

Prof. zw. dr hab. Władysław Czapliński

Polish Russian Relations. Legal Aspects
Summary, June 2018

Political changes in Poland in 1989 enabled genuine and accurate scientific research on relations between Poland and the Russian Federation (including also the USSR). Research concentrated upon historical and political aspects. Legal studies were neglected. The main goal of proposed study is a filling of the gap in this area, what is particularly important taking into lack of specialized institutions which could cover Polish-Russian legal research. The research deals with legal relations between Poland and Russia, starting from the restoration of the Polish state after WWI, establishing of Soviet Russia, via events during the WWII and their consequences, up to current disputable (and non-disputable) issues.

Main question to be discussed is whether there exist premises for establishing that numerous violations of international law took place in relations between Poland and Russia (identification of possible internationally wrongful acts), whether Russia can bear international responsibility for those acts (as the problem of continuity, identity and succession of States between Russia and the USSR is still disputable, also in Russian legal writing, even if a certain *modus vivendi* was adopted in international relations to allow practical solution of problems), what forms of international responsibility could be applicable and what is a possible forum for international claims. Another important question is whether – and to what extent – law can become a tool of making good historical claims concerning past wrongs. Detailed studies subordinated to the main goal will be conducted in the context of intertemporal rules, taking into account international law in force at the time when the delict was committed, but also considering a subsequent development of law. We expect a reinterpretation of such issues as the right to self-determination, current significance of the peace treaty of Riga (1921) and effects of so-called Sikorski-Majski agreement (1941). New problems include the responsibility for Katyn crime in the light of recent jurisprudence of the European Court of Human Rights relating to past events, claims concerning cultural objects and state succession with respect to international treaties concluded between Poland and the USSR (attempts to regulate the issue by treaty failed). The latter issues become subjects for doctoral studies, property (both state /diplomatic property in Poland and Russia, and private property), and population questions – like exchange of population, treatment of aliens and minorities, added.

A research team covers experienced lawyers affiliated with different academic institutions in Poland (and abroad), specializing in the field of general international law including international responsibility of States, and particular topics presented above. Important role will be played by historians consulting specific questions. Posts are provided for 2 doctoral students (research assistants).