
XXXII

POLISH YEARBOOK
OF INTERNATIONAL LAW

2012

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POLREVIEL: A PROMISING NEW EDITORIAL PROJECT

The idea of creating a new English language journal presenting the research of Polish authors in the field of international and European law has been brewing for many years. Some international law topics, which are particularly relevant in the Polish context, remain unappreciated in foreign scholarship. This in turn makes a publication on any such issue difficult.

For a long time, the only English language title available on the market was the Polish Yearbook of International Law (PYIL), published by the Institute of Law Studies of the Polish Academy of Sciences since 1966. Although the editorial mission of PYIL consists of promoting research and publication of authors from Central and Eastern Europe, including Poland, there was a feeling among Polish international and European law scholars that they lacked a journal that would allow for quick reactions to current developments in their fields. As a yearbook, PYIL is published on an annual basis and by definition cannot immediately respond to all the emerging issues in international and European law. As a consequence, the texts that appear in PYIL are of a different nature. They normally look at various legal developments from a broader perspective and with some temporal distance. Moreover the Yearbook, due to its size and frequency, has also a limited publishing capacity and is only able to include 10-12 articles per volume (with about 50% of texts usually coming from Polish authors). In addition, many Polish scholars have also called for a greater academic integration (which deteriorated after the changes that took place at the end of 1980s and beginning of 1990s). The creation of a new English language journal may be therefore seen as a step in this direction.¹

The above reasons have led to the establishment of the Polish Review of International and European Law (PolRevIEL). The journal was launched in 2012 by prof. Cezary Mik (the current Editor-in-Chief) from Cardinal Wyszynski University. Prof. Mik was successful in compiling an excellent board of editors, with professors of international and European law representing all major Polish universities. This group also includes two prominent Polish scholars affiliated with foreign institutions – Prof. Malgorzata Fitzmaurice from Queen Mary University of London, and Prof. Emeritus Maria Frankowska from the *Southern Illinois University* School of Law. The composition of the board is a good omen for the future, both in terms of the professional backgrounds of its members and the diversity of academic interests represented.

¹ Another recent interesting initiative is the creation, by a group of younger scholars, of an international law blog modelled on *Opinioluris.org* or *Worldtradelaw.net*. The blog, for the time being, is published only in Polish and it is available at: <http://przegladpm.blogspot.com/>.

The journal is published on quarterly basis² and each issue contains four or five full-length articles. The academic scope of PolRevIEL is defined very broadly and includes various fields of international law, both public and private, as well as European Union law. As indicated by the Editorial Board in the inaugural issue, the journal is interested not only in traditional problems of general international law, but also in “non-European regional international law, international organizations law, so-called self-contained regimes law, and even legal problems lying on the borderline between international law and states’ legal orders.”³

The materials published in the journal can be divided into four broad categories. The most elaborate texts appear in the “Studies section” (usually one or two contributions per issue). The aim of this section is to provide readers with theoretically grounded, in-depth analysis of selected problems of international and European law, not necessarily connected with the current developments in the field. The second section “Articles” – which in fact constitutes the largest part of PolRevIEL – includes texts which are shorter and less detailed. Unlike the Studies, their objective is to provide a quick reaction to current developments in international and European law. This section definitively fills the gap that has existed in Polish academic writing. It supplements not only the Studies section of PolRevIEL, but also texts that are published in PYIL. PolRevIEL also includes two traditional sections: case comments, which analyse the recent international and European jurisprudence (according to the guidelines for authors such jurisprudence must have been issued within the previous twelve months from the moment of submission) and reviews of current publications.

The inaugural issue of PolRevIEL was published in April 2012. It includes a joint study⁴ by one of the leading Polish scholars in the theory of law (S. Sykuna, J. Zajadlo), which deconstructs the concept of “hard cases”⁵ and subsequently analyses it in the context of humanitarian interventions. Other texts in the inaugural issue include articles by prof. A. Wisniewski (*On the Theory of the Margin of Appreciation Doctrine*) and prof. D. Pyc (*Ballast Water Management in the Baltic Sea Region*), both from Gdansk University; dr. P. Szwedo from Jagiellonian University (*Global Water Trade and the Canadian Export Regulations – Reconciling the Legal Quagmire with the Principle of Subsidiarity*); M. Stec (*Trading Human Rights for Public Security*); and prof. M. Tomaszewska and

² Although, it should be noted that the subsequent numbers of PolRevIEL were published as double-issues and with considerable delay. However, according to the plans of the Editorial Board, the future issues should be on time.

