

EDITORIAL

Dear Readers,

The Polish Yearbook of International Law (PYIL), in its 43rd volume for 2023, presents a rich tapestry of contemporary legal issues and enduring debates in the field, all against the backdrop of a year dominated by the harsh realities of wars. The ongoing conflicts in Ukraine and Gaza have cast a long shadow over the international legal landscape, highlighting both the fragility of peace and the critical role of international law in navigating times of crisis.

The war between Russia and Ukraine, with its profound legal ramifications, emerges as the central theme of this new volume. The invasion has not only shattered lives and communities but has also shaken the foundations of the international legal order, prompting a renewed examination of its principles, norms, and institutions.

The first part of the present volume (i.e., General Articles) delves into a wide array of topics that reflect the multifaceted nature of international and European law in these turbulent times. The volume opens with a thought-provoking text by Jerzy Kranz on the relationship between European Union (EU) and national law in the context of constitutional review. This is followed by Ernst-Ulrich Petersmann's article, which explores whether EU multilevel constitutionalism could constitute a possible answer to the governance failures of the UN (as reflected in the fiasco of climate change prevention, wars of aggression, or common violations of human rights). Mor Sobol looks at the European Neighbourhood Policy, investigating its origins, while Raquel Cardoso discusses the function and legitimacy of European criminal law. The next article, written by Jakub Kociubiński, addresses state aid for green technologies in the EU.

A subsequent group of articles in this section investigates various legal issues connected with the Russian-Ukraine war. Nikolay Marin and Bilyana Manova explore three cases initiated against Russia before the International Court of Justice, offering a critical analysis of Russia's engagement with international legal mechanisms in the context of its aggression against Georgia and Ukraine. Sevanna Poghosyan's article on Russia's discourse on democracy in international law further illuminates the complexities of the current geopolitical landscape, highlighting the dissonance between rhetoric and reality. The subsequent text by Milan Lipovsky examines the concept of "a certain international criminal court" as articulated by

the International Court of Justice in its Arrest Warrant Judgment of 2002. Liina Lumiste writes about the challenges of regulating war in cyberspace in the context of Russian involvement in the work of the UN Open-ended Working Group. In the last article, Khrystyna Gavrysh deals with the prosecution of individuals for environmental harm in armed conflicts, with a focus on the destruction of the Kakhovka dam.

The second part of the volume includes selected papers presented at the seminar “Universal Jurisdiction and the Crime of Aggression: The Challenges and Opportunities for JIT Member States”, organized on 4 December 2023 in an online format by the Center for Research on International Criminal Law at the Institute of Law Studies of the Polish Academy of Sciences in collaboration with Tallinn University and Vrije Universiteit Amsterdam. Gabriele Chlevickaite and Karolina Aksamitowska were both invited to prepare a special section of the PYIL. The contributions to this part offer an analysis of the Lithuania’s role in investigating Russian crimes in Ukraine (by Dovile Sagatiene), the legality and legitimacy of domestic prosecutions in third States (by Gabija Grigaite-Daugirde), the inadmissibility of jurisdictional immunity for those responsible for international crimes (by Małgorzata Biszczanik), and practical aspects of investigating core crimes committed in Ukraine (by Hanna Kuczyńska and Michał Nasiłowski). Other seminar papers address the interplay between domestic and international criminal jurisdiction in the context of a special tribunal for the crime of aggression (by Łukasz Kułaga), the implementation and interpretation of international crimes’ definitions in Ukraine’s national jurisdiction (by Andriy Kosylo and Anastasiia Dmytriv), and the prosecution of the crime of aggression in both international and Ukrainian jurisdictions (by Anton Korynevych, Oksana Senatorova, and Mykhaylo Shepitko). The final article in this part discusses the role of the International Centre for the Prosecution of Russia’s Crime of Aggression Against Ukraine and the potential of new technologies and justice hubs in the fight against impunity (by Karolina Aksamitowska), underscoring the international community’s commitment to accountability for the crimes committed in Ukraine.

The third part of the volume focuses on Polish practice in public international law, specifically examining the promulgation of international agreements concluded between Poland and the USSR from 1944 to 1960 (by Grzegorz Wierczyński and Karolina Wierczyńska). This section provides valuable insights into the historical and legal context of these agreements and their implications for Polish practice, particularly in light of the current geopolitical landscape and the ongoing conflict in Ukraine, which has brought renewed attention to the complex relationship between Poland and Russia.

The final part of the PYIL comprises book reviews, offering critical analyses of recent publications in the field of public international law. The reviews cover a range

of monographs, including a commentary on the WTO Agreement on Sanitary and Phytosanitary Measures by Katalin Sulyok, as well as books on the persuasion and legal reasoning in the ECtHR rulings by Marieta Safta, on the reparations in domestic and international mass claims processes by Aleksandra Mężykowska, on the state succession to responsibility for internationally wrongful acts by Andrzej Jakubowski, and on the international cooperation and competition authorities by Szymon Zaręba.

As far as the journal's development is concerned, we are glad to inform you that the PYIL has a new webpage that can be accessed under our previous address (<https://pyil.inp.pan.pl>) and which includes all our articles. The journal is currently in the evaluation process by the Italian National Agency for the Evaluation of Universities and Research Institutes, and we hope to receive an A-rating soon. Last but not least, we have successfully applied to be indexed by the Directory of Open Access Journals (DOAJ). DOAJ is a unique and extensive database that provides access to high-quality, open-access, peer-reviewed journals. We strongly believe that the inclusion of PYIL in DOAJ will make the journal even more accessible to our current and future Readers.

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