Teresa Pusylewitsch,
Die Rechtsstellung des Ausländers in Polen.
Schriftenreihe zur Rechtsstellung des Ausländer in den sozialistischen Staaten, Band 3.


The book by Teresa Pusylewitsch was published as volume 3 of the Schriftenreihe zur Rechtsstellung des Ausländer in den sozialistischen Staaten; the previous volumes dealt with the legal position of aliens in Hungary (1974) and Romania (1975), and the fourth volume on Yugoslavia has already appeared in print at the end of 1976, after the reviewed work.

Miss Pusylewitsch of the University of Kiel, with her excellent knowledge of Polish, and after several research trips to Poland, has presented a very useful and informative work dealing with an immense variety of legal fields which, in fact, must be covered in order to give a rounded-up picture of the legal position of aliens in any given country, in this particular case Poland. In addition to the different branches of Polish national law (administrative, constitutional ("state law"), financial (tax law, foreign currency law), labor, private (including private international law), and criminal), she refers to pertinent spheres of public international law. The text is brought up to 1 January 1975. The book deals with the legal position, in Poland, of "standard" aliens, and not of those granted privileged status under, e.g. the 1961 Vienna Convention on Diplomatic Relations, the 1946 Convention on Privileges and Immunities of the United Nations, etc. Nonetheless, the author lists all the legal documents creating such privileged status including regional agreements (the 1959 Comecon Convention as amended in 1962 and, she should have added, in 1974; the 1973 Warsaw Treaty Organization Convention), bilateral agreements (the 1957 treaty on the stationing of Soviet troops in Poland; consular conventions), and even the multilateral 1969 Convention on Special Missions not yet in force (seven ratifications at the end of 1976).

The "specialized" text of Polish law applying to aliens is the Act of 29 March 1963. It is regrettable that a translation of that text was not given as an annex to the book, even more so as there already exist two German translations, quoted by the author on p. 284, one in Internationale
Wirtschaftsbriefe, and another in the Jahrbuch für Ostrecht, which could have been used. One has to note, though, that in September 1976 the Polish press reported that the Sejm was presented with a Bill to amend the 1963 Act, which will probably happen in 1977.

But most of the pertinent provisions are scattered throughout hundreds of individual legal acts dealing with different legal sectors but which, among other things, also contain provisions relevant to the topic of the book (e.g. Article 88 of the 1952 Constitution dealing with the right to asylum—limited, as it is, to "progressive" elements only; certain provisions of the 1964 Civil Code and the Code of Civil Procedure, of the 1969 Criminal Code and the Code of Criminal Procedure, etc.). It was the finding of all those sources, some of them going back as far as Polish pre-World War II legislation and some changing while the book was being prepared, their systematization and interpretation, that required most of the laborious effort of the author.

The amount of material to be treated allowed only for a brief, sometimes probably too brief, discussion of the subject. This may be illustrated in the pertinent sphere of international law. For instance, the two 1966 UN Covenants on Human Rights, gradually approaching their coming into force when the book was being written, and finally in force with 1976, are just mentioned in three sentences (p. 36). One has to remember that especially the Covenant on Civil and Political Rights also applies to aliens in the big majority of its provisions, and its article 13 refers to them specifically.

Even though Poland has only ratified these Covenants in March 1977 (the last country of the Soviet bloc to have done so), their importance was noted in Polish literature, and their ratification before the fact taken for granted.

One of those authors (A. Michalska, "Les Pactes des Droits de l'Homme et les droits des citoyens en République Populaire de Pologne" in The Polish Yearbook of International Law 1974) at one point rightly notes (p. 86) that the 1952 Constitution guarantees rights to citizens, whereas the Covenant on Civil and Political Rights obliges each State-Party to respect and to ensure those rights "to all individuals within its territory and subject to its jurisdiction" (i.e. also aliens), and postulates that this should be reflected in the Constitution. One may add that, with August 1975, pertinent passages of the Final Act of the Helsinki Accord should also be taken into consideration (e.g. facilitating the entry of aliens, easing regulations concerning