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Editor's Introduction

Professor Jan Sandorski (1940–2018) was a distinguished student of the founders of the Poznań School of International Law, Professors Krzysztof Skubiszewski and Alfons Klafkowski¹. Over the course of 50 years, he not only carried forward their legacy but also contributed to its dynamic development, beginning with his graduation from the Faculty of Law and Administration at Adam Mickiewicz University in Poznań in 1962. His master's thesis, titled *Nationalization in Light of International Law*, was written under the supervision of Professor Skubiszewski.

As a young assistant at the Department of International Law, Professor Sandorski initially focused his research on the international legal aspects of economic integration. This interest culminated in his doctoral dissertation, *The Council for Mutual Economic Assistance in Light of International Law*, supervised by Professor Klafkowski. In 1967, this work earned him the degree of Doctor of Law. The dissertation was later published under the revised title, *The Council for Mutual Economic Assistance: A Legal Form of Economic Integration Among Socialist States*.

Following his doctorate, Professor Sandorski undertook numerous international research fellowships, including an extended stay at the University of Oxford funded by a British Council scholarship. These experiences enriched his scholarship and informed his groundbreaking research on treaty law. His

¹ Tadeusz Gadkowski, "Katedra Prawa Międzynarodowego i Organizacji Międzynarodowych Uniwersytetu im. Adama Mickiewicza w Poznaniu," in *Uczeni i nauka prawa międzynarodowego w Polsce. W 100. rocznicę utworzenia Grupy Polskiej Stowarzyszenia Prawa Międzynarodowego (International Law Association)*, ed. Jerzy Menkes et al. (C.H. Beck, 2023), 143 ff.

habilitation thesis, *The Invalidity of International Agreements*, published in 1977, remains a foundational work in the field. In recognition of this monograph and his broader academic achievements, he was awarded the degree of *doctor habilitatus* in 1978. That same year, he succeeded Professor Klafkowski as head of the Department of International Law, a position he held until 1984.

Throughout his career, Professor Sandorski expanded his research to encompass additional fields of international law, notably diplomatic law and the international protection of human rights. His contributions in these areas are exemplified by his comprehensive and highly acclaimed monograph, *Diplomatic Protection and the International Protection of Human Rights*, published in 2006. This work was instrumental in the proceedings that led to his appointment as Professor of Law in 2008.

Professor Sandorski's scholarly legacy is vast and multifaceted. He was a preeminent expert in international law and a scholar of extraordinary erudition. His writing was not only rigorous but also eloquent, reflecting his keen awareness of both substance and style, always aiming to engage and resonate with his readers. Whether addressing the theoretical intricacies of treaty invalidity, defending Poland's national interests in legal opinions prepared for the Ministry of Foreign Affairs, or commenting on the everyday matters of our Faculty, his work bore the hallmark of a Renaissance Man.

I had the privilege of knowing him for nearly 50 years, as his student, colleague, and friend.

Professor Sandorski's wide-ranging academic interests, while extensive, were particularly focused on several key areas of research. These will be briefly outlined below, accompanied by the necessary commentary.

1. The Law of International Organizations

Professor Sandorski's early publications focused on the law of international organizations and were featured in journals such as *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, *Nowe Prawo*, and the *Polish Yearbook of International Law*. These works examined the legislative competences, functioning,

and composition of the organs of the Council for Mutual Economic Assistance (CMEA), as well as the dominant role played by its most powerful member, the Soviet Union. In his research, Professor Sandorski emphasized the principle of sovereign equality among socialist states—a principle that clearly conflicted with the so-called “Brezhnev Doctrine,” which prioritized the „interests of the community as a whole” over those of individual member states. Sovereign equality also clashed with the dubious principles of socialist internationalism and fraternal mutual assistance, which sought to subordinate the norms of general international law.

Professor Sandorski’s scholarly theses in this area diverged significantly from the official political line of the time, resulting in his writings being subject to political censorship. A representative example of his work on the law of international organizations is the monograph *The Council for Mutual Economic Assistance: A Legal Form of Economic Integration Among Socialist States*, which was published in 1977. However, it took a full decade after his doctoral defense for the monograph to appear in print due to censorship concerns over its „anti-Soviet undertones.” It was only after the political climate shifted in 1975—on the eve of the Helsinki Conference on Security and Cooperation in Europe, and as the Brezhnev Doctrine began to recede—that the monograph was published, albeit with certain sections removed.

