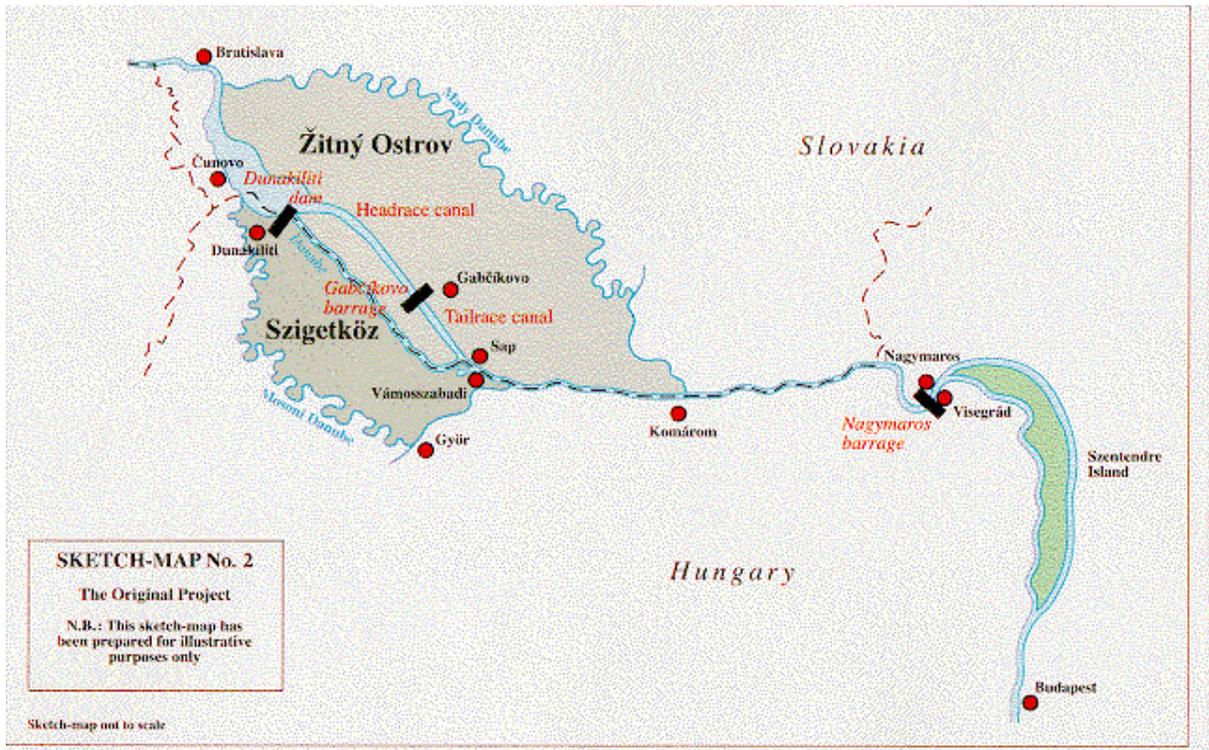


The Hungarian-Slovakian Conflict over the Gabčíkovo-Nagymaros Dams: An Analysis.

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Source: International Court of Justice (<http://www.icj-cij.org/icjwww/idocket/ihs/ihsjudgement/HSSKET2.gif>)

1. The Conflict

On 16 September 1977, the two socialist countries, Hungary and the ÈSSR, signed a bilateral treaty in which they agreed to build a cross-border system of dams between Gabčíkovo and Nagymaros on the Danube.¹ The Soviet Union, hoping for improved navigability for her war fleet, had already pushed forward such plans in the 1950s.² The two states party to the treaty sought to gain certain advantages from this barrage project. It was hoped that the integrated hydroelectric power stations would improve the energy supply of the countries. In view of the high air pollution in the northern Hungarian regions around Ajka, Győr, Tatabánya as well as the capital Budapest, and especially the extremely high pollution in Czechoslovakia where extensive

¹ Hungarian Peoples Republic, Czechoslovak Socialist Republic: Treaty between the Hungarian People's Republic and the Czechoslovak Socialist Republic concerning the Construction and Operation of the Gabčíkovo – Nagymaros System of Locks.

² Ronnie D. Lipschutz. "Damming Troubled Waters: Conflict over the Danube, 1950-2000". *Intermarium* 2:1 (1997).

forest dieback had already been ascertained in the 1960s, emission-free water power seemed to be an optimal source of energy.³ Moreover, after several floods in previous years, Hungary was looking forward to improved flood control. With regard to shipping, the barrage project would have meant the completion of the Danube-Rhine-Main Canal.

