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The Forms of Recognition of State Borders After World War II (With Particular Focus on the Arrangements Pertaining to the Polish-German Border)[1]

The analysis of this issue requires a preliminary determination of several basic theoretical premises, specifically:

1) The notion of a change of state borders needs to be precisely defined.[2]

1 Translated from: A. Klafkowski, *Forma uznania granic państwowych po drugiej wojnie światowej*, "Życie i Myśl" 1964, no. 11–12, pp. 80–94 by Szymon Nowak and proofread by Stephen Dersley. The translation and proofreading were financed by the Ministry of Science and Higher Education under 848/2/P-DUN/2018.

2 This study has been developed on the basis of several of my monographs, cited further on in the footnotes. The direct incentive to write it was the series of lectures I had delivered at a number of faculties of law at universities in Belgium. A substantial fragment of one of those lectures was published as "The Forms of Recognition of State Frontiers after the Second World War" in a periodical of the Institute for Western Affairs in Poznań, *Polish Western Affairs*, 1963, no. 2; pp. 211–222. Subsequently, the paper was reprinted—indicating the Polish source—in *Jahrbuch für Ostrecht* (journal of the Institut für Ostrecht in Munich), 1964, vol. 5, pp. 71–81. In May 1964, the article was published in the version from *Polish Western Affairs* in a leading Soviet law journal, *Sovetskoye Gosudarstvo i Pravo* (periodical of the USSR Academy of Sciences), 1964, no. 4, pp. 102–108. The following handbooks provide the theoretical foundations of the paper: L. Oppenheim, H. Lauterpacht, *International Law*, 1957, vol. I, pp. 530–581, and W.N. Durdenevski, S.B. Krylov, *Podręcznik prawa międzynarodowego*, Polish edition, Warszawa 1950, pp. 246–259. My own views on the theoretical matters addressed here are presented in my handbook, entitled *Prawo międzynarodowe publiczne*, Warszawa 1964, 365 pp., in particular in Chapter III, *State Territory*, where changes of state territory are discussed on pp. 164–173, as well as in Chapter V, *Population*, where the matter of citizenship in the context of changes of state borders is considered, esp. on pp. 186–190. The notion of territorial change encompasses only such acquisition, loss or exchange of territory as a result of which the state does not cease to exist as a subject of international law. At the same time, the territorial change does not lead to the creation of a new state. From the legal standpoint, each such territorial change entails a change in terms of territorial supremacy. Changes of state territory may be effected un-

2) The legal forms through which changes of borders are effected need to be systemtized.[3]
3) The legal substance of recognition of border changes has to be specified.

If these preliminary premises were to remain undetermined, the analysis of specific detailed issues would be impossible. The above theoretical questions are therefore addressed below:

Ad 1. Changes to state borders is a matter which arises with virtually every war. Both world wars are a particularly eloquent proof of this. As soon as the example of both conflicts is considered, one cannot but focus one's attention on the frontiers of Germany, which are among the most mobile in Europe, and—most likely—in the world. During the peace conference of 1946–47 a calculation was made to demonstrate the "mobility" of the borders of Germany.[4] It follows from the reckoning that in 1918–1945 Germany saw its borders change as many as 33 times. Neither Rome under Caesar, France under Napoleon, nor China in the age of Genghis-Khan, changed its frontiers as often as Germany during those few decades. It is therefore obvious that the issue of the German borders serves as a principal illustration when deliberating on the recognition of state borders. From the legal point of view, it needs to be emphasized that territorial changes—both increase and loss of territory—do not affect a state's subjectivity in international

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der universal international law or under international agreements concluded by the states involved. Universal international law ensures only framework-level legal control of the possibility of peaceful territorial changes. It is related to those norms which lay down guarantees of territorial integrity and inviolability.

3 See the source documents and an analysis of the issue in A. Klafkowski, *Granica polsko-niemiecka a konkordaty z lat 1929 i 1933*, Warszawa 1958, particularly Chapter I, *Polish-German Border in the Light of International Covenants*, pp. 29–44. UN International Law Commission is currently about to conclude its long-lasting work on treaty law. The work itself as well as a considerable part of the completed project are discussed in A. Klafkowski, *Prawo międzynarodowe publiczne*, Chapter VII, *International Agreement*, pp. 237–277. Here, I should particularly underline that fragment of the chapter which analyzes the position of the third state in relation to an agreement, pp. 256–259.

4 On the basis of the summary with the journal *Les Lettres Francaises* presented in February 1947 at the peace conference in Paris.

law. The territory of a state is a condition of its existence, and it constitutes one of the vital elements of statehood. However, a state does not rule "over a territory" but "as part of" a territory. It follows, therefore, that a state's subjectivity in international law is not associated with territory in such a manner that loss or expansion by each square kilometre has consequences for the legal subjectivity of that state. Territorial changes do not in fact interfere with the sameness of a state. It suffices to quote the example of Germany of the 1919 Treaty of Versailles. Even though its frontiers and the political system changed—on the day the Treaty was ratified, i.e. 10 January 1920, the German Reich lost 12.02% of its territory in relation to the *status quo ante bellum*—the Germany after the Treaty of Versailles was identical in the eyes of international law with the Germany from before 1914. As for territorial loss, the distinction between partial and complete loss of state territory is a matter of decisive significance. If loss of state territory is only partial, it has no adverse consequences in terms of state subjectivity in international law. This is the case with territorial cession. One could add that, in contemporary science, cession tends to be described as "abdication" of a state from a part of its territory. Simultaneously, one employs the term "dismissal" to denote the relationship of the population in the ceded part of territory to the cedent state. However, regardless of the above terminology, territorial cession is not considered to undermine state subjectivity in international law.

