

menced solely on grounds of "persuasive evidence" of a perpetration of a crime (in lieu of the former "sufficient evidence"), and allowing a discontinuation of legal proceedings on permission issued by a higher Court of Justice or a Federal Court in cases when the accused of committing the crime had occupied a subordinate position, and had executed commands of his superiors, thus deserving a much more indulgent appraisal of his actions. This regulation however had never become legalized. Prolongation of the expiration by five years, until 1970, on grounds of the decree issued on April 18, 1965, yields but a partial solution of the problem and clearly offends the sense of justice of the international public opinion. The April decree is an outcome of political opportunism, a compromise on behalf of the none too small fraction of the West-German community, eager to cut itself off from the past as soon as possible. The alleged illegality of an extension of the period required for expiration is unfounded. As far back as in 1946, the sentence of the International Court Martial expressed the following: "the world's conscience would be more offended if perpetrators of such crimes were to be left unpunished, than if they suffer the death penalty". The principle "nulla poena sine lege" cannot eliminate punishability of an offense subject at the time of its perpetration to penalty according to legal principles generally accepted in civilized countries.

LONGIN PASTUSIAK

THE ATTITUDE OF USA TOWARD THE GERMAN PROBLEM AT THE POTSDAM CONFERENCE

The German problem, including: (a) frontiers and territorial partitioning, (b) occupation, represented one of the most important topics discussed at the Potsdam Conference.

President Roosevelt proposed to divide Germany into a few independent states. His successor, Harry S. Truman cherished the same idea. Antagonistic views of the Soviet Union supporting the idea of a united Germany, as well as the persuasion of American opposers of the notion of partitioning Germany, withheld Truman from putting forth at the Cecilienhof conference the idea of a permanent partitioning of Germany.

At Potsdam there was held a discussion on the problems providing grounds for the agreement, namely on the: "Political and economic principles furnishing the base for handling Germany during the early period of control". On some of the problems the victorious powers assumed concordant views, yet on others there arose important controversies (e. g. a denial on the part of USA to allow USSR an adequate indemnity; a refusal to pass over to USSR part of the conquered German navy; pushing aside USSR from a participation in the control over the area of Ruhr). Despite these difficulties a solution was finally found. The final communiqué announced that from an economic standpoint Germany will be regarded as a unity.

Attitude of the American delegation to the Potsdam Conference did not favour a mutual understanding followed by agreements which would satisfy all the participants. Nor did it foster any hopes of a friendly cooperation of the allies in future. The United States, represented by its delegation at the Potsdam Conference, was increasingly pervaded by ideas of a so-called "firm attitude" towards the Soviet Union.

This notwithstanding, the Potsdam Conference proved the possibility of extending the inter-ally cooperation over the post-war period and created the foundation for liquidating the menace of German aggression for the future.

WALENTY DASZKIEWICZ

SOVIET DIPLOMACY AND THE PROBLEM OF EUROPEAN SECURITY
IN THE YEARS 1934—1935

The author offers a discussion on the efforts of Soviet diplomacy to establish an all-European system of common security in the years 1933—1935.

In view of the prolonged negotiations on the eastern pact, the USSR government gave consent to the suggestion of French diplomats to join the League of Nations before this pact were concluded (up to that time French and Soviet diplomats took the view that USSR will become member of the League after signing the eastern pact). Formal joining of the League of Nations by the Soviet Union took place in September of 1934.

The actual situation (rejection of the project of the eastern pact by German and Polish governments; Barthou's death and Laval, his successor's, inclination to cooperate with Berlin and Rome) had confronted the Soviet diplomacy with an unusually perplexing task of maintaining the concept of a regional agreement on mutual aid; and at the same time of finding new forms for a treaty which would make an allowance for the negative attitude of the German and Polish governments and the resentment of the Baltic countries.

The first step to accomplish these goals consisted in resuming the talks between Moscow and Paris, which had been cut short after the death of Barthou. During the negotiations Soviet diplomats suggested to conclude an eastern treaty without Germany and Poland, if necessary, yet with an unquestionable participation of France and Czechoslovakia, or at least of France alone. Furthermore, the Soviet Union recommended to sign a document forbidding to conclude with Germany any political treaties without a prior mutual consent, and imposing an obligation of informing one another on the political negotiations with Berlin. The document was signed on December 5, 1934. Its significance consisted in the emphasis put on the fact that no warrants of peace and security in Europe are more efficient than those comprehended in the eastern pact; and that this agreement does not bar the possibility of concluding other treaties (apart from the eastern pact) between USSR and France if — despite the diplomatic efforts of both countries — the idea of this pact fails to work out.

After signing this agreement, Soviet diplomats offered several suggestions aimed at maintaining the negative attitude of the French government towards German armaments. Soviet policy attempted to come to an agreement in these matters with governments of eastern and south-eastern European countries. Moreover, USSR opposed the British tendency to postpone to a further date the problem of settling the eastern pact. For this reason the USSR government urged Paris to take over negotiations with Germany on the eastern pact, leaving out London's arbitration; it called for a continuation of the talks on the pact independently from other topics in European policy; finally it accentuated on each occasion that European security can only be ensured by concluding a regional pact on mutual aid (Soviet diplomats had also suggested to agree upon a few more similar regional pacts covering the whole Europe).