According to the plans, the Danube was to have been diverted between river kilometre (rkm) 1842 and 1811 near Dunakiliti by a dam and a relief sluice from the original riverbed into an artificial canal on Czechoslovakian territory. Next to Gabčíkovo, a hydroelectric power plant with eight turbines and a capacity of 720 megawatts (MW) was to be erected. Beginning at the confluence of the canal into the original course of the Danube at rkm 1811 until rkm 1794, the riverbed was to have been deepened and its course regulated. Near Nagymaros (rkm 1696.25) the treaty prescribed a second, smaller power plant with an output of 158 MW, which was primarily to balance the fluctuation of the water line. This would have been necessary, because the plant at Gabčíkovo was conceived as a peak-load electricity generation plant and therefore would have caused uneven water flow.

However, due to economic hardship, Hungary pressed for temporary abandonment of the barrage project in 1981. In October 1983 in Prague, the two parties came to an agreement on slowing down work on the project and postponing the inauguration of the power plants. Simultaneously, Hungarian experts expressed their doubts about the project because they believed it might have detrimental effects on the environment. In early 1984, the "Danube Circle" was founded, a movement which acted on a semi-legal basis. It accumulated, summarized and intensified the criticism, in particular, of the Hungarian power plant near Nagymaros and gained the growing support of the public. Growing waves of protest finally led the Hungarian government to suspend work at Nagymaros in 1989. Because bilateral negotiations did not lead to a solution between the two states, Czechoslovakia decided to implement a new arrangement which redirected the Danube into a new canal towards Gabčíkovo ("Variant C") even ahead of Dunakiliti on Czechoslovakian territory near Èunovo.⁴ The work on this variant started in 1991. This in turn resulted in the fact that Hungary terminated the treaty of 1977 in May 1992. That same year in October, Slovakia started river diversion according to Variant C, thereby extracting 90 per cent of the water from the old riverbed. As a consequence, the water level dropped two metres below its all-time low precipitating a massive international conflict. Observers' assessments were that a retreat was impossible for either side without a loss of face or without provoking internal opposition. Under certain circumstances, this conflict could have even led to violence.⁵ In view of this situation, the

³ Although air pollution in Czechoslovakia is concentrated in the northern Bohemian industrial regions, Bratislava too has been contaminated to such an extent that a Samizdat Report of the mid-1980s marked the Slovakian metropolis as the most polluted city in Europe (see Francis W. Carter: *Czechoslovakia*. pp. 65f, 84f). In this context, the environmental expert, Maria Welfens, mentions an "increase in the negative trend" (Maria J. Welfens: *Umweltprobleme und Umweltpolitik in Mittel- und Osteuropa: Ökonomie, Ökologie und Systemwandel*. p. 58).

⁴ Altogether there were eight different variants developed (A-H). A description of these is to be found in Judit Galambos: "An International Environmental Conflict on the Danube: the Gabčíkovo-Nagymaros" in *Environment and Democratic Transition in Central and Eastern Europe: Policy and Politics in Central and Eastern Europe*. Ed. Anna Vari, Pal Tamas. (Dordrecht, Boston, London: 1993). pp. 186f.

⁵ Ronnie D. Lipschutz: *Damming Troubled Waters: Conflict over the Danube, 1950-2000*; Stefan Klötzli: *Der slowakisch-ungarische Konflikt um das Staustufenprojekt Gabčíkovo*.

European Community (EC) intervened initially and later the parties agreed to submit the case to the International Court of Justice in The Hague (ICJ). The ICJ passed its judgment in September 1997. Although the Slovakian side requested an additional ruling in 1998, after the first decision in 1997, the conflict had lost so much of its intensity that it was commonly perceived as having been settled.

2. The Conflict Cluster

During the late period of real socialism in Eastern Europe, the negative effects of large-scale technical projects on the environment and the area's low regard for environmental protection became increasingly evident. In the mid-1980s, 40 per cent of Hungary's population lived in regions with significant air pollution. Parts of the country's biggest streams had been seriously contaminated. In the 1970s, Lake Balaton was almost completely contaminated. Seventy per cent of its underground freshwater reservoir was contaminated or in danger of becoming so. In 1987, 800 of the 3063 settlements there could no longer be supplied with healthy fresh water.⁶ As a result, the population became sensitized to environmental issues.