Ad 2. With respect to legal forms in which changes of borders are affected, it has to be observed that, in the practice to date, changes of the kind were most often associated with war and the manner in which it ended.[5] For this reason, a change of a state border is usually considered jointly when one of the modes of concluding the war is discussed. The following ways in which a war may end are known in international law:

A. Termination of warfare by both sides without any conclusive agreement as to the legal effects of that state. After war operations

5 C. Phillipson, *Termination of War and Treaties of Peace*, London 1916, p. 486, here p. 3.

have ended, a normal termination of the state of war ensues and normal peaceful relationships are established. From the legal standpoint, the relations between the former combatants go through a period of uncertainty, which precedes the liquidation of the aftermath of war. This mode is very seldom employed, as states usually avoid ending a war without any definitive decisions. In particular geographical circumstances—as may be inferred from the history of the United States[6]—such a termination of warfare can be practiced relatively often. Regarding territorial matters, this way of ending a war encourages recognition of the principle "uti possidetis."[7]

B. The second mode of terminating a war involves the utter destruction of the hostile state. It is variously referred to in the science, as e.g. conquest, subjugation or debellation.[8] Most recent literature strives to

6 Ibidem, p. 5.

7 W.W. Bishop Jr., *Judicial decisions involving questions of international law*, "The American Journal of International Law" 1948, pp. 194, 470, 690, 927. The study contains numerous rulings of US courts listed in accordance with the dates of ending military operations against Germany, Japan, and Austria during World War II. The material illustrates the smooth operation of the US legal policy in that respect.

8 This issue is analyzed in A. Klafkowski, *Sprawa traktatu pokoju z Niemcami*, Warszawa 1955, 174 pp., here pp. 69–72. Debellation is often mentioned as a mode of original acquisition of state territory. It is not regulated by international law, but developed through the practice of states and was then systematized by international jurisprudence. Based on that systematization, two essential concepts of debellation emerged: a) According to the concept originating in continental science, two periods of development of the notion of debellation are distinguished. In the first period, until 1815, debellation meant armed seizure of a state, its conquest and annexation. In the second period, after 1815, it was argued in science to include the following components: military invasion and occupation of the enemy territory, annexation of that territory, and finally its incorporation. At present, positive international law does not recognize debellation and deprives it of any traits of lawfulness. During World War I, debellation was considered by international jurisprudence as one of the modes of terminating the state of war by means of destroying the opponent and putting an end to their existence as a state. This led to the conclusion that war may be ended in this manner without having to conclude a peace treaty. Consequently, the continental conception appears to distinguish two kinds of debellation. One is destruction of the military force of a state and seizure of its territory, which translates into the factual state. The second is destruction of the military force of a state, seizure of its territory, and annexation, meaning a factual state combined with a unilateral legal act. b) The English concept of debellation shifts its focus to the manifestation of will. Here, debellation is defined as conquest, i.e. a fact of military and political nature, which does not automatically involve the destruction of the defeated

define the meaning of those notions in greater detail. As far as territorial issues are concerned, it is worthwhile to note that although this manner of ending war is deemed "the least desirable" while science rejects the "rights of the victor"—and thus rights deriving from conquest—this manner of terminating war was found to be "legally justified" during World War I. It was even admitted that considerations of morality[9] and common interest may justify territorial cessions resulting from conquest.[10] The differences of opinion concerning this mode of ending war can be aligned with the differences of political views between nations and particular national schools in international jurisprudence.[11] However, it remains indisputable that the total destruction of a hostile state is contrary to the principle of self-determination of nations.

C. The most often practiced mode of terminating the state of war is concluding a peace treaty. This method developed particularly extensively over the last hundred years, as attested by the number of peace treaties entered into in that period: 22 were signed from 1815 to 1913.[12] In general, a treaty is considered the "normal way of ending a war." It is worth emphasizing that the earliest peace treaty, concluded in 1278 BC

state as a subject of international law. Only conquest and the ensuing unilateral legal act of annexation yield the notion of debellation, defined as "subiugatio." Thus, the act of annexation changes conquest into debellation. It should be added at this point that annexation is an act of internal law which incorporates foreign state territory (in part or in its entirety); it is not an act of international law. During World War II, the German Reich asserted debellation of Poland in 1939. As a result, the German Reich believed that it is entitled to sovereignty over the occupied Polish state territory, and therefore was under no obligation to respect—even ostensibly—the provisions of the Hague Convention (IV) of 1907, nor was it required to conclude a peace treaty with Poland. While alleging such a position, the German Reich ignored the obvious continuity of Poland's sovereign state authority, recognized by all United Nations, among which Poland—despite having its entire state territory seized by the enemy—was considered a state engaged in war.

9 C. Phillipson, *Termination of War…*, p. 30, quotes Fiore, who had formulated such a view in 1880.

10 E. Nys, *Le droit international*, vol. II, 1905, p. 44.

11 The assessment of the approach adopted by particular national schools in international jurisprudence may of course rely solely on the representative method. In the German school, such views have been expressed by Heffter, Ullmann and Strupp. Respective views of the French school are represented by such authors as Calvo, Foignet, Le Fur.

12 C. Phillipson, *Termination of War…*, pp. 337–454.

between Ramesses II (Egypt) and Hattusilis III (the Hittite state), demonstrates the same elements one finds in the most recent peace treaties, especially where they pertain to territorial issues.[13]

D. International practice also knows rare cases of termination of war following a unilateral declaration of a combatant. The defeated state must accept such a declaration, even tacitly, so that it may achieve its intended effect, i.e. terminate the war. This is how the World War I conflict between the German Reich and China came to an end. It may be recalled that China did not sign the Treaty of Versailles. This mode was also employed following the end of hostilities in World War II. The Western powers ended the state of war with the former German Reich in 1951 by virtue of unilateral declarations, while the USSR and other socialist states did so in a similar form in 1955. After World War II, American science advanced a proposal of ending the war by way of "declaration of peace" issued unilaterally by the victorious state, and containing all those provisions which are usually included in a peace treaty, i.e. a bilateral or multilateral agreement.[14] The project did not go beyond the theoretical stage, though some of its elements may be found in the relationships between the United States and the Federal Republic of Germany. This theoretical concept does not offer any indication as to the manner of the territorial solutions that a potential unilateral "declaration of peace" would comprise.

Ad 3. As for the recognition of changes to state borders, one may venture to simplify the matter. Recognition of changes to state borders is strictly connected with determining the lawfulness criteria for such changes. The simplification adopted here consists in the fact that changes of state borders are deemed lawful when they have been effected in accordance with international law. In turn, changes conforming to international law are changes grounded in international agreements. Thus,

13 G. Bouthoul, *Huit mille traites de paix*, Paris 1948, here pp. 7–8.

14 F.C. Balling, *Unconditional surrender and a unilateral declaration of peace*, "The American Political Science Review" 1945, no. 3, pp. 474–480, here pp. 478–480.

lawful—in other words recognized—changes of state borders are those which derive from international agreements.