It is important to note that during this period, the Poznań Department of International Law faced ideological criticism, including accusations of lacking scientific objectivity as it was understood in those challenging times.

2. The Law of Treaties

Professor Sandorski began his research on the law of treaties during a year-long academic stay at Oxford in the 1969–1970 academic year. There, he worked under the supervision of Sir Humphrey Waldock, a professor and member of the International Law Commission, who was the rapporteur and principal drafter of the Vienna Convention on the Law of Treaties. Inspired by Waldock, Sandorski focused on the issue of the invalidity of international agreements.

The outcome of his Oxford research included a series of articles addressing the effects of coercion and corruption on treaty validity, as well as the role of *ius cogens* in the context of treaty nullity. In 1977, he published his seminal monograph *The Invalidity of International Agreements*, which offered a critical analysis of certain provisions of the Vienna Convention and highlighted the omission of economic coercion as a ground for treaty invalidity. Time has proven Professor Sandorski correct on this issue.

His monograph remains the first and only comprehensive work on this subject in both domestic and international legal literature. It secured his lasting position in the field of international law scholarship and teaching. Any researcher delving into the validity of international agreements inevitably turns—and will continue to turn—to Professor Sandorski’s groundbreaking monograph.

3. International Human Rights Law

International human rights law became a central focus of Professor Sandorski’s research in the early 1980s, particularly during his leadership of two scientific projects on the protection of the family in international law. These efforts led to a series of publications addressing topics such as the Vatican Charter of the Rights of the Family, the international protection of marriage, and the protection of children in armed conflicts. These studies formed the foundation for his original draft of a Convention on the Rights of the Family. Professor Sandorski was undoubtedly a pioneer in this field in Poland.

From 1992 onward, Professor Sandorski explored the impact of international law on the protection of human rights for people living with HIV/AIDS. His work addressed legal issues related to universal standards of international human rights protection, euthanasia, and the rights of the elderly and terminally ill. This focus on the rights of the sick culminated in his initiative to publish, under the editorship of anesthesiologist Professor Roman Szulc, a textbook for fifth-year medical students entitled *Selected Issues in Medical Deontology*. Published in 1999, the textbook includes a chapter by Professor Sandorski titled “International Human Rights Protection and Contemporary

Medical Issues”, which served as the basis for lectures he delivered for many years to medical students.

The intersection of medical issues and international human rights law is also reflected in two of Professor Sandorski's books, published at the initiative of Professor Andrzej Szwarz as part of a series funded by the National AIDS Center under the Polish Ministry of Health. The first, *International Human Rights Protection and HIV/AIDS* (Wydawnictwo Poznańskie, 2002), and the second, *Enforcing the Rights of People Living with HIV/AIDS: Standards and International Documents* (Wydawnictwo Poznańskie, 2003), offer comprehensive and meticulously documented studies on this specific area of international human rights law. Both works remain unparalleled in legal literature.

4. Diplomatic Law

Diplomatic law had long been among Professor Sandorski's academic interests. His first scholarly article, published in 1965, examined the legal status of individuals serving on CMEA bodies and largely focused on diplomatic immunities and privileges. His 1984 article on UN credentials also explored aspects of multilateral diplomacy.

Professor Sandorski's concurrent research on human rights inspired him to merge these two fields of study. This synthesis began with his 1987 article in *Palestra* titled “The Lawyer and Diplomatic Protection”. Subsequent publications in this area addressed topics such as the principle of exhausting domestic legal remedies, diplomatic protection as a tool for safeguarding human rights, consular protection, the rights of prisoners of war, Polish citizenship, and European Union citizenship.

The culmination of this research was his professorial monograph *Diplomatic Protection and the International Protection of Human Rights*. Written in an engaging and vivid style, the book highlights Professor Sandorski's passion for research and his remarkable writing talent. In it, he challenges the traditional notion that diplomatic protection by a state for its citizens abroad is purely discretionary, arguing instead that states have an obligation to provide

such protection. He demonstrates that a state failing to fulfill this duty may face liability for harm suffered by its citizen abroad in violation of international law. Ultimately, Professor Sandorski contends that the right to diplomatic protection should be viewed as a human right.

