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EDITORIAL

Dear readers,

We are pleased to introduce the new volume of the Polish Yearbook of International Law (PYIL), published at a time of considerable uncertainty concerning the future of the international legal order. The post-1945 system is under sustained pressure from armed conflicts, geopolitical rivalry, humanitarian crises, advancements in technology and weakening multilateral cooperation. Russia's war of aggression against Ukraine, the continuing crisis in the Occupied Palestinian Territory and conflicts and tensions in the Persian Gulf, Sudan and Venezuela raise fundamental questions about the capacity of international law and its institutions to preserve international peace and security. Although these situations differ in their legal and political character, they engage core principles of the international legal order, including the prohibition of the use of force, respect for sovereignty and territorial integrity, self-determination, the protection of civilians and accountability for serious violations.

These challenges are particularly evident in the field of international peace and security. The United Nations collective security system remains paramount, yet its effectiveness is constrained by political divisions and structural limitations, including the veto power of the permanent members of the Security Council. International courts and tribunals continue to clarify important questions of law, while regional organisations play an increasingly significant role in conflict prevention, crisis management and the protection of shared values. At the same time, legal clarification cannot, by itself, overcome the political and institutional obstacles to implementation and compliance.

These circumstances invite renewed reflection on the relationship between international law, international institutions and international peace and security. The post-1945 order was never free from conflict or inequality; its enduring significance lies in the effort to subject the exercise of power to common rules and to provide institutional means for peacefully settling disputes. The current crises should therefore be understood not simply as evidence of institutional and normative failure, but also as a test of the resilience and adaptability of that broader project. Unilateral action, selective approaches to international obligations and declining confidence

in multilateral solutions may weaken the authority of international institutions and foster the perception that international law is applied according to political needs. At the same time, these developments underscore why international law remains indispensable: it provides the framework within which States' conduct can be assessed, responsibility established, rights protected and peaceful solutions pursued.

The challenge, therefore, is to consider how the existing order may evolve without abandoning its foundational principles. The future of international peace and security will depend both on the willingness of States to accept legal constraints and on the capacity of international institutions to translate shared principles into effective actions. This challenge also defines the role of legal scholarship. At a time when the contours of the international order are being contested, scholarship must examine not only the content of legal rules, but also the institutions through which they operate, the relationship between law and political power and the conditions under which international law can contribute to conflict prevention and the restoration of peace.

The "General Articles" section reflects this broad agenda. Gaetano Pentassuglia examines the historical and conceptual foundations of self-determination and the idea of the "nation", while Agata Kleczkowska considers the role of international law in situations between peace and war and the challenges posed by nonconventional threats. Kristýna Urbanová addresses the proposed Special Tribunal for the Crime of Aggression against Ukraine, focussing on the issues of jurisdiction, immunity and trials *in absentia*, while Michał Dębowski examines the limits of criminal jurisdiction in international law. Turning to emerging fields of regulation, Katarzyna Malinowska and Bartosz Malinowski provide a comparative study of the legal infrastructure and governance of space activities in Poland, Slovakia and Slovenia. Patrycja Dąbrowska-Kłosińska explores European judicial standards concerning routine immunisation policies for minors, paying particular attention to the relationship between human rights, public health and scientific evidence. Finally, Giuseppe Pascale examines the rebus sic stantibus doctrine and its potential implications for the sunset clause of the Energy Charter Treaty.

The present volume also addresses one of the central concerns of international criminal justice: the recognition and effective protection of the rights of victims of core international crimes. In particular, the contributions in the Special Section – "From East to West: Advancing Victims' Rights in a Global Context", edited by Hanna Kuczyńska from the Institute of Law Studies of the Polish Academy of Sciences (ILS PAS) – examine the evolution of victims' rights and the challenges involved in making existing legal protections effective. The collection originates from the international conference "From East to West: Advancing Victims' Rights in a Global Context", which was organised by the Ukrainian and Polish National

Groups of the International Association of Penal Law (AIDP), in cooperation with the Centre for Research on International Criminal Law at the ILS PAS and the Memory and Justice Centre at Mykolas Romeris University in Vilnius, and held on 27 November 2025. The conference concentrated on the experience of Ukraine, where the scale of crimes committed in the course of Russia's aggression has placed exceptional demands on national and international justice mechanisms. The discussions also highlighted the importance of cooperation among legal scholars, practitioners and civil society in documenting international crimes, supporting victims and survivors and developing more effective, survivor-centred approaches to justice.