The above sets out the basic theoretical premises. In addition, it needs to be noted that international law is not free of controversy, in jurisprudence and in practice alike. However, rarely does one encounter a matter so controversial as the recognition of changes to state borders. Hence, the observation that neither the science of international law nor its practice have developed general criteria for recognizing the criteria of the lawfulness of territorial acquisitions is one of crucial significance. The extensive scholarly literature dedicated to the subject reflects numerous contradictions.[15]

Having made these general remarks, one can proceed to discussing the issue proper, namely the forms of recognition of state borders after World War II.

The question is examined here relying on my own systematization, which in itself adheres to the chronological sequence of the cited legal acts. The systematization yields the following issues which need to be addressed:

I) International legal acts regulating the termination of warfare—armistice agreements.
II) International legal acts regulating the termination of the state of war—peace treaties.
III) Legal acts which do not constitute armistices or peace treaties, but nonetheless end war operations and regulate affairs relating to the termination of the state of war.
IV) Particular issues outside the scope of the systematization.
V) Conclusion—territorial cession is independent of the peace treaty.
VI) It is now necessary to discuss these problems in detail.

15 B. Wiewióra, *Uznanie nabytków terytorialnych…*, pp. 132–148.

I
International Legal Acts Regulating the termination of Warfare—Armistice Agreements

The armistice agreements which brought an end to warfare on the various fronts of World War II deserve particular attention here, naturally with respect to territorial changes which such armistices introduced.[16] The following agreements are taken into consideration:

1) The armistice with Italy of 3 September 1943 does not regulate territorial issues directly, but merely announces that political, economic and other conditions would be communicated to Italy at a later date (Article 12). Territorial matters were referred to the Council of Foreign Ministers and its auxiliary bodies, to be regulated in the peace treaty with Italy.
2) The armistice with Romania of 12 September 1944 restores the border between Romania and the USSR as they were on 28 June 1940 (Article 4) and declares the so-called Vienna award regarding Transylvania to be invalid and non-existent (Article 19).
3) The armistice with Finland of 19 September 1944, surrenders the district of Petsamo (Article 7) and the base in Porkkala-Udd (Article 9) in favour of the USSR, and restores the status of the Aland Islands as provided for in the agreement with the USSR of 11 November 1940 (Article 9). An appendix to the armistice agreement covers the territories of Finland which are subject to restitution or cession under the armistice.
4) The armistice with Bulgaria of 23 October 1944 contains indirect territorial clauses which specify how Bulgaria should leave the territories it had annexed or incorporated (Article 2).

16 The entirety of relevant documents is provided in *Recueil de textes à l'usage des conférences de la paix*, Paris 1946. The issue is analyzed in A. Kalfkowski, *Umowa poczdamska z dnia 2.VIII.1945 r*., Warszawa 1960, particularly in the chapter entitled *The Potsdam Agreement and Peace Treaties*, pp. 468–540. Another work one should mention in this context is J. Sawicki, *Zawarcie i wygaśnięcie układu rozejmowego*, Warszawa 1961, p. 182, esp. the discussion of armistice agreements, pp. 5–15.

5) The armistice with Hungary of 20 January 1945 contains indirect territorial clauses which determine the rules of withdrawal of Hungary from the territories it had occupied: Czechoslovakia, Yugoslavia and Romania (Article 2).
6) The surrender of Japan of 2 October 1945 invokes the so-called Potsdam Ultimatum of 26 July 1945 which contained territorial decisions. The act of capitulation enumerates the territories which are subject to Japanese sovereignty (Article 8).

In general, it may be stated that the end of war operations in World War II involved two types of armistice agreements.

The first kind of armistice agreement is exemplified by the truces with Italy and the German Reich. Their distinctive feature is that after a military agreement of unconditional surrender of the respective power as been signed on behalf of all United Nation, they give rise to a number of additional legal acts promulgated in the military act of surrender. Those additional acts of surrender regulate numerous issues, not infrequently laying down conclusive solutions prior to signing the treaty, also with respect to territorial changes.

The truces with Romania, Finland, Bulgaria and Hungary represent the second kind of armistice agreement. Here, one single armistice instrument and its appendices comprise all provisions, including military, territorial, economic, and political clauses, as well as those relating to the occupation mechanism etc.

The analysis of links between those armistice agreements and the treaties concluded after 1945 demonstrates that, for the most part, the latter adopt almost all provisions of the armistice instruments, which are then elaborated and formulated in strictly precise terms. The territorial clauses from the armistices are also integrated into the peace treaties.

Only the peace treaty signed in 1951 with Japan departs from that pattern. Still, it should be remembered that one of the four powers, i.e. the USSR, as well as a number of United Nations states, did not sign that treaty.

One can therefore conclude that after World War II, armistice agreements became the basic form of recognition of new state borders in those cases where this occurred.

II
International Legal Acts Regulating the Termination of The State Of War—Peace Treaties

Moving on to a review of peace treaties concluded after World War II, I confine my remarks only to the forms of recognition of new state borders contained in those treaties.[17] I discuss the treaties successively in the light of that particular aspect:

1) The peace treaty with Italy restores the frontiers of Italy to the those of 1 January 1938, with certain changes to the benefit of the neighbouring states, and with changes resulting from the return of annexed territories, as well as separate arrangements relating to the territories in Africa. In its territorial provisions, the peace treaty with Italy draws on the additional provisions to the armistice agreement of 29 September 1946, which were subsequently formulated definitively and in precise terms in the treaty. In general, it may be stated that the treaty adopts the norms laid down in the armistice agreement and its appendices.
2) The peace treaty with Romania adopts the territorial provisions of the armistice agreement, meaning that the latter instrument determined the changes of state borders prior to the treaty being signed.
3) The peace treaty with Finland adopts and confirms the territorial clauses of the truce. It is a unique characteristic of the treaty that it draws on—as far as changes of state borders are concerned—the 1940 peace treaty between Finland and the USSR.

