Editorial

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In this issue

The editors are pleased to present issue 2025/II 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.

In the following paragraphs, we are giving a brief summary of the contents of the *Original Scientific Articles* section.

In the article *"Externalisation within the migration policy of the European Union"*, the author, Márton Balogh presents the agreements concluded between the EU and its partner countries (such as the EU–Turkey Statement and the EU–Tunisia Memorandum) and highlights the inadequate procedures and human rights concerns arising from the problematic nature of the externalisation system. Balogh concludes that although the externalisation of migration and asylum policy constitutes a step in the right direction insofar as it reduces the burdens placed on the EU, this must not occur at the expense of the effective protection of human rights. The author suggests that such cooperation should be concluded in the form of legally binding international treaties, thereby enabling the effective enforcement of institutional guarantees (such as the competences of the European Parliament and the Court of Justice of the European Union) as well as human rights safeguards (such as impact assessments).

Ágnes Töttős, in her study *"Achievements of the Hungarian Presidency of the Council in Promoting the Schengen Area as a Strategic Asset for the EU"*, addresses the strengthening of Schengen governance, the digitalisation of procedures (in particular the introduction of the CES/EES and ETIAS), and efforts to facilitate the accession of Romania and Bulgaria to Schengen. The author concludes that the Hungarian Presidency delivered transformative results, including the enlargement of the Schengen Area, as the Council adopted a decision to lift personal border checks with Bulgaria and Romania at the internal land borders from 1 January 2025. At the same time, challenges remained, such as delays in the implementation of the Entry/Exit System (EES) and the need for its phased rollout. According to Töttős, the Hungarian proposal to establish a Schengen summit remains on the

agenda and should be given serious consideration in light of the various threats and challenges facing the Schengen states.

In the article *"Critique on Universalism Versus Cultural Relativism Debate, With Special Attention to Customary Law and Constitutionalism In South Africa"*, Wandile Brian Zondo analyses the tensions between respect for customary law and compliance with universal human rights norms, citing the cases of *Bhe v. Khayelitsha Magistrate Court* and *Shilubana v. Nwamitwa* as examples. Zondo argues that the binary framework of the universalism versus cultural relativism debate often creates confusion and hinders constructive dialogue. He concludes that progress requires dialogue and an integrative approach that recognises the dynamic nature of cultures and allows customary law to adapt to constitutional values, ensuring the protection of human rights without discarding the importance of cultural identity.

In the study *"Questions of Attribution in the Conflict of Eastern Congo"*, Mátyás Kiss focuses on Rwanda's role in the conflict in eastern Congo, examining whether the internationally wrongful acts committed by the armed group known as M23 can be attributed to Rwanda under the rules of international responsibility, in particular Articles 4 and 8 of the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA). The author finds that the strict criterion of "complete dependence" required for recognition as a *de facto* state organ cannot be established with certainty in the case of M23, and although Article 8 ARSIWA appears to be the most applicable provision, the "effective control" test applied by the International Court of Justice sets an excessively high threshold, as control must extend to the specific operations in question. Kiss concludes that, on the basis of the existing evidence, it cannot be established that all internationally wrongful acts committed by M23 are attributable to Rwanda, and therefore calls for the development of a more coherent and uniform assessment framework in order to enhance the predictability of international law.

In the *Review* section Tiwai Mhundwa provides a book review for Maria Bergsröm and Valsamis Mitsilegas' 2025 book EU Law in the Digital Age published by Hart.

As usual, we thank the anonymous peer reviewers for their considerable effort working on the current issue.

We also encourage the reader to consider the PJIEL as a venue for your publications. With your contributions, PJIEL aims to remain a trustworthy and up-to-date journal of international and EU law issues.