This practical dimension is particularly evident in the growing cooperation of Polish and Ukrainian civil society organisations. The establishment in 2024 of the Coalition for Victims, Survivors and Witnesses (KOOS), bringing together Polish organisations which document international crimes and advocate for victims and survivors, illustrates the contribution of civil society to the development of national and international responses to mass atrocities. The Special Section seeks to connect these practical experiences with the broader academic debate on the role of victims in international criminal justice.

The contributions focus primarily on the legal and practical challenges arising from core crimes committed in the context of Russia's aggression against Ukraine. Vladyslava Kaplina examines the Council of Europe's Register of Damage for Ukraine, concentrating on questions concerning evidence, personal data and victim participation, as well as the Register's role as part of a broader reparations mechanism. Iryna Krytska and Oksana Kaplina consider the requirements for effective investigation of war crimes and crimes against humanity, paying particular attention to procedural guarantees and the status and rights of victims in criminal proceedings. Mykhaylo Shepitko, Valery Shepitko, Valentyna Borysova and Aisel Omarova examine the forced transfer and deportation of Ukrainian children through the relationship between core international crimes and the right to identity, including the relevance of these violations to the assessment of responsibility for genocide. Barbara Pauli turns to conflict-related sexual violence and assesses the capacity of Polish criminal law and practice to prosecute such crimes while ensuring a genuinely victim-centred approach. Izabela Trybus and Elena Wasylew address the right to rehabilitation of survivors of torture in Poland, drawing on international standards and identifying shortcomings in the availability of specialised services, identification and referral mechanisms and appropriately trained personnel. Finally, Olena Kharytonova examines legal and institutional responses to conflict-related sexual violence in Ukraine, highlighting the importance of gender-sensitive and victim-centred approaches and the potential for these approaches to inform broader responses to sexual violence.

The volume concludes with our two traditional sections. The first, "Polish Practice", features the judgment of the Supreme Administrative Court of 15 December 2025 concerning the Poland–Norway double taxation treaty. The Court clarified that the treaty's tax relief provisions may apply to income earned by Polish tax residents working aboard ships operated by Norwegian enterprises in international transport, even when that income is not actually taxed in Norway. The judgment is significant because it confirms that treaty relief is not necessarily contingent upon effective taxation in the other Contracting State, potentially allowing eligible taxpayers to benefit from Poland's foreign-income relief rules when Norway does not impose income tax. The second section, "Book Reviews", provides a critical overview of selected current scholarship in the field. It includes reviews of "Polish Contributions to International Criminal Law" (by Dominika Uczkiewicz), "Russia, the Soviet Union, and Imperial Continuity in International Law" (by Michael Riepl) and "Universal Jurisdiction over Core International Crimes: Law & Practice" (by Karolina Wierczyńska).

With regard to our organisational developments, we are pleased to announce that Andrzej Jakubowski (ILS PAS) has joined Karolina Wierczyńska and Łukasz Gruszczyński on the PYIL Editorial Board as a managing editor. We warmly welcome him to the team and look forward to this new stage in the continued development of the journal.

We hope that this volume will provide our readers with an opportunity to reflect on some of the most pressing questions currently facing international law. The contributions brought together here approach these questions from different perspectives and areas of the discipline, while sharing a common interest in the ways in which international law is interpreted, applied and developed in response to contemporary challenges. We are grateful to all the authors and reviewers who have contributed to this volume and to those whose work supports the continued development of the PYIL. We trust that the scholarship presented herein will contribute to further discussion of the role of international law, its institutions and its practitioners in addressing the challenges faced by the international legal order.

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GENERAL ARTICLES