17 The entirety of related documents is analyzed in A. Klafkowski, *Umowa poczdamska*…, pp. 468–540.

4) The peace treaty with Bulgaria adopts and confirms the changes of state borders effected in the armistice agreement, with the exception of one change which was added in the treaty itself.
5) The peace treaty with Hungary adopts and endorses the territorial clauses of the armistice agreement.
6) The 1951 peace treaty with Japan does not derive from the legal acts from the World War II period nor from the instrument of Japan's unconditional surrender. In view of its territorial provisions, the peace treaty with Japan deserves particular attention. Articles 2 and 3 of the treaty enumerate the territories which Japan would lose as a result of World War II. It has been calculated that under the treaty Japan lost over 1.5 million square kilometres of territory and a population of 60 million people over whom it had exercised state authority. The treaty itself does not mention the legal acts by virtue of which those territorial changes are made. The legal foundation of the changes was thoroughly developed in the course of preparatory works for the treaty. It is particularly noteworthy that Articles 2 and 3 make no reference to the states which benefited from those territorial changes. It is then observed in the commentaries to the articles that Japan lost territories it had not acquired during military operations of World War II. Thus, the peace treaty with Japan effected territorial changes with respect to territories which had not been formally called into question prior to the commencement of warfare. These territorial changes rely on the legal acts from the World War II period, formulated after the conferences in Cairo, Yalta, and Potsdam. Consequently, the view has been put forward that very often a peace treaty—of which the peace treaty with Japan is a new proof—regulates such territorial changes which could not be resolved as a result of normal, peaceful international relations.

In conclusion, it may be stated that as legal acts which constitute forms of recognition of state borders, post-World War II peace treaties appear to be derivative forms of such recognition. This is because they largely adopt pre-treaty solutions regulating state borders which were set forth in armistice agreements. Without doubt, this is a very noteworthy characteristic of the phenomenon after World War II.

III
Legal Acts Which Do Not Constitute Armistices or Peace Treaties, but Nonetheless End War Operations and Regulate Affairs Relating to the Termination of the State of War, Conclusively Resolving Such Affairs Prior to Signing a Treaty— the Potsdam Agreement of 2 August 1945

The above systematization cannot encompass the methods and means which served to regulate the affairs of the former German Reich, due to their specificity. Hence, a number of special acts of international law were exclusively devoted to the legal issues of the former German Reich. The Potsdam Agreement of 2 August 1945 occupies a prominent place among them.

It is evident that numerous aspects of tackling the legal aftermath associated with the former German Reich is closely linked to institutions of international law, both past and present. Still, the institutions in question very often display departures from their typical paradigms.

When analyzing the forms of recognition of German borders after World War II, I confine myself to the fundamental legal act, i.e. to the Potsdam Agreement. The agreement refers to those issues on two occasions:

1) In Chapter V, entitled *The City of Konigsberg and the Adjacent Area*,
2) In Chapter VIII, entitled *Poland* (specifically section B of the chapter) and in Chapter XII, entitled *Orderly Transfer of German Populations*.

Here are the remarks concerning these two issues.

Ad 1. In Chapter V, the Potsdam Agreement stipulates that before territorial matters are finally resolved in the peace treaty, a change of border is made in favour of the USSR in the coastal region of the Baltic Sea. The parties to the agreement approve the transfer of the city of Konigsberg and its adjacent area to the USSR. At the same time the President of the United States and the Prime Minister of Great Britain declare with respect to this provision that they will "support the proposal […] at the forthcoming peace settlement." These provisions of the Potsdam Agreement constitute a pre-treaty decision pertaining to the border between German and the USSR. The prospective peace treaty with Germany may only adopt these decisions in its provisions.

Ad 2. with regard to the Polish-German border, Chapter VIII, section B of the agreement draws on the Yalta agreement, which provided a general description of the future Polish-German border. The provisions of the Potsdam Agreement delineate that border in detail. In view of the fact that France co-signed the Potsdam Agreement later, it may be said that that the Polish-German border was determined by virtue of decision of four superpowers acting on behalf of the United Nations.[18] It is therefore a form of adjudication of the border (*adiudicatio*). Neither Poland nor Germany—as directly interested states—are parties to Potsdam Agreement (although Poland was consulted and, with respect to the Polish state, the agreement constitutes a *pactum in favorem tertii*). The fact that the agreement effects territorial cession in favour of Poland is evinced in the use of the phrase "former German territories" to denote the ceded land. The ceded territories were to be governed by Polish administration and excluded from the Soviet occupation zone. The land in question became subject to fully sovereign Polish authority and, from the date that the Potsdam Agreement came into effect, constitutes an integral part of the territory under Polish sovereignty. These decisions of the Potsdam Agreement were corroborated by the

18 Related documents and analysis of the issue in A. Klafkowski, *Umowa poczdamska…*, esp. Chapters III, IV, and V.

obligation to effect a transfer of the German populations from the Polish territory to the territory of the four occupation zones of Germany. The issue is regulated in detail in Chapter XIII of the Potsdam Agreement. Poland has discharged that obligation on the basis of agreements concluded with the representatives of the four occupying powers and under international supervision. This, in short, is the legal status of the matter. If doubts of a political nature are expressed regarding the issue, they by no means pertain to the lawfulness of the Polish-German border. Political doubts—devoid of any legal substance—are concerned only with the ultimate character of that border. Political doubts are associated with the future peace treaty with Germany in which this border should be approved. However, a peace treaty with Germany has failed to materialize for the past 20 years, a fact which Poland cannot be faulted for. In any case, the prospective peace treaty with Germany can only adopt the provisions of the Potsdam Agreement.

The performance of the Potsdam Agreement to date warrants the following general conclusions:

First, peace treaties after World War II are concluded by the United Nations, on behalf of which a substantial part of the preparatory work was carried by the powers-parties to the Potsdam Agreement. All peace treaties after World War II draw directly or indirectly on the Potsdam Agreement. It was only in two cases that a power-party to the Potsdam Agreement did not sign a peace treaty with a World War II hostile state. The United States did not sign the peace treaty with Finland, as they had not been at war with each other. The USSR did not sign the 1951 peace treaty with Japan for reasons presented at the conference in San Francisco. One could say that the provisions of the armistice agreements and other legal acts were incorporated in their entirety into the later peace treaties.

Second, the Potsdam Agreement provides the foundation for the entire body of the formal law of peace treaties. Even at the peace conference with Japan in September 1951, the Potsdam Agreement was the

chief topic of discussion. The Council of Foreign Ministers established by the Potsdam Agreement developed drafts of peace treaties. The works of the Council are not fully documented, precluding a thorough analysis of their efforts. However, it was the latter organ which, having been instituted by the Potsdam Agreement, drafted the peace treaties and is appointed with the task of developing the peace treaty with Germany.

Third, in all peace treaties—except for the treaty with Japan—there are references to all the legal acts concerned with Germany or other hostile states. The references include the Potsdam Agreement in particular, as well as other legal instruments, especially those dating from 1945. All those references in the treaties account for their conciseness, and simultaneously link those treaties with the entire framework of legal acts from the World War II period, particularly with the Potsdam Agreement.

