

# RADIO FREE EUROPE

# Research

## EAST EUROPE

This material was prepared for the use of the  
editors and policy staff of Radio Free Europe. **EW**

POLAND/13

11 September 1970

### POLAND'S INSISTENCE ON TOTAL RECOGNITION OF ODER-NEISSE FRONTIER

Summary: In recent speeches, Party leader Wladyslaw Gomulka and Foreign Minister Stefan Jedrychowski asked for a final recognition of the Oder-Neisse frontier. Against the background of the Moscow Treaty of 12 August 1970 and of recent West German interpretations of its Oder-Neisse clause, the most recent Polish formulations used by Gomulka and Jedrychowski represent Polish determination to have the frontier clause in a future Polish-West German treaty phrased in such way as to exclude -- at least on the face of it -- any "flexible" interpretation.

\* \* \*

Polish Party leader Wladyslaw Gomulka used the occasion of the traditional Harvest Festival on September 6 in Warsaw to speak also on the problem of Polish-West German talks, on future "normalization of relations," and, in this connection, on the Moscow-Bonn treaty of August 12, as well as, if not above all, on the "recognition of the final character of Poland's western frontier." Radio Warsaw broadcast (in Polish), and PAP supplied a faithful English translation of the respective passages of Gomulka's speech as follows:

For a year, the situation in Europe has been developing very successfully, owing to the consistent and peaceful joint policy of the socialist states. The striving for the strengthening of security and peace on the basis of the consolidation of the existing frontiers and of the renunciation of the use of force in interstate relations is acquiring momentum. This is reflected by the recently--

concluded treaty between the Soviet Union and the German Federal Republic. The treaty, based on respect for the territorial integrity of all states within their present frontiers, provides possibilities for building normal relations and economic and scientific-technical co-operation in the interest of the peaceful development of all Europe.

The talks which the government of People's Poland is conducting with the government of the German Federal Republic are proceeding in the same direction. It is our intention, and we have stated it many times, to conclude a treaty which would normalize relations between the two countries on the basis of the recognition of the final character of the Polish western frontier and of the renunciation by the GFR of all territorial demands for today and for the future. It is only such a treaty, which is in the interest of European peace, that can reflect the wishes of the Polish public.

After the Moscow-Bonn treaty, this was the first authoritative Polish statement on Polish-West German relations. Taken at face value, the statement seems to contain nothing particularly new. This is not the first time that Gomulka has used the formulation "the recognition of the final character of the Polish western frontier." (The only, insignificant, change is that, in the past, he has specifically referred to the "Oder-Neisse" rather than the "western frontier.") On September 6, Gomulka also insisted on the following condition: "the renunciation by the GFR of all territorial demands for today and for the future" (emphasis added). As if he had set his mind on driving home the truth, Gomulka stressed that "only such a treaty... can reflect the wishes of the Polish public" (emphasis added).

On September 7, a day after these words were spoken by Gomulka, Foreign Minister Stefan Jedrychowski delivered a speech at the Polish Institute of International Affairs. The occasion was a two-day session devoted to the Potsdam Agreement and to European security.

"The Potsdam Agreement was a legal, international act of recognition of the sovereignty of the Polish state over the lands situated east of the Oder and Iusatian Neisse Rivers," Jedrychowski said. "The delivery of these lands to administration by the Polish state was not limited by any time condition," he insisted. Hence, the Polish Foreign Minister continued, it was the duty of "both German states" created upon the ruins of the Third Reich to recognize the "final and unchangeable character of the Polish western frontier." This duty was fulfilled by the

GDR in 1950, Jedrychowski said. "Now we expect the GFR to take such a step, and it is upon this step that we make dependent normalization of relations with that state," he concluded.

Then, Jedrychowski repeated the gist of what Gomulka had to say on the subject of Polish-West German relations. In this respect, Jedrychowski was quoted by Radio Warsaw (September 7), as follows:

The treaty concluded between the Soviet Union and the GFR on the 12th of August this year in Moscow is undoubtedly an act steering the GFR onto the path of respecting the Potsdam decisions. The talks which are now being conducted between Poland and the GFR have the same scope, since in these talks not only do we put clearly the problem of the final recognition and of the unchangeable character of our Western frontier, but the whole problems has been set in the proper perspective, i.e., in the perspective of the attitude of the GFR to the problem of peace in Europe [emphasis added].

It is worth noting that here, as in the Gomulka speech, two elements have been stressed: (1) the final recognition of the Polish Western frontier; (2) the unchangeable (i.e., for the future as well) character of this frontier. The formulations used by both Gomulka and Jedrychowski in their most recent speeches may be interpreted as demanding a total, i.e., de jure, recognition of the Oder-Neisse frontier, which conjecture will be investigated in the following paragraphs of this paper.

Jedrychowski's statement -- notwithstanding its political importance -- appears to be but a repetition or a restatement of the far more authoritative utterance of Gomulka. Attention, therefore, will be paid to what Gomulka has said on the subject.

It may be recalled that, in May, 1969, when Gomulka first made his suggestion of regulating relations with Bonn, he was much milder in his formulations. He demanded from the FRG "an international treaty, at any time, such as we concluded on this question with the GDR 19 years ago." As is known, Article 1 of the Zgorzelec Agreement of 6 July 1950 stipulates that the Oder-Neisse frontier "is a state frontier between Poland and Germany."

