing the relationship of the river and the international boundary line as defined by the Treaty of Trianon. Hungary argued that any movement of the river channel would violate Hungarian territory, as well as the Treaty of Trianon and the 1947 Treaty of Peace. Hungary was also concerned to prevent the Czechoslovak authorities from instituting a temporary water management scheme which would involve a partial redirection of the waters of the Danube, and so possibly lead to the *de facto* permanent movement of the *thalweg* of the Danube (see map 2). Argument between the two states continued, culminating in Hungary's Application to the International Court of Justice (ICJ) against the Czech and Slovak Federal Republic over the projected diversion of the Danube submitted on 23 October 1992. In its Application Hungary invited the Czech and Slovak Federal Republic to accept the jurisdiction of the ICJ.

The Government of the Czech and Slovak Federal Republic did not submit its consent to the jurisdiction of the ICJ before the Czech and Slovak Federal Republic was dissolved on 31 December 1992. After 1 January 1993 the international boundary divided Hungary and the new republic of Slovakia. Negotiations were held between the Governments of Hungary and Slovakia in early 1993 regarding a new Application to the ICJ.

In March 1993 the European Parliament in Strasbourg considered the issue, and on 12 March 1993 it passed a resolution calling on Hungary and Slovakia to take the dispute to the ICJ immediately, and to leave the decision regarding the future of the dam project to the ICJ. On 31 March 1993 the Hungarian Foreign Ministry issued a press statement accepting the European Community proposal, and on 7 April 1993 the Foreign Ministers of Hungary and Slovakia signed an agreement to take the dispute to the ICJ, and to accept the decision of the ICJ as binding.

To date no new formal Application had been made to the ICJ by either government. It is therefore not known what the formal nature of the dispute is, or will be, and there are no indications as to when both sides might submit the dispute to the ICJ. Though it is reassuring that two states in the region are prepared to take a boundary dispute to the ICJ, when so many other disputes have led to open conflict, this disagreement is likely to continue for some considerable time.

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