Fourth, all the peace treaties—except for the treaty with Japan—provide for the mutual recognition of the peace treaties concluded after 1945. These clauses received almost identical wording in all those treaties. Furthermore, the hostile states signed an obligation contained in those treaties, which required them to recognize the peace treaties that would be concluded with Germany and Japan in the future. After all, the content of those treaties remained unknown in 1947 and in 1955 (when the Austrian State Treaty was signed), since they were not yet signed at the time. The obligation is predicated on the unquestionable recognition—on the part of all states—of the Potsdam Agreement and the associated legal acts as a fundamental underpinning of the future peace treaty with Germany.

IV
Particular Issues Outside the Scope of the Systematization

When discussing the forms of recognition of state borders after World War II, one cannot fail to mention two issues which hardly fit

in the systematization employed in this study. The issues in question cannot be ignored, either. Specifically, two legal problems need to be addressed:

1) the matter of the border between the two German states,
2) the matter of the border between Czechoslovakia and the Federal Republic of Germany, following nullification of the Munich Agreement of 1938.

The two issues are discussed here very briefly, as the main intention is to underline that they exist.[19] Both involve various legal complications which certainly deserve a detailed study.

Ad 1. The border between the two German states evolved. The demarcation line between the forces of the United Nations which occupied the territory of the former German Reich was transformed in 1945 into boundaries between separate occupation zones in Germany. In 1946–1949, a singular frontier developed between the three Western zones and the Soviet occupation zone. When the two German states were created, the latter demarcation line became the actual border dividing the two German states. It needs to be underlined that in the internal legislation and in the diplomatic acts of both German states that border is still referred to as the demarcation line. However, for all intents and purposes—factual and legal—it is a border between two states.

Ad 2. From the standpoint of international law, the border between Czechoslovakia and the Federal Republic of Germany is a border between two states. There can be no legal doubt arising from the Munich Agreement of 1938, as it had been declared null and void, non-existent: an agreement whose legal force had been obliterated *ab initio* during World War II. Thus, in the light of international law, the status quo ante of the Czechoslovak-German border was restored. The only changes of a legal nature are laid down in the legal acts of the World War II period. I draw attention to the issue only because the government of the Federal

19 See a detailed study in B. Wiewióra, *Uznanie nabytków terytorialnych.…*, pp. 195–220.

Republic of Germany pursues a policy which attempts to question the lawfulness of the border between Czechoslovakia and the FRG.

V
Conclusion—Territorial Cession is Independent of the Peace Treaty

The analysis of legal acts and international practice based thereon is not infrequently an arduous and highly complex process. The effort is often unrewarding, as the findings of such an analysis appear straightforward and self-evident. In such instances, one may have the impression that extensive disquisitions and interpretation of legal acts are superfluous or not particularly useful. However, international practice dismisses such doubts and requires thorough and meticulous analyses, especially where they concern such fundamental acts of international law as multilateral agreements regulating legal rectification of the aftermath of World War II. Correct interpretation of those legal acts is decisive not only for the elimination of the adverse outcomes of the last war. The potential future war may also be forestalled thanks to correct interpretation of those legal acts.

The conclusions which may be drawn from the above deliberations very often require one to reiterate the premises which constitute their essential foundation. Sometimes, it may prove worthwhile to repeat those premises so as to avoid making inadequate statements which put the clarity of the conclusions themselves at risk. Hence certain elements making up the premises of these final conclusions need to be restated, though very briefly, of course.

The First Conclusion—the Potsdam Agreement of 2 August 1945 Effected Formal Territorial Cession

The term “cession” is an ambiguous one. In contemporary theoretical studies it is described as “not particularly felicitous” and gives rise

to numerous reservations. In international law, the term "territorial cession" denotes treaty-based transition of a part of the territory of one state under the authority of a second state. In international practice, the term is used to refer to a transfer of a part of territory, the surrender of sovereignty by the cedent state over the population living on that territory, who now become subject to the sovereignty of the cessionary state (acquirer). Cession of a part of territory is considered a lawful mode of territorial acquisition in international law. A cession agreement is public law act, whose aim is to transfer the sovereignty from one state to another. The current body of international law includes universally binding norms which regulate territorial cession. The practice of states in that respect is not consistent, either. A vital element of each territorial cession is the change of sovereignty with respect to a part of state territory. In each case, such a change is regulated by an international agreement.

The notion of cession in international law differs in terms of substance from its counterpart in private law. Also, it needs to be added that even in private law "cession" is not used to denote the transfer of property, in particular real estate, from one person to another, but a transfer of liabilities. Despite the multiplicity of meanings, international law widely uses such terms as the transfer of territory, cession, retrocession, restitution, exchange of territory, sale etc. in a manner analogous to the transfer of ownership in private law. It has often been observed that the transference of terms from property law into the branches of public law is an expression of an incorrect approach to the issues of territorial supremacy. This is due to the fact that the relationship of the state to the territory does not consist in *dominium* but in *imperium*.

When drawing conclusions from these observations, one should avoid such notions as property, sovereignty, succession and transfer of *imperium* while discussing territorial cession. Such an understanding of the essence of territorial cession leads to grave consequences. First, the principle *nemo plus iuris in alium transferre potest quam ipse habet* is out of

the question where territorial cession is concerned. The principle may be employed where a transfer of rights takes place. It cannot apply to territorial cession, whose essence lies in the change of sovereignty. Secondly, a part of state territory cannot have its "own" position in international law. Only states or state-like entities can have such a position.

In theory, the agreement on territorial cession is considered "merely a title." When effecting a territorial cession, two eventualities are presumed in international law. The first is that when the ceded territory was occupied pre-treaty by the cessionary, the peace treaty transfers—drawing on the analogies discussed above—the legal title to the new sovereign, who already is in the possession of that territory. The second eventuality is when the ceded territory has not yet been taken by the cessionary, in which case the peace treaty is an act of handing over the territory to the cessionary. However, that handing over is not an indispensable condition for the cession to be effective.

The fundamental criterion of cession is the intention of the parties and the determination of the legal title by means of a legal act. It is underlined in contemporary monographs that agreement on territorial cession does not convey sovereignty to the cessionary state. Such an agreement is a purely probationary instrument and, in a sense, corroborates the fact that the cedent state surrenders a part of its territory and a proportion of its population. This nature of the agreement of cession requires detailed supplements in the shape additional agreements concluded by the states involved.

