

Editorial

In this issue

The editors are pleased to present issue 2022/I of the Pécs Journal of International and European Law, published by the Centre for European Research and Education of the Faculty of Law of the University of Pécs.

The editorial comments of the current issue address the legacy of Fridtjof Nansen againsts the backdrop of current conflicts.

In the Articles section, Hatim Hussain and Sanskriti Sanghi analyse the difficult issue of satire and human rights protection by the ECtHR, focusing on the question of intent in this context, while Alexandru-George Moş undertakes a multilevel analysis of constitutional identity and illiberalism.

In the Case notes and analysis section, István Szijártó examines the implications of the Gavanozov II judgment of the European Court of Justice.

In the Reviews section, Ágoston Mohay reviews the monograph *The Many Facets of EU Soft Law* by Petra Lea Láncoş (PPKE, 2022); whereas Éva Csorba reviews the edited volume *Greece and Turkey in Conflict and Cooperation. From Europeanization to de-Europeanization*, edited by Alexis Heraclides and Gizem Aliođlu akmak (Routledge, 2019).

As always, a word of sincere gratitude is due to the anonymous peer reviewers of the current issue.

We encourage the reader, also on behalf of the editorial board, to consider the PJIEL as a venue for publications. With your contributions, PJIEL aims to remain a trustworthy and up-to-date journal of international and European law issues. The next formal deadline for submission of articles is 15 October 2022, though submissions are welcomed at any time.

The editors

Recalling Fridtjof Nansen's legacy – people fleeing war now and hundred years ago

At the start of this year, most of us hoped that once the pandemic had passed, we would be back if not to our lives as usual, then at least to calmer everyday lives. However, experts had already foreseen since 2014 what for all of us became a terrifying reality here in Europe at the end of February 2022: decades of economic, social and international efforts to maintain peace had failed. Russia has launched a war against Ukraine.

Here I do not want to recall the international reactions of the past months – I do not want to talk about the exclusion of the Russian Federation from the Council of Europe, decided in March, nor about the legal implications of the European Union's numerous packages of financial and economic sanctions; this has already been done by others.

Rather, I seek the attention of the reader who is committed to international law, the European community of law, human rights and minority rights. The fate and the legal situation of people fleeing war in Ukraine reminded me of an exceptional personality from a hundred years ago, about whom we rarely speak, although the recollection of his life and activities is timely in many respects. I would like to give a snapshot picture of the personality and activities of Fridtjof Nansen, who was awarded the Nobel Peace Prize just one hundred years ago, in 1922 – and sadly note that for some states and their leaders in the international community, human life and human lives are still less important than the interests of power.

I invite the reader to come with me on a journey through time: the activities of the League of Nations a century ago are not without lessons for the current phenomena of the early 21st century on the international scene, where the clash of ideas and political realities is once again causing a shocking, terrible tragedy that is difficult to comprehend in common sense. In April 1946, at the General Assembly announcing the dissolution of the League of Nations, Lord Robert Cecil, one of the League's former organisers, announced with confidence the birth of the United Nations as the principal international organisation of peace and security ("The League is dead. Long live the United Nations.")¹. There was no doubt that a hundred years ago, the League of Nations, for all its shortcomings, was an experiment that looked ahead to the second half of the 20th century, breaking new ground and seeking to model the basic principles and rules of the new international world order. And although for seven decades the new international world order seemed workable, the Russian-Ukrainian war taking place in 2022 before our own eyes opened up – as the final straw – a series of questions that bona fide altruistic individuals and organisations sought to answer after 1918-1919 and even after 1945.

A hundred years ago, Fridtjof Nansen was one of the truly remarkable figures of his time: a pioneer in many ways – a scientific zoologist, an oceanographer, a fearless polar explorer, a respected diplomat. As the first High Commissioner of the League of Nations for Refugees, he was instrumental in the creation and development of international efforts to clarify the situation and status of internally displaced refugees, perhaps the most vulnerable group of people in the world.

Refugees lose everything – their homes, their communities, their livelihoods, sometimes even their loved ones. Outside the protection of their state, they depend on the generosity of other states, host states, where they can count on refuge, where they can hope to start their lives anew without fear. As refugees, they are entitled to special legal status, to international protection in their host state.

¹ More information on the speeches and resolutions of the General Assembly is available at: <https://www.nationalww-2museum.org/war/articles/league-of-nations> (10 June 2022).

The development and organisation of the elements of this specific system can be traced back to Nansen, who facilitated the first legally relevant international agreements and also succeeded in getting some of them finally adopted, thus initiating the legal development that led to the 1951 Refugee Convention and the creation of the UNHCR.

Ironically, and regrettably, hundred years after Nansen accepted his first mandates in 1920-1921 to address the situation of Siberian prisoners of war, and the status of Russian refugees in Europe fleeing the famine in Russia and the Soviet rule, scores of people continue to be uprooted and lose their homes on a daily basis. Even in the 21st century, the number of people displaced due to violence and conflict worldwide still runs into the tens of millions, most of them registered as refugees, but also tens of millions of internally displaced persons. In addition to his pioneering work on behalf of refugees, Nansen introduced and applied the basic principles of humanitarian action a century ago. His main virtue was his neutrality and political independence, his ability to raise confidence, persuade and inspire others to join the cause, regardless of their nationality or political affiliation. These skills were also very much needed for his extensive diplomatic activity and to collect the necessary institutional and financial resources for the undertaken refugee missions of innovative nature. At a time in history when political and other interests made governments extremely insensitive to the suffering of civilians, Nansen's successes – and failures – have confirmed the still valid principle that genuine humanitarian action can only be undertaken with a firm respect for the principles of neutrality, impartiality and independence. Humanitarian organisations work in conflict and crisis situations around the world – their credibility for effective action is guaranteed by their political independence vis-à-vis all actors involved in the conflict. But political independence and neutrality should not mean inability of action and paralysis: Nansen's ingenuity and perseverance have enabled him to overcome many difficult situations in the field of helping refugees² – but also in cases when he has had to find a way out in extreme natural conditions as an oceanographer and polar explorer.

Fridtjof Nansen was one of the most interesting and outstanding personalities of his time, an all-round humanist.³ Hundreds of thousands of troubled people have collectively benefited from his struggles, diplomatic successes and innovations that laid down the foundations for the international refugee system. This system, in its evolved form, exists, but it is under constant pressure, especially when respect for human rights is being eclipsed and racism and xenophobia are gaining ground.

Addressing the causes and consequences of international movements of millions of people, in a time of new social and international consensus building, it is worth recalling the work of figures like Fridtjof Nansen – and worth striving for rational collective thinking and, through this, for the restoration of social and international peace.

Elisabeth Sándor-Szalay

² One of these was the so-called Nansen passport for refugees without identity documents. See: <https://theconversation.com/the-nansen-passport-the-innovative-response-to-the-refugee-crisis-that-followed-the-russian-revolution-85487> (10 June 2022).

³ Marit Fosse & John Fox, *Nansen & Explorer and Humanitarian*. Hamilton Books, 2016, p. 134.