³ Inaugural issue of PolRevIEL (2012), p. 7.

⁴ *The Theory of Hard Cases and Humanitarian Intervention*, Inaugural issue of PolRevIEL (2012), pp. 11-60

⁵ The concept defined in the Polish legal doctrine in the following way: “a hard case, in its most general presentation, occurs when a judge does not have at his disposal an explicit norm made by certain authority, but also may arise in cases involving decision-making problems resulting from the lack of consent among lawyers” (B. Wojciechowski, *Rozstrzyganie tzw. trudnych przypadków poprzez odwołanie się do odpowiedzialności moralnej* (Deciding so-called hard cases by reference to moral responsibility), LXX Studia Prawno-Ekonomiczne, (2004), p. 11.

dr. S. Majkowska-Szulc, again from Gdansk University (*The Effectiveness of the European Law in Poland. The Example of Labour Law*). This is accompanied by two case comments (by prof. J. Gilas and dr. A. Grzelak) and two book reviews (both devoted to the same book: *Theory and Philosophy of International Law. Selected Problems*, by R. Kwiecień).

Issues 1 and 2 of PolRevIEL were published together in January 2013 as a single volume. The central text of this double-issue is a comprehensive study by P. Mostowik and M. Niedzwiedz from Jagiellonian University, who analyse the developments of EU competences in the field of judicial cooperation in civil matters (i.e. from lack of competence to exclusive competence). The overall assessment of this process by the authors is positive, and they conclude that it “creates the opportunity to create simultaneously efficient activities for the unification of private international law, led by the European Union not only via EU regulations but also through international agreements.”⁶ The Articles Section of the journal includes the first part of the collection of revised papers presented at the Symposium on Maritime Piracy in International Law, which was held in Warsaw in May 2011. These texts include: A. Tarwacka (*Piracy in Roman Law and the Beginnings of International Criminal Law*); M. Satora (*Piracy from the Middle Ages to the 19th Century*), and Z. Rudnicki (*Attempts to Codify the International Law of Piracy within the Framework of the League of Nations*).

The most recent issue (no. 3-4) was published in April 2013. It does not feature any study but instead includes three longer articles by: B. Gronowska (*Finality of judgment in the context of the revision provided for by the Rules of the European Court of Human Rights*); A. Rozalska (*Intra-EU BITs – are they really still necessary? The Best Award of the Year 2012 and Professor Emmanuel Gaillard Say “Yes”*); and P. Mostowik (*Should We Stay or Should We Go in. Advantages of Enhanced Cooperation Aimed toward Unification of Conflict of Laws Rules in Divorce and Separation Matters*), as well as the second portion of papers from the Symposium on maritime piracy (K. Marciniak, *International Law on Piracy and Some Current Challenges Related to Its Definitions from the international law perspective*, and L. Lukaszuk, *Combating maritime piracy within the Asia and Pacific region. Selected issues*).

PolRevIEL is currently printed only in hard copy version, but the Editorial Board is planning to make journal available on-line in the most important electronic legal databases, including HeinOnline, Westlaw and LexisNexis. This should allow both for broader dissemination of the ideas presented in the journal as well as wider recognition of its existence.

Details concerning the submission procedure and review process are available at the PolRevIEL webpage: <http://priel.uksw.edu.pl/node/2>. The journal accepts submissions on a rolling basis, with specific deadlines for each particular issue: issue 1 – before

⁶ *International Conventions Concluded by the European Union after the ECJ “Lugano II Opinion” of 2006. An Alternative or Complementary to EU Regulations Path to Unification of Private International Law?* 1(1-2) PolRevIEL 9 (2012), p. 48.

31 March; issue 2 – before 30 June; issue 3, before 30 September; issue 4 – before 1 November. The PolRevIEL's webpage also provides information on subscription options to the journal.

As the Editorial Board of PYIL, we welcome this newly launched endeavour in the field of international and European law and wish it every success in the future. Considering the composition of PolRevIEL's Editorial Board and the content of the first three issues, it seems likely that the journal will become an important publication for anyone interested in Polish scholarship in the fields covered. As mentioned, we do not see PolRevIEL as a competitor (even so, it would be a healthy type of competition), but rather as a supplementary and alternative forum for the discussion of international and European law from a Polish perspective.

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