

Wioleta Hryniewicka-Filipkowska¹

University of Bialystok

Anna Drabarz²

University of Bialystok

**On the Bialowieza Forest at the scientific conference
“International Law – Theory and Practice” and the Congress
of International Law Departments
Vilnius (Lithuania), May 9-12, 2018**

Annual national meetings integrating scientists specializing in specific areas of science are a common practice in Polish academia. One such annual event is held on the subject of international law *sensu lato* (including therewith the fields of international organizations law, European Union law, and human rights). For a number of years, regular meetings of the members of international law departments have been organized successively by international law departments (often jointly with departments from related areas of law) of individual Polish universities, often in joint cooperation with departments from related areas of law. This event has certainly become part something of a tradition and it has a special place in the agendas of Polish scientists and practitioners interested in broadly understood international law.

This year, the Congress of International Law Departments was combined with the scientific conference entitled “International Law – Theory and Practice”. It was held on 10-11 May, 2018 in Vilnius (Lithuania), and the honour to of organizing the was granted to two units of the University of Bialystok - the Faculty of Law in Bialystok and the Faculty of Economics and Information Technology in Vilnius.

1 PhD, an assistant professor in the Department of Public International Law of the Faculty of Law at the University in Bialystok, Poland. E-mail: w.hryniewicka@uwb.edu.pl

2 PhD, an assistant professor in the Department of Public International Law of the Faculty of Law at the University in Bialystok, Poland. E-mail: anna.drabarz@gmail.com

This year's meeting was unique for two reasons. Firstly, although the event had nationwide coverage due to the border location of the university, on the initiative of the University of Białystok, it was organized to take place in Vilnius. Since 2007, the Faculty of Economics and Information Technology of the University of Białystok has operated in Vilnius – at that time the first branch of a foreign university in Lithuania and the first non-local faculty of a Polish university abroad. The success of the Faculty of Economics and Information Technology in Vilnius can be rightly attributed to the governments of Poland and Lithuania in responding to the needs of national minorities: the establishment of a university facility for educating students in their native language was one of the most important postulates of Poles residing in Lithuania, and the Faculty stands as a fine example of international cooperation in meeting the educational needs of young Polish students living abroad. Staff of the Faculty played an important role in the preparation of the conference and much of its success is due to their involvement. In addition to the cooperation between the University of Białystok and the Vilnius milieu of the Faculty, public institutions, socio-economic entities, other scientific units and the media, greatly assisted dissemination of the event and its results. Moreover, the organization of the conference served to highlight the meaning of the mission of Polish science activity abroad and international cooperation involving entities from different environments.

Secondly, the main theme of the conference was one that concerns, namely the clash between international law theory and its practice. In recent years, international law – both in the global and regional dimension – has been confronted with an inflow of largely new phenomena (although some already known about) that carry an intensity extending beyond current standards. Therefore, today, the problem of theoretical assumptions and their relation to the practice of applying the law seems an issue of significant importance. The topics of the conference included such issues as aviation law, human rights, the status of individuals, international organizations, international law in judicial practice along with extra-judicial legal protection, international economic law and the challenges of globalization, and international standards of environmental protection with specific emphasis on the legal situation of the Białowieża Forest. The last issue attracted much attention and aroused a very heated discussion that is covered in a broader sense hereunder.

Over 100 delegates representing almost all academic centers in the country participated in the conference, which took place at the House of Polish Culture in Vilnius. The conference was officially opened by Prof. dr. hab. Mieczysław Zdanowicz, (University of Białystok and Dean of the Faculty of Economics and Information Technology in Vilnius). After greeting the delegates, Prof. Zdanowicz, conveyed how she and her colleagues from the two faculties of the University of Białystok, felt greatly honoured in being granted the privilege to organize a conference combined with the Congress of International Law Departments, which that year was a unique event due to its cross-border nature. The delegates

were also welcomed by Ms. Urszula Doroszevska (Ambassador of the Republic of Poland to Lithuania), who stated that it was a great honour for her to open a scientific conference in Vilnius, one that was a product of academic cooperation that complemented the intellectual life of the city while developing the intellectual and scientific potential of Poles in Lithuania. Next to greet the delegates was Prof. dr. hab. Maciej Perkowski (University of Bialystok - Head of the Department of International Public Law and Deputy Dean of the Faculty of Law), who expressed his absolute joy that finally the Congress was being held by the University of Bialystok, adding the words: "not exactly at our place, but in Vilnius which contributes to the specificity of our university with the mission oriented towards the East. Therefore, it created the Network of Borderland Universities and now tries to use it wisely for scientific purposes". The last to take the floor in the welcoming address, was Mr. Artur Ludkowski, (Adviser to the Prime Minister of the Republic of Lithuania on minorities issues). Mr. Ludkowski spoke on the benefits of cross-border cooperation and concluded by expressing hope that Polish-Lithuanian relations would improve in the light of international law.

The opening ceremonies over, the scientific discussion began, ably led by Prof. Maciej Perkowski, with the following lead speakers:

- Prof. dr. hab. Cezary Mik (Cardinal Stefan Wyszyński University in Warsaw) with the paper: *The impact of scientific and technical progress on the transformation of international law (with particular emphasis on information technology)*,
- Prof. dr. hab. Anna-Przyborowska Klimczak (Maria Curie-Skłodowska University in Lublin) with the paper: *Offenses against cultural property – problems of theory and practice of international law*,
- Prof. dr. hab. Janusz Symonides (Academy of Social Sciences in Warsaw) with the paper: *Current problems of the Law of the Sea in the light of international theory and practice*,
- Prof. dr. hab. Jerzy Menkes of the (Warsaw School of Economics) with the paper: *EU-Japan relations. Treaties and their creation*.

