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THE TERRITORIAL CESSION, THE PEACE-TREATY
AND THE PROBLEM OF THE ODRA-NYSA (ODER-NEISSE) FRONTIER

The problem of stabilization of the Polish-German frontier on the Odra-Nysa line becomes a subject of growing interest in 1956.

It is worth noting that the starting point of these considerations according to theory and practice is the acknowledgment of the status quo existing since the 1945 Potsdam Agreement. This recognition of the status quo demonstrates after a lapse of time the righteousness of the thesis of the territorial cession on behalf of Poland and of the thesis of the stabilization of this state.

At present the problem emerges of the relation of the future Peace Treaty with Germany to the territorial cession accomplished in the Potsdam Agreement antecedent to the treaty. This cession is included in the Potsdam Agreement, therefore, according to international law it can not be subject to changes by interpretation. The term „territorial cession” means the transfer of a part of the territory of one state to the legal authority of another. The international practice interpretes this term as the transfer of a part of the territory — the resignation of the ceding state (transferer) of the sovereignty over the population residing in this part of the territory which is transferred to the sovereignty of the acquiring state (transferee).

The Potsdam Agreement accomplished on behalf of Poland the cession of a particular kind — i. e. a retrocession. Thus, the territories which had returned to Poland in 1945 were named „Ziemie Odzyskane” — „Recovered Territories”. The idea of retrocession has been known in the international law for centuries as a result of historical changes in border territories.

The territorial cession on behalf of Poland was accomplished by Potsdam Agreement after long lasting preparatory negotiations, now partly disclosed and published. A territorial cession prior to a treaty is usually made legal by the peace treaty. This has been proved by the history of peace treaties of the last centuries and also by the practice of the II World War. The peace treaty is usually concluded on the basis of a territorial status quo, thus making legal the preliminary territorial cession.

In this article discussing the territorial cession on which was based the Polish-German frontier determined in Potsdam, the author has given a detailed analysis of the legal legitimacy of the transferer, legal legitimacy of the transferee and also a detailed examination of the legal consequences of this cession. This analysis contains not only a report of the practice of the last centuries but also the contemporary monographic English and German literature on the subject and the judgments of the Hague International Court.

ZDZISŁAW NOWAK

SOME ECONOMIC PROBLEMS OF THE ODRA-NYSA (ODER-NEISSE)
FRONTIER

The work discusses those economic problems of the Odra-Nysa frontier on which German revisional attacks are concentrated. In the first part of the work are presented arguments against the revisionists' statement that the Polish Western districts