In the conflict over the system of locks in the Danube, it was the experts who first expressed their criticism. They feared the destruction of the unique flood plain between Bratislava and Győr, i.e. the drainage of the flood-plain forest, the steppification of the two islands Szigetköz and Žitný Ostrov as well as the negative impact on the gravel banks and the elimination of the high level of biodiversity in the region. In addition to this, they were apprehensive that the groundwater level would decrease thereby threatening Europe's largest underground drinking water reservoir. As consequence of damming, this basin was in danger of becoming contaminated with industrial pollutants and germs.⁷ Furthermore, there were fears that this would have serious economic effects on agriculture and fishery in the region and geological and seismologic reservations were expressed. In 1983, the Hungarian Academy of Science presented a study in which it demanded the suspension of construction work in the area. The National Office for Environmental Protection was also in favour of conducting an analysis of potential damage to the environment. The protests in the early 1980s took place within the context of environmental discourse. This was true at the expert level as well as for popular protest during the middle of the decade.⁸ For instance, in 1984, there was an unofficial petition calling for the suspension of construction work with the reasoning that otherwise there would be negative effects on the environment and the drinking water supply.⁹ Only during the second half of the 1980s was there a politicization of the conflict which, in the

⁶ See Hubertus Knabe: *Umweltkonflikte im Sozialismus: Möglichkeiten und Grenzen gesellschaftlicher Problemartikulation in sozialistischen Systemen: eine vergleichende Analyse der Umweltdiskussion in der DDR und Ungarn*. S. 121ff.

⁷ This situation became even more explosive because many inhabitants in the surrounding settlements had not yet been connected to the public water supply system and obtained drinking water from their own wells. On the effects of the power plant project on the environment, see Stefan Klötzli: *Der slowakisch-ungarische Konflikt um das Staufstufenprojekt Gabčíkovo*.

⁸ On environmental protest initiatives at the expert level and their expansion across broad levels of the population, see Viktória Szirmai: *The Structural Mechanisms of the Organization of Ecological-Social Movements in Hungary*.

⁹ Hubertus Knabe: *Umweltkonflikte im Sozialismus: Möglichkeiten und Grenzen gesellschaftlicher Problemartikulation in sozialistischen Systemen: eine vergleichende Analyse der Umweltdiskussion in der DDR und Ungarn*. p. 187.

end, established the barrage project as symbol of the old system – and later it toppled along with the system. The historian Hubertus Knabe names the follow framework conditions leading to the demise of the old system; the deepening economic crisis, the loss of legitimacy for the Kádár regime as it no longer represented the “lesser evil” after Gorbachev assumed power and the Soviet regime became “softer” as well as the growing contradictions which arose between, on the one hand, the foundations of communist rule and, on the other, the liberalization of society.¹⁰

The formation of this conflict cluster composed of environmental considerations and system protest was encouraged by the state authorities against their own will as the leading elite put forward a strategy of exclusion rather than co-optation. Through the criticism of the Danube project, the activity in a policy field escalated which had up to then been kept within local borders and even contributed to the legitimization of the system.¹¹ The “Danube Committee”, a group of dam opponents within civil society, was denied acknowledgement as an association until 1988. Critical institutions like the National Office for Environmental Protection or the Hungarian Academy of Science were barred from the decision-making processes. The Danube Circle was denied the right to establish a foundation. A demonstration organized by the Circle in 1986 was prohibited and then prevented by the police forces. At the same time, the government pressed ahead with the implementation of the Nagymaros project. In this situation, environmental protest melted with system protest¹² and gained additional legitimization through the Danube Circle being awarded the “Alternative Nobel Prize” in December 1985. In the end, this conflict cluster led to the fact that after transition neither the Hungarian Parliament nor the government could adhere to the policy of building the Nagymaros dam.

In the following period, the conflict shifted to an international dimension, and as a result, new policy fields were integrated into the cluster. Increasingly radical voices from right-wing conservative and/or nationalist governments in Hungary and Slovakia created tensions which led to exploiting the Danube project as a stage to struggle over power and minority issues. Hungary made the criticism that the Hungarian minority in Slovakia had been squeezed into a thin strip of land between a canal and the Danube. Furthermore, they argued that because Slovakian construction workers were settled in the region, the dominant ethnic Hungarian population structure had been undermined. Moreover, Hungary condemned the diversion of the Danube because it is an international boundary and argued that through this Slovakia had tried to gain control over water resources and navigation. In Slovakia, on the other hand, the voices of nationalists for a greater Hungary led to fears that irredentist tendencies would get out of hand. In this sense, the

¹⁰ Ibid., p. 114.