Additionally, he introduced innovative theories regarding the right to diplomatic protection arising from European Union citizenship, further expanding the scope of his contributions to this dynamic field of law.

5. History of International Law

The history of international law occupies a somewhat secondary position in Professor Sandorski's scholarly contributions. His primary motivation in this field was to honor the achievements of prominent Polish scholars in international law. With this aim, he published several articles about Professor Bohdan Winiarski, the founder and head of the Department of International Law until 1949, a distinguished Polish internationalist, the first Polish judge at the International Court of Justice in The Hague (1946–1967), and its president (1961–1964). These articles served as the foundation for the publication *Bohdan Winiarski: Law – Politics – Justice* in 2004, part of the *Magistri Nostri* series by the Faculty of Law and Administration at Adam Mickiewicz University in Poznań.

Continuing the series on the lives and contributions of eminent Poznań-based international law scholars, Professor Sandorski also authored the 1996 essay *Professor Anna Michalska: A Sketch of a Life Beyond Academia*.

6. International Legal Issues in Polish-German Relations

This subject, still highly relevant, became part of Professor Sandorski's research in the 1980s, when he resumed active collaboration with the Legal and Treaty Department of the Ministry of Foreign Affairs in 1980 and joined the Advisory Legal Committee of the Minister of Foreign Affairs in 2003.

For the Legal and Treaty Department, he prepared an internationally renowned expert opinion on the legal significance of the 1953 declaration by

the Polish government renouncing war reparations. In this analysis, he challenged the validity of the declaration, arguing that it was made under economic duress from the Soviet Union, often referred to as the “coal blackmail.” This thesis sparked extensive academic debate and remains a point of contention. An expanded version of this expert opinion, incorporating newly discovered documents from the 1950s, was included in the Ministry of Foreign Affairs’ *White Paper* titled *Issues of Reparations, Compensation, and Benefits in Polish-German Relations, 1944–2004*, published in 2004.

Further publications, such as those in the journal *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, addressed the role of unilateral acts in Polish international practice. Professor Sandorski meticulously argued, based on international law and its sources, that the 1953 declaration lacked binding legal force. He emphasized that contesting the validity of the declaration did not equate to endorsing the theory of limited Polish sovereignty during that period. From the perspective of international law, sovereignty is an intrinsic attribute of a state, rendering discussions about “greater” or “lesser” sovereignty unfounded.

Professor Sandorski’s work also explored the legal status of the Polish national minority in Germany. Among his contributions, a particularly significant example is a detailed study published on this topic.

7. History of the Judiciary

As an active member of the Historical Commission of the Regional Bar Council in Poznań, Professor Sandorski was deeply interested in the history of the judiciary. He tackled challenging topics, believing it was necessary regardless of potential criticism. Notably, he sought to uncover the truth about the Poznań June 1956 uprising and highlight the role of lawyers in the trials related to this event.

This focus directed his attention toward political trials and the history of the judiciary under the People’s Republic of Poland (PRL). His efforts contributed to several books discussing the Poznań trials of 1956, the arguments of defense and prosecution in these cases, the applicable laws of the 1950s, legal accountability for the Poznań June events, and the judiciary system during that era.

The most impactful of these works was the collective monograph *Poznański Czerwiec 1956*, published in 1981 under the editorship of J. Maciejewski and Z. Trojanowiczowa. Professor Sandorski authored the chapter titled “The Judiciary of the PRL in 1956 Against the Background of the Poznań June Trials.” This chapter received high praise from reviewers, many of whom deemed the monograph essential reading for students of modern history.

By boldly addressing these difficult subjects, Professor Sandorski helped restore the dignity of many participants and heroes of the events, recognizing the inherent dignity of all individuals—a concept that lies at the heart of human rights.

Professor Jan Sandorski was a man of immense knowledge, culture, and kindness, an outstanding scholar who conducted his research with true passion, not only in Poland but also at some of the most prestigious universities abroad. He was a true professor with a distinguished reputation, particularly in the field of international law.

Tadeusz Gadkowski