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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

were a food store for the Germans and they could not exist without it. The analysis shows that only a minor party of the agricultural production of these districts reached Western Germany because of a rather low fertility of the soil and high costs of transport. Therefore it was more economical to meet the food shortage of Western Germany by overseas import. The steady outflow of population from the once Eastern Provinces and the decline of agriculture made this district a troublesome one, needing constant credits and subsidies. Analogically, the industrial production of the once German Silesia had but an irrelevant and steadily declining share in the production of Germany as a whole. As a result of German policy tending to control and subdue the countries of Middle-Eastern Europe Szczecin (Stettin) lost its importance, giving way to Hamburg. Generally Germany has lost about 23,4% of its territory but only about 10,8% of its national income. The importance of these territories was for Germany a purely political one as a base for the Prussian „Drang nach Osten”. The economic development of Western Germany after the II World War shows that the German fears about permanent food shortage were groundless. As soon as 1954 the pre-war living standard was reached there and there are quite real possibilities of its further increase. The present complaints of revisionists express only the tendency to attain food self-sufficiency which in the past enabled Germany to conquer Europe.

The problem of over-population in Western Germany has also been solved by the development of industry. At present there occurs rather a shortage of labour which combined with a poor demographic trend and a steady westward drive of Germans make the possibility of populating the Polish Western territories quite unreal, if the industry of Western Germany is not going to be threatened by a complete breakdown.

Within Polish boundaries the Western territories, in spite of many serious mistakes committed during the Six Years Plan, enabled to overcome the pre-war unsolvable problem of permanent over-population, to transform the economic structure of Poland by better utilizing the resources of whole Silesia. While the economic renewal in Poland is being carried out the potential role of these districts is enormous.

The new frontier line puts an end to the pre-war control of Germany over the countries of Middle-Eastern Europe by decreasing the great industrial preponderance of Germany in Europe which resulted in the conquest of the Continent. Thus the Odra-Nysa frontier becomes a real foundation for peaceful development of European countries.

JERZY KRASUSKI

#### ON THE NATURE OF „KULTURKAMPF“

The historiographical works on the genesis and history of Kulturkampf have been chiefly concerned with the analysis of the motives which induced Bismarck to undertake the struggle with the Catholic Church and the Catholic Conservative Party of the Centre. These studies have not resulted in an appropriate expression of the conflict between the liberal middle class on one side, and the conservative landowners, lower middle class and the clergy on the other. The Centre and the Catholic Church were the only conservative groups able to form a successful opposition against the liberal tendencies, owing to their clearly defined religious ideas and the support of a large majority throughout the nation. Bismarck's role in Kulturkampf is similar to that which he played in the unification of Germany. It consisted in the endeavour to meet the claims of the liberal middle classes, and at the same time