¹¹ For the various aspects of the environmental movement which stabilize systems, see Viktória Szirmai: *The Structural Mechanisms of the Organization of Ecological-Social Movements in Hungary*. p. 150f.

¹² A decision on which of these two concerns finally dominated, whether the Hungarian environmentalists had to fight for civil liberties in order to achieve their aim (see Judit Galambos: *An international environmental conflict on the Danube: the Gabčíkovo-Nagymaros dams*. p. 203) or whether environmental protest was only used as Trojan Horse (see Cornelia Grosser, Sándor Kurtán, Karin Liebhart, Andreas Pribersky: *Genug von Europa. Ein Reisejournal aus Ungarn und Österreich*. P. 310; Ronnie D. Lipschutz: *Damming troubled waters: Conflict over the Danube, 1950-2000*) has not been achieved and most probably different actors had different motivations.

struggle surrounding the barrage project was interpreted under a geopolitical aspect: “He who wins the power plant will be lord of the region.”¹³

3. Dealing with the Crisis

A. EC Mediation

For quite some time, the EC had been observing this conflict. EC environmental ministers had already offered to make an environmental impact assessment of the project in the summer of 1990. A study on the groundwater situation was funded through the PHARE programme, which aimed at developing an acceptable solution for the entire region. Also, the European Commission developed an environmental programme for the Danube region and financed another programme, which would have made it possible for the Slovakian Republic to restructure its energy policy towards more efficient supply and use. Furthermore, the EC promised to provide funding aimed at finding a solution within the PHARE programme. However, *both* governments would have had to file the corresponding applications to receive such funding.

In the course of its involvement, the European Commission changed its initial perception of the problem from an inappropriately narrow (technical) view to one that this conflict was an exceedingly sensitive and tricky problem of political nature.¹⁴

After several attempts at bilateral negotiations in 1991, which proved unsuccessful, Hungary in the subsequent year proposed directly including the EC as mediator in a trilateral commission. This commission was to consider all realistic possibilities of solving the problem and their potential consequences for the environment. As the Slovakian side was unwilling to accept the Hungarian precondition that construction work on variant C be suspended for the duration of the negotiations, the commission was not institutionalized. In September 1992, however, Prime Ministers Antall and Mečiar agreed on EC mediation, which was to take place in London at the end of October. In the run-up to these negotiations, the two conflict parties once more held a bilateral meeting in mid-October. Like the meetings before, this one ended without compromise and Hungary threatened to place the case before the ICJ. Nevertheless, on 28 October the two sides signed a four-point agreement, the so-called “London Agreement”, in which they committed themselves to:

1. suspend all work on variant C for the period determined by the EC;
2. redirection of not less than 95 per cent of the normal flow of water into the old Danube riverbed;
3. the establishment of a mission of three experts nominated by the European Commission to report on variant C and specify emergency measures to be taken;
4. submit the case jointly to the ICJ.

¹³ Cornelia Grosser, Sándor Kurtán, Karin Liebhart, Andreas Pribersky: Genug von Europa. Ein Reisejournal aus Ungarn und Österreich. p. 297, (author’s translation).

¹⁴ [European Commission]: Antwort von Herrn Andriessen im Namen der Kommission (24. März 1992) auf die schriftliche Anfrage Nr. 2561/91 von Herrn Bouke Beumer (PPE) an die Kommission der Europäischen Gemeinschaften (14 November 1991). p. 18.