Now, moving on to conclusions concerning the Polish-German border after World War II, it has to be stated that the part of the former German Reich which was transferred to Poland under the Potsdam Agreement is a cession of a particular kind. Namely, this is an instance of retrocession and therefore the lands which were returned to Poland in 1945 are referred to as "Regained Territories." The name signifies that the home state recovered lands which have witnessed various changes in the course of history, as is usual with frontier territories.

The term "retrocession" is not a novelty associated with the Potsdam Agreement nor an interpretive figment of the Polish diplomacy. The most recent monograph devoted to territorial cession lists numerous examples of retrocession. For instance, the term is used in the agreement of 10 August 1877 to describe the transfer of l'Ile Saint-Barthelemy. Retrocession has a rich history in French-German relationships in connection with the extension of German rule over Alsace-Lorraine. The return of Alsace-Lorraine to France in 1918 constituted retrocession, which also happened to be called reintegration in French juridical literature.

In this case, the theory and practice of international law shows that the notion of retrocession-reintegration is associated with the restoration of the legal-political status which a territory had had prior to the conquest. The territory which is subject to retrocession is considered a part of the territory of the home state as if it had uninterruptedly belonged to the latter. If the annexation of the retroceded territory lasted an excessively long time, the principle of recovery and determination of the legal status of that territory undergoes corresponding modifications. Such a principle was adopted in 1918 with regard to Alsace-Lorraine, which France had lost after the war of 1870, as it was found that German occupation "lasted too long for all principles of reintegration to apply."

The rules governing the retrocession of the Regained Territories were also suitably modified. Further instances of retrocession are known to have taken place after World War II.

When quoting the above examples, it should be added that no analogies between the Regained Territories and any other instance of retrocession-reintegration are sought. Here, the goal is merely to demonstrate that the notion of retrocession-reintegration is neither a Potsdam nor a Polish invention devised for the sake of interpretation of the Potsdam Agreement.

The theory and practice of international law determines the component elements of cession-retrocession.

Following an analysis of the retrocession of Polish territory effected under the Potsdam Agreement in the light of international legal theory and practice to date, one arrives at the following outline of the issue:

1) In international law, cession means surrender of a part of state territory. The term "territorial cession" can only be used in that specific sense. Usually, the ceded territory is already occupied by the cessionary state. The cession of territory in favour in Poland is referred to by the representatives of the three powers at the conferences in Yalta and Potsdam as well as by the commentators of those agreements. In the Potsdam Agreement, the territory ceded to Poland is called "former German territories"; moreover, it is set apart from the Soviet occupation zone in Germany.
2) Territorial cession is effected by means of international agreement. However, it is not the form of international agreement which is decisive for the execution of a territorial cession, but rather the intention to bring it about. The Potsdam Agreement stipulates that the cession of territory in favour of Poland will take place by virtue of the concord of powers signing that agreement. It follows unequivocally from the provisions of the Yalta and Potsdam agreements that the western border of Poland on the Odra and the Lusatian Nysa is final, while the "former German" land to the east of that line is returned to Poland.
3) The state ceding a part of its territory does not forfeit its international-legal subjectivity. The loss of a part of state territory does not affect the legal nature of a state. Retaining its international capacity, a state may continue to act even when its capacity for legal action has been handicapped.
4) The state ceding a part of its territory should survive the international agreement under which the cession has been executed. This is what distinguishes cession from annexation. With cession, the subject of international law endures—this is the requi-

site of cession. With annexation, a subject of international law is terminated.

5) Cession constitutes legal title to effective transfer of the ceded territory. International law does not set forth the norms which would regulate the manner and the scope of the transfer of territory. Such norms are established individually in each particular case. Within international law, cession represents a title under which the cedent is obliged to leave and evacuate the part of state territory concerned, while the cessionary (acquirer) is simultaneously authorized to acquire that territory. For a cession to be effective, a territory has to be handed over and subsequently taken over by the state which acquires it. The handing-over of territory is redundant if the cessionary state (acquirer) holds the territory when the international agreement is concluded.
6) By virtue of cession, the cessionary state obtains exhaustive competence with respect to the acquired territory. This condition is satisfied in the provisions of the Potsdam Agreement pertaining to Poland, while the said competence is exercised by Poland.

For a legal picture of territorial cession to be complete one should add that the provisions of the Potsdam Agreement are not subject to any time limit. The Potsdam Agreement does not specify any duration, which means that the agreement remains valid indefinitely. The negotiators of the Potsdam Agreement advance the argument that it was concluded only for the "initial period of occupation and control", on the basis of which they conclude that currently the agreement is no longer in force. The fact which weighs against this claim is that a proportion of the provisions of the Potsdam Agreement relating to Germany actually includes two types of provisions. One set of provisions represents a normative regulation of the German issues with a view to ensuring security and peace in Europe. The other group of provisions sets out specific tasks which should be carried out forthwith on the German territory to achieve peace and security in Europe, e.g. dissolution of the NSDAP, disbandment of

the armed forces etc. These provisions are evidently intended to apply in the transitional period, and the fact that they become irrelevant once they have been satisfied is indisputable.

In other words, the Potsdam Agreement comprises a number of provisions covering the "initial period of occupation and control", but the latter designation is understood to mean the period of intense eradication of all the elements of German militarism, whereby it is not the purpose to make those provisions void after the "initial period of occupation and control", such that the elements of German militarism eliminated during that period would be restored. There are no such political or legal arguments which could undermine the fact that the agreement remains in force for an unlimited term.

The cession of territory in favour of Poland was effected in the Potsdam Agreement in accordance with the fairly often communicated intentions of the occupying powers. The intention to enact a cession of territory in favour of Poland is particularly conspicuous in the preparatory works which preceded the formulation of the provisions of the Potsdam Agreement. The fragmentary documents published so far leave no doubt as to the diplomatic dealings in that respect; clearly, the occupying powers in Germany decided—even prior to Germany's unconditional surrender—to resolve the matter of borders of the German state in a new, equitable way which would correspond with the anticipated arrangement of international relationships after World War II. This is evinced in the meticulous preparatory work for the demarcation of the borders of the German state, regarding which only partial information has been made available. The fragmentary data still warrant the conclusion that the territorial provisions of the Potsdam Agreement, especially the delineation of the western border of Poland, are an outcome of prolonged preparatory efforts, characterized by experience and prudence. If that preparatory work, carried out during World War II, was disclosed much later, it happened for the same reasons for which the aims and the rules governing occupation of Germany were publicized only after

the unconditional surrender of the Nazi Reich. Besides, the drafts of changes of the post-war borders of the German state were not kept secret. It needs to be emphasized that after its unconditional surrender, the borders of the German state took shape in accordance with those blueprints between 8 May 1945 and 2 August 1945. It was in the period from the unconditional surrender of the German Reich to the promulgation of the Potsdam Agreement that the occupying powers addressed and decided on the entirety of the German problem, relying on the principles agreed in the course of previous conferences.