During the two-days of debate, nearly 70 papers were presented in parallel thematic panels, each ending with a discussion. Due to the broad formula of the event, not only experienced scientists but also young science adepts could present their views. Separate scientific panels and poster sessions for PhD students and students were provided where they could present their own research results and verify scientific views with more experienced colleagues.

One of the most interesting panels, was that devoted to the international legal aspects of environmental protection, dominated by the current issues of protection of the Bialowieza Forest. The debate was chaired by Prof. dr. hab. Anna Wyrozumka, (University of Lodz). The first speaker in the panel, was Dr. Marek Kruk (University of Bialystok), who spoke on "*Green marketing as a new trend in the company's*

operations - the essence and premises of its application". He presented the concept of "green marketing", evidence for its implementation answering the question of whether it is an attitude, a promotional tool or strategy awareness of the business' impact on the environment. In turn, Dr. hab. Tomasz Srogosz, (Professor of the Andrzej Frycz Modrzewski Academy in Krakow), presented a paper on ecological security and international law. His reflections focused on the content of the ecological security concept and its place in relation to the public international law system. The author of another paper, Dr. hab. Robert Grzeszczak, (Professor of the University of Warsaw), discussed the legal nature of provisional measures managed by an international court considered in the light of the Bialowieza Forest case before the CJEU. In the scope of the discussed problem, the speaker pointed to the significant problem of the existence of a legal loophole that was the reason for leaving many disputes unresolved.

As part of this panel, representatives of the General Directorate of State Forests, Piotr Szulc and Jan Tabor, MSc Eng, also presented papers concerning the legal determinants of nature conservation in the Bialowieza Forest in the light of international law, including European Union law and Polish law. The speakers presented the regulations of international law and European Union law imposing on Poland the obligations to ensure protection of natural habitats and species of EU interest. Polish legal regulations aiming at ensuring the fulfillment of international obligations regarding the Bialowieza Forest protection were also discussed. The panel was also attended by a representative of the Regional Directorate of State Forests in Bialystok, Dr. Jarosław Krawczyk, PhD Eng, who lectured on the "*Legal conditions of forest management in the Bialowieza Forest*". He spoke of the regulations concerning the preservation of the national nature of the state's natural resources included in the Constitution of Poland, laws and other documents such as the Natura 2000 area protection plan and forest management plan for the National Treasury forest districts in the Bialowieza Forest. The presence of the forestry practitioners aroused great interest and the initial skepticism towards their standpoints gradually gave way to the satisfaction of many participants who openly declared that in the discussion, the core of the problem was finally addressed, explained and all questions answered.

The floor was then taken by Prof. Maciej Perkowski (University of Bialystok), whose speech concerned the optimization of legal protection of the Bialowieza Forest through (among others) further internationalization. He emphasized that the multiplicity of the adopted solutions and the legal and institutional protection forms laid down for specific areas of the Forest gave the impression that the Bialowieza Forest is the best-guarded area in Poland, at least in formal terms. Unfortunately, the reality shows that the solutions implemented so far have led to chaos and numerous substantive conflicts. Diversity in nature is an advantage, however, in its protection basics it becomes a disadvantage. When combined with the improvement method in

the form of subsequent amendments, forced changes, etc. – “the favelization of law” occurs. In addition, he pointed out that the internationalization of the dispute over the Bialowieza Forest protection model was a fact. Leaving aside the conflicted parties – it seems that a further search for an optimal solution is certain. Given the exceptional and the location of cross-border Bialowieza Forest a way to improve the protection of the natural object can be found in internationalization (e.g. through the adoption of localized agreements whose parties – apart from Poland and Belarus – would be states and international organizations interested in preserving the invaluable natural resources of the Bialowieza Forest and be ready to offer practical assistance in terms of efforts and costs).

The last speaker in this panel was Dr. Wioleta Hryniewicka-Filipkowska with her paper “*The cross-border protection of the Bialowieza Forest World Heritage Site in law and practice*”. The essence of the discourse was to present the specificity of UNESCO’s legal solutions and their consequences for the protection of the Bialowieza Forest. The main conclusion from the speech was that, in practice, the protection of the Bialowieza Forest by UNESCO is prestigious and idealistic. In reality, it takes a “soft” formula as opposed to restrictive national or international solutions.

An important supplement to the proceedings on the protection of the Bialowieza Forest was the scientific poster session. The work entitled “*The dispute over the protection model of the Bialowieza Forest and its international implications*” prepared by Wojciech Zon, at the time of its writing a student at the University of Białystok, turned out to be extremely interesting. Through the poster, it was possible to learn why the Forest is such a unique feature (on the scale of Europe) in terms of nature, and how it is also woven into the broad socio-economic trade of Poland and Belarus. Being subject to both Polish and Belarusian legal regulations, international law and in part European Union law – the Bialowieza Forest operates in a highly diversified legal environment. The author stressed that it is worth analyzing what protection model of the Forest is under dispute and what its international consequences are. Despite the judgment of the CJEU it is still not clear how the Forest should be protected in conformity with law, especially with international and EU law.

The conference in Vilnius was not only a very interesting, but, above all it provided a forum for in-depth and exhaustive debate on the current problems of international law, accompanied, as we have seen, by a heated but substantive discussion on the protection of the Bialowieza Forest. A fully detailed account of the event will shortly appear in a post-conference publication to be produced by the C.H. Beck Publishing House, which we already recommend with great conviction.