On the following day, the European Parliament also passed a motion for a resolution – and in view of the complexity of the topic – called for a diplomatic solution and a comprehensive environmental impact assessment.¹⁵

The implementation of this agreement would have resulted in no more energy being produced at the Gabčíkovo power plant. Therefore, the Slovakian government¹⁶ rejected points 1) and 2). At a trilateral follow-up meeting at the end of November in Brussels, the parties finally agreed to place the case before the ICJ. However, as a precondition for the proceedings an agreement had to be made on temporary water management. After more negotiations without results, EC experts drafted a compromise in January 1993, which Slovakia, however, rejected. The European Parliament urged Slovakia several times to abandon their delay tactics and behave more flexibly.¹⁷ Also, the parliament took into account the possibility of financial compensation for a potential drop in energy production.¹⁸ In April, the parties succeeded in reaching a compromise agreement, which in the end Slovakia did not observe. However, it did allow the institution of proceedings in The Hague.¹⁹

B. The ICJ Ruling

With the submission of the case to the ICJ, the political process of internal negotiations was replaced by an external legal procedure. The lawsuit aimed at certain selective contentious issues and gave answers to a catalogue of questions which could be dealt with in the legal framework. Conflict issues that could not be articulated within this framework such as the questions of “prestige”, “symbolic value”, “historical antipathies”, “competition of power” that were also inherent to the conflict were not handled. On 25 September 1997, the ICJ pronounced judgment on the following issues²⁰:

-The Legality of Suspending and Subsequently Abandoning, in 1989, the Work on the Gabčíkovo-Nagymaros Project

Hungary’s suspension of work on the project was illegal, because the 1977 treaty described the project as “single and indivisible”. Hungary’s argument that there had been a state of emergency in 1989, which would have permitted it to suspend and abandon work on the project, was rejected by the Court. Furthermore, even if there

¹⁵ [European Parliament]: Resolution on the Gabčíkovo-Nagymaros power station construction project. p. 155.

¹⁶ Although the federation with the Czech Republic still existed at that time and the federal government voted in favour of the agreement, the Slovakian side prevailed because it caused the federal government to stalemate as a result blocking the agreement’s passage.

¹⁷ [European Parliament]: Resolution B3-0350, 0353, 0382, 0392 and 0428/93. Resolution on the construction of a power station at Gabčíkovo-Nagymaros. No. 6. p. 267; [European Parliament]: B3-0946, 0954, 0955 and 0956/93: Resolution on the Gabčíkovo-Nagymaros dam. No. 4. p. 407.

¹⁸ [European Parliament]: Resolution B3-0350, 0353, 0382, 0392 and 0428/93. Resolution on the construction of a power station at Gabčíkovo-Nagymaros.. No. 8. p. 267.

¹⁹ Special Agreement for Submission to the International Court of Justice of the Differences between the Republic of Hungary and the Slovak Republic concerning the Gabčíkovo-Nagymaros Project, 7 April 1993; see as well [European Commission]: Written Question No. 1190/93 by Jean-Pierre Raffin to the Commission. Gabčíkovo dam (13 May 1993). p. 36.

²⁰ International Court of Justice: Case concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia). Judgment. 25 September 1997.

had been a state of emergency, it would not have justified the fact that Hungary had not fulfilled the commitments of the treaty.

-The Legality and Implementation of the "Temporary Solution" (Variant C) by Slovakia

Implementing variant C was pronounced illegal. The ICJ substantiated this argument by again referring to the project's "single and indivisible" character. Variant C was in direct violation of the "joint ownership" principle of the project's essential pillars. The ICJ ejected the Slovakian argument that it had followed the principle of "approximate application" because Variant C did predetermine the project's final status.

-The Legal Effects of the Termination of the Treaty by the Republic of Hungary

The termination was illegal, and therefore the 1977 treaty is still in effect. The ICJ rejected all the reasons Hungary gave for terminating the treaty such as a "state of emergency", "impossibility of performing duties", a "fundamental change of circumstances", a "material breach of the treaty by Czechoslovakia" and the "development of new norms in international environmental law".

-The Legal Effects of the ICJ Ruling for the Parties

The two parties will have to seek an agreement on the modalities of the execution of the ruling. They will have to consider the treaty as being a joint investment project for (1) the production of energy, (2) the improvement of the navigability of the Danube, (3) flood control, (4) regulation of ice removal and (5) the protection of the natural environment. A key issue here is the protection of the environment; this explicitly includes a "satisfactory solution" for the volume of water to be released into the old riverbed. If the parties fail to come to an agreement within six months either side can request an additional judgment.

Furthermore, the ICJ stipulated that because both parties could assert their respective claims against one another, the value of which would be difficult to estimate, they should renounce or cancel all financial claims or counterclaims.