However, Gomulka's formulations on September 6 were similar to those used four months earlier in a speech at Wroclaw on May 9:



...We demand from the GFR unequivocal recognition of the existing Polish frontier, as laid down in the Potsdam Agreement, as final and unchangeable. We also demand this recognition to be regarded as binding for all agreements concerning peace and security in Europe (PAP in English, May 9, emphasis added).

The sentiments expressed on both September 6 and May 9 are almost identical, although in May Gomulka used in the term "binding for all agreements," whereas in September he used the more general expression "for today and for the future." When Gomulka first made this demand in May, he certainly seemed to be asking for something that would not be given, namely for (West German) recognition of the Oder-Neisse frontier as binding for all agreements. This implied also the agreements the FRG has with the Allied Powers. But Gomulka seems to have known what he was doing: his reference in the Wroclaw speech to the frontier recognition being "binding for all agreements" seems to have been a clear answer to Point 3 of the then revised West German counterproposals, which at that time (late April, 1970) were reported by the West German press (for example, Die Zeit, 24 April 1970), to be as follows: (1) Bonn and Warsaw state that the Oder-Neisse is the Western frontier of Poland; (2) the Federal Republic will respect the frontier and will not question Poland's territorial integrity; (3) the existing treaties, in particular the Potsdam Agreement and the German Treaty, will not be affected by this [future Polish-West German] agreement (emphasis added).

The question arises to whom Gomulka's remarks on September 6 are addressed, in particular the formulation "for today and for the future." In this context, it is worth recalling what the Soviet-West German treaty said on the subject. Article 3 of the treaty contained a provision by which both the USSR and the FRG:

...regard today, and shall in future regard, the frontiers of all states in Europe as inviolable such as they are on the date of signature of the present treaty, including the Oder-Neisse line, which forms the Western frontier of the People's Republic of Poland....

In this Article, therefore, though the reference to now and the future is indeed contained, there is no specific reference to "the final character" of the frontier. Still more, the provision of Article 3 does not contain any de jure recognition of the frontier.

This last point was explained by the FRG's chief negotiator of the Moscow treaty, the Foreign Ministry's Secretary of State Egon Bahr. In a radio interview on August 17, five days after the signing of the Moscow-Bonn treaty, Bahr stated:

It is quite clear that this is no peace treaty; it is also quite clear that a recognition under international law (voelkerrechtlich) of the frontiers by the Federal Republic of Germany is not possible.

Herr Bahr has been strongly attacked in Poland for this "peculiar interpretation" of the Moscow Treaty, for example, by editor Ryszard Wojna in the Warsaw daily Zycie Warszawy on August 19. Another daily, the Pax-owned Slowo Powszechne (August 26), had serious misgivings about the bona fides of the FRG government. The daily referred to a radio interview with Egon Bahr as -- according to Slowo Powszechne -- "a bow to the opposition," in which Bahr stated that the agreement with the Soviet Union did not amount to final confirmation of the European status quo. Here the proregime Catholic daily quoted FDP parliamentary leader Wolfgang Mischnick as explaining that "the point about the inviolability of frontiers does not mean that they cannot be changed by an agreement between the parties concerned." These "enunciations," Slowo Powszechne concluded, bring to mind "the concept of good faith which, as we know, is the foundation of any treaty," including the future treaty between Poland and the FRG.

Reporting from Warsaw for the Frankfurter Allgemeine Zeitung (September 9), Bernhard Heimrich referred -- without naming names -- to the above "public" interpretation of Article 3 of the Moscow Treaty. The Poles, Heimrich said, insist on a different wording of the Oder-Neisse clause in a future Polish-West German agreement so as to prevent a "too flexible" interpretation of the understanding on the frontier. He also reported that the Poles do not necessarily insist on having such "preventive" formulations in the treaty itself. A "flexible" interpretation can be prevented, for instance, by an exchange of letters accompanying the treaty, whereby the meaning of the frontier clause could be explained in detail. At any rate, Heimrich said, the Moscow formula is -- in spite of earlier Polish approval -- not acceptable to the Poles. On the other hand, if they used that formula, the Polish-West German treaty could be interpreted as a mere by-product of the Moscow Treaty.

Another columnist, Alexander Korab (Neue Zuercher Zeitung, September 9), saw in Gomulka's statements of September 6 "on the character and essence of the forthcoming [Polish-West German] treaty a certain hardening of the Polish position" (emphasis in the original).

This "harder" line seems to supply at least one important explanation of the "postponement" of the sixth round of Polish-West German talks, originally slated to take place in Bonn between September 8 and 11. It may also shed some light on two recent visits to Warsaw of Juergen von Alten, the FRG Foreign Ministry's East Europe department head, one at the end of August, the second on September 3 to 5, visits that seemed designed to overcome this delay and its causes. On September 9, a West German government spokesman confirmed that the talks were to have begun on the previous day, and noted that the initiative to postpone them had been taken by the German side. The spokesman stated that a new timetable for the talks, suggesting that they be continued in October, would be presented to the Polish trade mission in Cologne.

K. Zamorski  
(Polish Unit)