

*Eugeniusz DURACZYNSKI,*

D. Sc., Professor of Law, Institute of History of the Polish Academy of Sciences

### **MOLOTOV-RIBBENTROP PACTS: THE POLISH POINT OF VIEW**

According to J. Pilsudski the Rapallo Treaty (1922) was directed against the whole world, but they were particularly dangerous for Poland. In the political situation of those days it was essential for Poland to strengthen her independence, sovereignty and integrity. It was considered necessary to establish normal relations with both neighbouring powers. Those considerations led to two very important diplomatic acts. In 1932 there was signed in Moscow a Polish-Soviet Non-Aggression Treaty in which both parties admitted that the Peace Treaty between Poland and Soviet Russia concluded on March 18, 1921 in Moscow was still the basis for the relations between the two countries as well as for mutual pledges to forbear from acts of aggression and invasion of one of the countries by the other, either alone or together with some other countries. As declared in the Treaty, the pledges would be considered invalid in case of an act of violence infringing the integrity and inviolability of the territory or political independence of the other party even if such an act were taken without declaring war and without any manipulations of war. Art. 2 of the Treaty said that if one of the parties to the Treaty were invaded by a third state or a group of third states, the other party would pledge not to assist the invading state, either directly or indirectly, in the course of the conflict. The content of Art. 3 of the Treaty was also important: both contracting parties pledged not to take part in any agreements which might be hostile or aggressive to the other party. In May 1934 both countries signed an Agreement extending the Treaty from 1932 to Dec. 31, 1945. The Soviet-Polish Treaty of 1932 assumed new significance in 1933 when Poland, the Soviet Union and seven of its neighbours, among them Estonia, Latvia, Rumania, Lithuania, and Finland signed a Convention in which they defined the notion of aggression. According to that Convention, as acts of aggression were considered declarations of war, so was armed invasion of the territory of another state without declaring war, and so on. In one of the items of the Convention it was pointed out that aggression cannot be justified by any political or military reasoning. Poland was also striving to improve relations with its Western neighbour and, as is well known, in 1934 there was signed the Polish-German Non-Aggression Declaration. Years passed, and there came Aug. 23, 1939. The text of the Aug. 23 Treaty has been known for a long time, including its top-secret Supplementary Protocol envisaging a clear-cut division of spheres of interest of the two states in Eastern Europe. I shall mention only that Pt. 2 of the Protocol established a border line of the spheres of interest on the territory of the Polish State and that the very fact of the existence of the Polish State was to be decided by the Third Reich and the Soviet Union. Ribbentrop and Molotov were working out those agreements at the time when the Polish-German Declaration, denounced by Hitler as early as on April 28, 1939, was no longer valid. But the Polish-Soviet Non-Aggression Treaty of 1932 still was, and so was the Convention defining aggression signed by Moscow and Warsaw in 1933. It appeared from the contents of the Secret Protocol that neither of the contracting parties was going to observe the standing norms of international law, and Stalin was not going to observe the international treaties signed by his Government, including the treaties with Poland which were supposed to be valid, as

I have already said, until Dec. 31, 1945, and also the Convention defining aggression. The ensuing developments are only too well known.

On Sept. 1 Germany attacked Poland. On Sept. 5 the German Ambassador in Moscow F. von Schulenburg, carrying out the orders of his superiors in Berlin, started urging Molotov to send the Red Army to the West and to cross the Soviet-Polish border. On Sept. 10 the Ambassador got an answer from the Head of the Soviet Government stating that the Soviet Union would act according to Berlin's wishes as soon as it could justify its moves by the advancement of German troops, by breaking up Poland and by the necessity to give assistance to the Ukrainians and Byelorussians. On Sept. 14, i. e. four days after that talk, the Soviet daily *Pravda* wrote that Poland had lost almost all her political and industrial centres and had suffered a military collapse, falling to pieces after the first defeat. The article implied the likelihood of the forthcoming crossing of the Soviet-Polish frontier by the Red Army as it mentioned meeting the commitments which Molotov had discussed with Schulenburg four days earlier, i.e. on Sept. 10. Thus the author of the article stated publicly that Stalin was ready to fulfil the provisions of the Agreement between Molotov and Ribbentrop, violating the Treaty with Poland as well as the norms of international law.

On Sept. 16 Schulenburg met Molotov twice. The second meeting, at 6 p. m., was of particular importance. Molotov informed the Ambassador that the Red Army would set out the following day, i. e. on Sunday, Sept. 17, or Monday, Sept. 18. The Soviet Union was going to justify her actions by the fall of the Polish State and the necessity to protect the Ukrainians and Byelorussians. He also said that the Polish Ambassador in Moscow and the Heads of all the diplomatic legations accredited to Moscow would get a note in which the fall of the Polish State would be presented as a new development, which would automatically annul all the treaties signed with Poland. But no more than eight hours had passed before Schulenburg was summoned to another interview. That time he was received by Stalin in the presence of Molotov and Voroshilov. That was on Sunday, Oct. 17 at 2 a.m. The Ambassador learned that the Soviet troops would cross the Soviet-Polish frontier within four hours. The Ambassador was also informed of the note which would be presented to the Head of the Polish Embassy. Schulenburg made a few suggestions, which were immediately accepted by Stalin.

