

EDITORIAL

The war in Ukraine has presented major challenges to the international legal order. In particular, the Russian invasion has violated a number of fundamental principles of international law, including the prohibition on the use of force, the right to self-determination, and the protection of civilians. The war has also led to the commission of international crimes, including war crimes and crimes against humanity. At the same time, it has exposed the weaknesses of the existing international legal order. The UN Security Council has been unable to take effective actions to stop the war, and the International Criminal Court has been hampered by its lack of jurisdiction over Russian aggression. Despite these challenges, the war in Ukraine has also shown the resilience of international law. The international community has imposed significant sanctions on Russia, and there is a growing movement to hold Russian perpetrators of the core crimes criminally responsible. So perhaps international law still has a role to play in the future in preventing and resolving such conflicts.

The Russian aggression is at the centre of this volume with a special dedicated section (“The War in Ukraine”). We begin with an article by Anna Wyrozumska, who analyzes the role of international courts in the conflict in Ukraine, as well as the extent and effects of their interventions, taking into account existing jurisdictional limitations and the inability to enforce judgments. Jerzy Kranz examines the responsibility of Russians as a whole for the crimes committed in Ukraine, and concludes that while not all Russians are guilty of crimes, they all bear some degree of moral and political responsibility. Anastasiia Vorobiova explains how the International Military Tribunal’s decision in the Nuremberg Trials is being used as part of Russian propaganda, and attempts to draw lessons for other international tribunals. The fourth article – by Tiina Pajuste and Julia Vassileva – focuses on the lack of inclusion of women in the Ukrainian peace process, highlighting its dissonance with existing international rules and practices. Dominika Pietkun investigates how the European Commission has addressed the existing gaps in the FDI Screening Regulation in response to the Russian aggression against Ukraine. Lastly, Aleksander Gubrynowicz explores the potential impact of the MH-17 judgments, delivered in 2022 by the District Court in The Hague, on the development of relevant international and domestic judicial practices.

Our General Articles section also consists of six texts. Małgosia Fitzmaurice's article delves into the human right to a clean environment and the rights of nature in the Anthropocene era. Joanna Markiewicz-Stanny addresses the issue of age assessment of foreign minors in Poland, evaluating the relevant Polish practices against European Union (EU) and international standards. The remaining texts revolve around EU law. Peter Hilpold and Julia Waibl analyze Ferdinand von Schirach's "Jeder Mensch" in their quest for ideas that could invigorate the discussion on necessary reforms of the EU. Łukasz Gruszczyński and Réka Friedery closely examine the 2016 migration crisis and its aftermath, investigating how the influx of migrants was exploited by populists within the Union. Izabela Jędrzejowska-Schiffauer, along with several other authors, provides a critical examination of the proposed directive on EU-wide human rights and environmental due diligence for businesses. The section concludes with Sylwia Mazur's article on the EU Temporary Protection Directive, in which she explores the complementary position that temporary protection holds within the Common European Asylum System.

The Russian invasion of Ukraine has also resulted in a number of actions by Polish authorities, which are presented in the Polish practice section. Oktawian Kuc discusses the issue of sovereign immunity in the practice of Polish courts with respect to disputes over real estate properties held by the Russian Federation in Warsaw. This is followed by Aleksandra Mężykowska's text on the resolutions of the Polish Parliament, the Parliamentary Assembly of the Council of Europe, and the European Parliament recognizing Russia as a terrorist state. The two resolutions of the Sejm and Senate are also reproduced here. The section concludes with the article of Katarzyna Strąk who analyses selected issues of Polish return law and practice in the light of the EU return policy and against the backdrop of the migration crises of 2015 and 2021-2022.

The final section of the Yearbook contains four reviews of recent publications in the field of public international and EU law. These include the book edited by Gruszczyński et al. on the crisis of the multilateral legal order (reviewed by Michał Kowalski); Kuc's monograph on the dialogue between domestic courts and the International Court of Justice (reviewed by Bartłomiej Krzan); Bernatt's book on the impact of populism on EU competition law (reviewed by Jakub Kociubiński); and Wu's book on law and politics regarding export restrictions (reviewed by Ewa Bujak).

We hope our readers will find all the texts in this new volume of the Yearbook intellectually stimulating.

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