The documents relating to the preparatory work for the Potsdam conference which have been disclosed to date confirm such an interpretation of the provisions contained in the Potsdam Agreement.

The Second Conclusion—the Act of Territorial Cession is Independent of the Peace Treaty

A principle established in practice presumes that territorial changes are expressed in international agreement by virtue of which territorial cessions take place.

However, theory—at least a considerable part of theoretical inquiry—appears to draw erroneous conclusions from practical experience. The error consists in the fact that according to a proportion of theorists territorial cession can be effected only during peacetime, or that only a peace treaty renders a cession lawful and legitimate. In this case, territorial cession is confused with a peace treaty.

In actual fact, a peace treaty is essentially concluded under the principle of *uti possidetis*. The principle is manifested in a cession being effected most often prior to the conclusion of a peace treaty. Thus, territorial cession precedes a peace treaty.

Due to theoretical misunderstandings in this respect, the issue needs to be re-examined in the light of practice and pertinent literature. Here, one should draw both on the practice of states with regard to termina-

tion of war as well as on theory; references to customary law may also prove helpful.

The so-called *communis opinio doctorum* is not a source of international law, yet it offers valuable aid when elucidating the norms of emerging or existent customary law. Hence, it is aptly observed that the representatives of science are "les témoins des sentiments et des usages des nations civilisées." The concurring views of many authors, especially when they represent different nationalities, are a valuable indicator if an international legal norm is to be effectively construed.

At the outset, it has to be noted that there is no norm in international law which would stipulate that territorial cession should be effected in a peace treaty.

The *modus procedendi* in a treaty-based termination of war places considerable emphasis on the stage of proceedings which is referred to as "preliminaries of peace." It is acknowledged both in practice and in theory that preliminaries lay the structural groundwork of peace, and that there exists an organic link between the preliminaries and the peace treaty. The fundamental premises of a peace treaty cannot be different from the provisions in its preliminaries. Very often, preliminaries include provisions concerning territorial cession. It is also acknowledged that preliminary provisions may "enter into force" before a peace treaty is concluded. A distinctive feature of the preliminaries of peace concluded by a coalition of states as a party is that they entail an obligation not to conclude a separatist peace treaty.

Preliminaries providing for territorial cessions are encountered very frequently. Examples of such preliminaries were known in the eighteenth century and became even more numerous in the centuries that followed. In the Napoleonic period, the frequent changes of state borders took place as part of cession agreements, without waiting until a peace treaty was signed. The practice continued in the later periods as well. History knows instances when after territorial cession had been effected in the preliminaries, the delimitation commission would not wait for

the peace treaty and set to work without delay. For instance, one could quote the treaty signed in 1897 in Constantinople, which ended the war between Greece and Turkey. The preliminaries were signed on 18 September 1897, and the delimitation commission started working immediately afterwards. The peace treaty was signed only on 4 December 1897.

The practice of the nineteenth-century German state relating to the provisions on territorial cession in the preliminaries of peace is particularly interesting. Between 1830 and 1864 the borders of Germany saw no major territorial shifts, so cession agreements concluded in that period were few. However, things changed considerably in the decades towards the end of the nineteenth century. The war of 1864 ends with a preliminary concord in which Denmark cedes certain territories (Schleswig-Holstein, Lauenburg). The war of 1866 also ends with a preliminary agreement which, among other things, dissolves the Austrian-Prussian condominium and incorporates Schleswig-Holstein into Prussia as its province. Then the war of 1870 ends again with a preliminary treaty, which provides for the cession of Alsace-Lorraine to Germany. Characteristically enough, the peace treaty of 10 May 1871, which introduced certain frontier amendments in favour of France, refers to the "cession" of certain territories ceded in the preliminaries of 18 January 1871. The delimitation commission worked for six years: from May 1871 to 26 April 1877. The cession on the part of France was executed at a pre-treaty stage with all legal effects thereof, as it refers to the renunciation of sovereignty and ownership. Certain territorial concessions made by Germany with respect to the cession laid down in the preliminaries are also worded as "cession." The return of Alsace-Lorraine again relied on pre-treaty preliminaries, while the 1919 Treaty of Versailles authorized that state of affairs. The legal effects of cession in the peace treaty of 1871 and in the Treaty of Versailles of 1919 are associated with the dates of the preliminaries.

This line of development can be observed in the practice of states after World War II. In that period, the relation of territorial cession enacted in the preliminaries to the peace treaties concluded later is as follows:

The peace treaty with Bulgaria, signed on 10 February 1947 in Paris, establishes borders in accordance with the territorial situation of 1 January 1941. Consequently, it confirms territorial cessions effected prior to that date. When signing the treaty, the representative of Bulgaria made a statement of protest against some of the territorial provisions.

The peace treaty with Romania, signed on 10 February 1947 in Paris, implicitly confirms the pre-treaty territorial cessions. When signing the treaty, the delegate from Romania expressed the conviction that "certain obligations are excessive, while others are unjust."

The peace treaty with Hungary, signed on 10 February 1947 in Paris, also endorses territorial cessions which have taken place previously. The Hungarian delegate declared that he signed the treaty "with a heavy heart." Furthermore, he added that Hungary "did not introduce a single provision that would be favourable to it", after which he discussed several territorial issues decided by the treaty.

The peace treaty with Italy, signed on 10 February 1947 in Paris, contains territorial provisions which, in the words of the Italian delegate, "exacerbate the sense of oppression in the Italian nation." He added that Italy "expects the future to revise this treaty."

Only the peace treaty with Finland, signed on 10 February 1947 in Paris, did not elicit any protest. The treaty was accepted as an instrument which conclusively settled the matter of the Finnish borders. Article 1 of the treaty corroborates the retrocession of a part of territory effected prior to the treaty itself.