C. Effects of International Involvement

The ICJ ruling condemned both sides and avoided supporting either party exclusively. Consequently, neither in Hungary nor in Slovakia were reactions overwhelmingly positive. Some made the criticism that the decisions were not concrete enough. In particular, the Hungarians were open to different interpretations: Whereas György Szénási, head of the Hungarian delegation to The Hague, regarded the actual ruling as being more favourable than could have been expected in the run-up, János Nemcsók, the leading appointee of the Hungarian government in the negotiations with Slovakia, held the opposite opinion.²¹ Nevertheless, the judgment strengthened the

²¹ János Nemcsók, Gábor Szabó: "Nem játszottunk cinkelt lapokkal". Válaszol Nemcsók János környezetvédelmi bizottság alelnök; Zoltán Ötvös: Csak porosodik a bösi dosszié.

faction of Hungarian dam builders. Prime Minister Gyula Horn annulled the parliamentary decision of 1992 which had compelled Hungary to abandon the project.

However, the policy shift by the Hungarian government can only to a small extent be linked with the ICJ ruling. In opposition to the preceding governmental coalition, the socialists who gained office in 1994 defined integration into Euro-Atlantic structures as having priority over other objectives in foreign policy.²² The pre-accession situation in NATO and the European Union produced a win-win constellation which facilitated the situation for the ruling MSZP to alter policy. The conflict patterns of the preceding government were not in their interest. In 1995, they signed a "Treaty on Good Neighbourliness and Friendly Co-operation" with Slovakia, and in April of the same year, they came to an agreement according to which Slovakia committed itself to increase the volume of water in the old riverbed of the Danube. As consequence, Hungary was willing to make the weir at Dunakiliti operational and either build a power plant near Nagymaros (the lower dam) or replace it by a number of smaller dams and a plant near Pilismarót (the upper dam).²³ After the conflict cluster of "environmental and system protest" had been broken up, the dam builder lobby, which was still well organized in the socialist party, was able to regain ground and influence. Against this background, some observers regard the ICJ proceedings as even having intensified the conflict, because during the proceedings, conflict constellations had to be adhered to that no longer existed.²⁴

However, a more detailed analysis of the effects of the ICJ ruling leads to considerable doubts on the effectiveness of conflict management. Immediately after the Hungarian government announced it would build the dam, massive popular protest emerged for the first time after transition. 20 000 people demonstrated in front of parliament in March 1998. They called upon the president to veto the governmental decision to build the dam. Moreover, the smaller coalition partner, the liberal SZDSZ, voted against the system of locks. The conservative opposition objected decisively to the project and exploited this issue in the election campaign. Although this pressure led the government to postpone its final decision until the end of 1998 – with the justification that a detailed survey was required – they unexpectedly lost the elections. The newly elected government – led by the middle-class party, the Fidesz-MPP – instantaneously abolished the plan and announced that negotiations with Slovakia would only be concerned with the volume of water to be released into the old riverbed and that building a dam was out of the question.²⁵ Whereas the Hungarian government then interpreted the ICJ ruling to mean that building a dam was not a requirement, the Slovakian side, with reference to the same ruling, demanded the dam be built. These differences blocked

²² For an analysis of the various objectives, see Wolfgang Zellner, Pál Dunay: Ungarns Außenpolitik 1990-1997. Zwischen Westintegration, Nachbarschafts- und Minderheitenpolitik. pp. 230ff.

²³ Agreement between the Government of the Slovak Republic and Government of the Republic of Hungary concerning Certain Temporary Technical Measures and Discharges in the Danube and Mosoni Branch of the Danube, 19 April 1995; see as well János A. Szilágyi: Tíz éve Dunára szomjás a Szigetköz; Cornelia Grosser, Sándor Kurtán, Karin Liebhart, Andreas Pribersky: Genug von Europa. Ein Reisejournal aus Ungarn und Österreich. pp. 299f.

²⁴ János Nemcsók, Gábor Szabó: "Nem játszottunk cinkelt lapokkal". Válaszol Nemcsók János környezetvédelmi bizottság alelnök.