The peace treaty with Japan, signed on 8 September 1951 in San Francisco, contains provisions which draw on the outcomes of the Cairo Conference, on the Potsdam Declaration of 26 July 1945 and the unconditional surrender of Japan of 2 September 1945. It should be underlined that the provisions of the treaty cede certain Japanese territories,

but the cessionary is not mentioned. Thus, the peace treaty with Japan authorizes territorial cessions applicable to both the pre-war and post-war territory of that state.

The state treaty for the re-establishment of an independent and democratic Austria, signed on 15 May 1955 in Vienna, also deserves to be discussed here, despite the fact it is not a peace treaty. In the preamble, reference is made to the Moscow Declaration promulgated on 1 September 1943 by the governments of the USSR, the United States, and Great Britain. Article 11 of the treaty stipulates an obligation for Austria to recognize the legal force of the peace treaties of 1947 and "other agreements or arrangements which have been or will be reached by the Allied and Associated Powers in respect of Germany and Japan for the restoration of peace." Article 22 refers twice to the "Protocol of the Berlin Conference of 2nd August, 1945", meaning the Potsdam Agreement. In the extent pertaining to Austria, the treaty formally recognizes the preliminaries of peace which preceded it.

On the basis of a comparative study of state practice spanning a period of approximately 300 years, it may be stated that there is no norm in international law which would posit that territorial cession can be effected only through a peace treaty. Also, none of the existing norms requires that a peace treaty should "render territorial cession lawful." Interested states conclude international agreements concerning cession by taking into account the specific conditions and circumstance in each case. Territorial cession is very often effected in the preliminaries.

The practice of states after World War II demonstrates that the conditions of armistice are treated as preliminaries which should then be reflected in the peace treaty. This is observed in all the aforementioned peace treaties (of 1947). This highlights the organic development of preparatory works for peace treaties, which involved various acts of international law from the World War II period – the Potsdam Agreement in particular. It is the post-war practice which most prominently shows that peace treaties formally incorporate pre-treaty decisions con-

cerning border changes into their provisions. The latter fact underscores the momentous role of the Council of Foreign Ministers in the preparatory work which culminates in peace treaties.

The Third Conclusion—the Final Settlement of the Polish-German Border Complies with International Law

In the light of the above theoretical considerations and analysis of practice, the following conclusions may be advanced regarding the Polish-German border:

1) In the practice of states, territorial cession is distinctly separate from the peace treaty. Consequently, monographic studies of the issue already speak of cession or cession-related clauses in peace treaties, while "treaty (i.e. agreement) of cession" is becoming an established term. It is underlined in the theory that territorial cessions outside peace treaties are so frequent that in the course of recent centuries certain rules have developed to which states widely adhere in that respect.
2) No less fundamental a conclusion concerns the relation between the peace treaty and the agreement of cession which precedes it. Theoretical approaches highlight the fact that, by and large, the goal of a peace treaty is to change a title which is sovereign *de facto* into a title which is sovereign *de iure*. However, when deliberating on the constitutive or declaratory significance of the "legalization" of a pre-treaty cession, it is maintained that the essence of such legalization is in the transformation of a historical fact into a legal one. Obviously, the change does not create anything, since its sole capacity is expressed in the determination that a historical fact exists. The practice of states after World War I demonstrates that a cession of territory—even when effected in a peace treaty—must be

a definitive one. As discussed above, the practice of states after World War II proves that states sign peace treaties with reservations or protests pertaining to territorial provisions. In such circumstances, the proposition that territorial cession is "legalized" by the peace treaty is untenable.

3) The practice of states presented above permits one to formulate the view that in and of itself a peace treaty does not create anything, as crucial significance should be attributed to the existing preliminaries.
4) The conferences in Tehran, Yalta and Potsdam established the rules which governed the cooperation of the USSR, the United States, and Great Britain as they strove to restore world peace, both during the war and afterwards. Also, the preliminaries of peace were agreed on during those conferences. The peace treaties concluded to date after World War II formally confirmed the provisions which obtained that particular form or which were laid down in other armistice instruments—also preliminaries of peace which terminated military operations on particular fronts. Most notably, all the discussed peace treaties recognized those provisions of the preliminaries which resolved the questions of borders prior to the treaties themselves. These preliminaries are therefore implemented in the peace treaties. Tehran, Yalta and Potsdam also constitute preliminaries of peace for those treaties which have not yet been concluded after World War II, in particular for the peace treaty with Germany. There is no shortage of British opinions which view the preliminaries concluded as part of the Tehran—Yalta—Potsdam paradigm in that very manner. Also, the president of the United States approached the Yalta agreement in the same way. In its draft of the foundations of the peace treaty with Germany, the government of the USSR invokes the provisions of the Potsdam Agreement concerning Germany on several occasions, in a sense accentuat-

ing the fact that the agreement represents a preliminary. Much the same is observed in the decrees issued by the USSR, Poland, and other states in connection with the termination of the state of war with Germany. The preliminary nature of the Potsdam Agreement is underlined in the communique of the Warsaw conference of 8 states, held on 22 April 1948, and in the communique of the Prague conference of 8 states in 1950, in which the German Democratic Republic participated as well. The Potsdam Agreement settles numerous issues in a pre-treaty mode; for instance it conclusively resolves the matter of the western border of Poland on the Odra – Lusatian Nysa line. No grounds can be found in post-World War II practice or in the theory to support the conjecture that the territorial provisions of the Potsdam Agreement regarding Poland's western border will be approached in the prospective peace treaty with Germany differently than the already implemented territorial provisions in previous peace treaties. In line with the post-World War II practice, the peace treaty with Germany will formally adopt the territorial clauses of the Potsdam Agreement pertaining to the border arrangements between Poland and Germany, integrating them in its provisions.

5) It is sometimes emphasized in theoretical deliberations that formal consent is required in those cases when territorial cession is a component of an imposed agreement. The practice of the German Reich after the 1919 Treaty of Versailles shows that the diplomatic interpretation of the matter differs from the juridical one. Here, one could cite the memorandum formulated by Professor Erich Kaufmann, in which it was asserted that Germany's territorial cessions provided for in the Treaty of Versailles cannot be criticized or challenged. The diplomatic interpretation of the same issue—at least on the part of the German Reich—was altogether different.

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SUMMARY

The Forms of Recognition of State Borders After World War II (With Particular Focus on the Arrangements Pertaining to the Polish-German Border)

The paper is an English translation of *Forma uznania granic państwowych po drugiej wojnie światowej*, by Alfons Klafkowski, published originally in Polish in „Życie i Myśl" in 1964. The text is pub-

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