²⁵ Author unknown.: Schlammschlachten: Donaufrage kommt erneut nach Den Haag. p. 4; Author unknown: Das Regierungsprogramm. p. 4.

negotiations even after Mečiar's radical HZDS party lost power. Slovakia was only willing to discuss the question of how much water would be released into the old riverbed in the context of the construction of a dam according to the treaty of 1977.²⁶ Both parties threatened to go to the ICJ again, and in September 1998 Slovakia once more sued Hungary and requested an additional ruling, because Hungary was “unwilling[...] to implement the Judgment delivered by the Court”.²⁷ With this in mind, it can be stated that the ICJ ruling did not lead to regulating the conflict, but instead blocked the discourse in that both sides invoked the ruling to legitimize their contrary positions. The Fidesz government adhered to their standpoint until the very end of their tenure and despite several rounds of negotiations they were unable to make any progress on the Danube issue.²⁸

4. Preliminary Result

Even today, a settlement of the conflict remains to be achieved on the international level. Since 2002, a new Hungarian government has been in office which still objects to building a lower dam. However, Slovakia signalled that it may agree to forgo the construction of the lower dam if Hungary will pay compensation.²⁹ The fundamentally different interpretations of the two conflicting parties remain. This became clearly apparent after the massive floods in the summer of 2002: Hungary considered it pure luck that, for the most part, the region had been spared the devastation caused by the flood waters. The Slovaks, on the other hand, pointed out that successful flood control had been achieved by equalizing the water flow between the canal and the old riverbed. Without the Gabčíkovo dam, they argue, the region would have suffered serious damages.³⁰

In Hungary, the topic is still controversial at the national level. In the most recent election campaign it again entered the political debate.³¹ In the Hungarian political arena, the Gabčíkovo-Nagymaros debate is structured around four main positions:

- a) The dam builders' lobby and those forces supporting them in the socialist party still plead for building a dam. In the spring of 2002, János Nemcsók explicitly emphasized that his party adhered to damming the Danube.³² However, because the barrage project seriously lacks backing by the population, attempts have been made to realize development in other ways. For instance, near Balassagyarmat there are plans to rebuild a bridge over the Ipoly River that was destroyed in the Second World War, construction of which may endanger the underground freshwater reservoir from which the region gains its drinking water. If this

²⁶ Ján Carnogursky, András Heltai-Hopp: Sackgasse in der Donaufrage? NPL-Gespräch mit dem slowakischen Justizminister Ján Carnogursky. p. 4.

²⁷ International Court of Justice: Press Communiqué 98/28: Gabčíkovo-Nagymaros Project (Hungary/Slovakia). Slovakia Requests an Additional Judgement.

²⁸ Author unknown: Magyarország nem tárgyal a dunai alsó vízlépcsőről.

²⁹ Author unknown: Szlovákia kártérítést kér. Pozsony pénzért lemond a dunai alsó vízlépcsőről.

³⁰ Roland Hofwiler: An der schönen braunen Donau. p. 8.

³¹ József Szabó: Gátra magyar?!; Zsuzsa Szép: Kampánytéma lett a Fidesznél Bős-Nagymaros is.

³² Zsuzsa Szép: Kampánytéma lett a Fidesznél Bős-Nagymaros is.

reservoir were to become damaged, drinking water would have to be provided from the Danube. This, however, would only be feasible if a dam were built.³³

- b) The second line of discourse rejects building a dam. This is the *official* course of the present socialist Hungarian government. The Medgyessy cabinet sees the 1995 accord of the last MSZP government under Gyula Horn with Vladimir Mečiar as not acceptable.³⁴ László Kovács, the head of the party, emphasized that a solution of the problem must include the navigability of the Danube, the requirements of the energy industry and the protection of the environment. The erection of a dam would not be an option.³⁵
- c) Representatives of the third group act within the limitations that the ICJ ruling established. They search for technical solutions, which are either to be decided with the consent of the Slovak partner or which are completely oriented to the status quo and therefore do not require Slovak consent. A “compromise plan” was elaborated by engineer Béla Lipták. According to this plan, a first step will be to dismantle the weir near Èunovo and narrow the course of the Danube near Dunakiliti. In addition, both the old riverbed and the canal to Gabèikovo would be supplied with sufficient water. Moreover, the plan calls for international financing and an agreement with the Slovak Republic.³⁶ The Danube Circle also developed a plan which was based entirely on the status quo and independent of the facility in Èunovo. It aims at cutting down the flow velocity of the Danube by smaller weirs in the old riverbed. In combination with some other smaller systematic measures, the Danube is to be forced onto a meandering course and thus the waterline would be raised.³⁷
- d) The last group are united under the slogan: “More water!” The motives for their common aim of increasing the water volume of the old riverbed are quite diverse. Environmental movements oppose the compromise seeking plans (group c), because these policies would mean another artificial intervention in the Danube ecosystem.³⁸ Members of Fidesz and other sympathetic groups, on the other hand, take this position more because they would like to maintain the symbolic value of the Danube as the largest Hungarian water flow as this has a high impact on identity building and because they see the diversion of the Danube by Slovakia as illegal.³⁹

The existence of these different groups as well as the continuing symbolic value of this conflict makes a short-term settlement of the conflict unlikely. Moreover, two of

³³ Zsuzsa Szöke: Ideológiától ideológiáig.

³⁴ János A. Szilágyi: Tíz éve Dunára szomjás a Szigetköz.

³⁵ Author unknown: Két hónapon belül megalakulhat az új kormány. Első intézkedések: emelt nyugdíj, adómentes minimálbér.

³⁶ Béla Lipták: A Kiegészési Terv.

³⁷ György Droppa, Tamás Rácz, János Vargha: A Duna "visszakanyargósításáról". A mellékágak, szigetek rehabilitálásának új koncepciója.

³⁸ László Juhos: A Duna Kör elkanyarodása.

³⁹ See József Szabó: Gátra magyar?!

the groups participating in the discourse, the dam's opponents and the advocates for "more water", argue according to rigid categories and avoid any discourse on solutions. As the dam builders are isolated from the discourse, and the faction oriented to the status quo does not consider a lower dam as a possible option, a convergence of positions does not seem very plausible.

5. Summary

The Hungarian-Slovakian crisis surrounding Gabèkovo-Nagymaros emerged from an inner-Hungarian conflict over building the dam at Nagymaros. Up until system transformation, a conflict cluster had been established which consisted of the elements, "environmental protection" and "system protest". After the overthrow of the old system, the conflict cluster changed. In the international crisis, the new elements of "minority policy" and the "struggle for power" emerged in the cluster, whereas "system protest" no longer applied.

Since 1990, the European Community has tried to promote a conflict settlement. Its involvement as mediator intensified in 1992, but it was unable to achieve any decisive results. Negotiations failed because of a classical problem in mediatory procedures. The different conflict parties did not see their interests represented adequately in this process and thus believed that other modes of conflict regulation would better serve their positions. The parties concerned finally agreed on bringing the case before the ICJ. The complex political procedure of the EC was hence replaced by a simpler legal procedure. Both sides accepted the ICJ as institution of last instance.

The ICJ ruling seemed to fragment the complex conflict cluster and therefore promote a conflict settlement. However, some essential characteristics had already changed before the ruling was pronounced: Hungary was preparing for accession to NATO and the EU, central civil pressure groups had disintegrated, and the conservative governing coalition had been replaced by an alliance of socialists and liberals. However, this government did not adopt the conflict patterns of the preceding one. To a large extent, the tensions between the two countries had already been reduced before the ruling. There is even some evidence that since 1994, the ongoing proceedings in The Hague complicated compromise rather than promoting it. Breaking up the cluster elements of "minority policy" and the "struggle for power" and the acute mitigation of the crisis can be ascribed much more to the fact that the Meèiar government was voted out than to the effects of the ICJ ruling.

Each different group used the ICJ ruling to legitimize and strengthen their respective positions. In this manner, the ruling blocked the discourse between the various groups. Conflict management has not progressed since 1997. In fact, the ICJ ruling opened the door to the entire spectrum of political options in Hungary, at the same time, however, cementing mutually incompatible positions. Neither of the two big Hungarian political parties see themselves as capable of regulating the conflict. The conservative Fidesz party strictly rejects building a dam and wants to commit Slovakia to releasing more water into the old Danube riverbed. However, Fidesz does not offer a political roadmap on how to reach this solution. The socialist MSZP party has a strong faction of advocates for constructing the dam among their own ranks. However, since the commitment to build a dam would mean political suicide, the official line of the MSZP is to reject dam construction. It is the explosiveness of this topic that has led to the current

situation in which there is very little debate. The socialists are playing for time and whisper behind closed doors that in the long run a dam will be built.⁴⁰ The framework for EC action in the field of water policy, however, may strengthen the opponents of the dam. It calls for enhancing "the status of aquatic ecosystems" and a "good ecological status" for bodies of water and aims at renaturalizing water systems.⁴¹ In 2004, the pressure for the two states to adapt to the requirements of the pre-accession period will no longer be present. This will not necessarily aggravate the conflict. However, because the issue remains unresolved, conflict intensity could increase at any time.

6. Literature

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