At 3 a.m. Molotov's deputy V. Potemkin sought to present the Soviet note to the Polish Ambassador in Moscow Waclaw Gzibovski. It was pointed out in the note that the war had revealed the bankruptcy of the Polish State, that Poland had lost all her industrial and cultural centres and that Warsaw no longer existed as the capital of the State (as a matter of fact, it defended itself for another 10 days), with the Polish Government showing no signs of life. From what was stated above, the Soviet side had come to the conclusion that the Polish State and her Government had, in fact, ceased to exist, and therefore the treaties signed between the USSR and Poland were no longer valid. Further, the Soviet Government informed the Ambassador that it had given orders to the Commander of the Red Army to cross the Soviet-Polish frontier and take the population of the Western Ukraine and Western Byelorussia under its protection.

It must be pointed out here that, contrary to the assertions of the People's Commissariat of Foreign Affairs the Head of the Polish Government (President), the Government, the Prime Minister, and the Commander-in-Chief were at the time in south-eastern Poland, performing all their constitutional duties. They crossed the Rumanian border no sooner than by the end of September 17, and during the following night.

The Ambassador Gzibovski did not accept the note, and refuted the allegation that the Polish State had ceased to exist. A similar response to the note came from England and France, who also refuted the statement about the vanishing of the Polish State. Lord Halifax in his conversation with the Polish Ambassador in London presented his view in the following way: "Our protest would lie in our repudiation of the Soviet thesis that Poland had ceased to exist as an independent state."

The British war-time Cabinet came to the same conclusion. On Oct. 17 at about 6 a.m. Soviet troops crossed the eastern border of Poland and advanced to the west, fulfilling the task that had been set to them. Occasionally there were armed conflicts with the Polish Army units. Advance of the Red Army up to the demarcation line, which had been agreed upon earlier with the Germans, lasted for 12 days. According to the Soviet media of that time, during the planned operation more than 200,000 Poles were taken prisoner by the Red Army, among them 9,000—10,000 officers, who were confined to prison camps on Kozel'sk, Starobel'sk and Ostashkov. Those camps were eliminated by the People's Commissariat for Internal Affairs in spring 1940. Less than 400 people out of 9 thousand wound up as officers of the Polish Army formed in the USSR in Aug. 1941. Out of 4,100 Poles shot in Katyn by the KGB and disinterred by the Germans in spring 1943, 2,700 men were identified — they all turned out to have been inmates of one single camp, that of Kozel'sk. Their fate as well as that of hundreds of thousands of deported Polish citizens is to be regarded as resulting from the Molotov-Ribbentrop Pact.

The declaration of the Soviet Government of Sept. 17, 1939, was a violation of the norms of international laws. The actions of the Red Army taken against Poland were nothing but acts of aggression as stated by all the conventions defining aggression and signed in 1933 by Poland, the USSR and other countries. However, they were in conformity with the Molotov-Ribbentrop Pact of Aug. 23 on the division of spheres of interest in Eastern Europe and with the principle of making use of the changing international situation as adopted by Stalin. The operations of the Red Army started on Sept. 17, 1939, the allegation concerning the collapse of the Polish State, the official and open display of friendship with the Third Reich by Stalin and Molotov — all this combined constituted an integral unity.

It was the result of the decisions taken by the Kremlin and based, as it seems, on a cold-bloodedly calculated immoral and cynical balance of expected losses and tangible gains. As losses, we could regard first and foremost the shock of the public in democratic countries and a certain confusion in the Communist movement; as gains — acquisitions of territory. Evidently it was thought that the losses would be forgotten in due course, with the gains remaining.

On Sept. 29, at 5 a.m. Ribbentrop and Molotov signed a Treaty on Friendship and Boundary together with supplementary documents, the Secret Protocols included. The parties signing the documents declared that the Polish State had ceased to exist and that the fate and territory of the former Polish State was now the responsibility solely of the Governments of the USSR and the German Reich. In accordance with the Treaty, the German-Soviet border was fixed along the rivers Pisa, Narew, Bug and San; that border was considered as final by the two Governments, warning any third state against interfering in the matter. Thus Poland was divided into two almost equal parts. One part was occupied by the Germans, i. e. Germany, the other by the Soviet Union. That Treaty was a logical outcome of the Treaty concluded on Aug. 23, 1939, which made it possible for the Germans to invade Poland and for the USSR to take

actions against Poland, starting on Sept. 17. It was another violation of the norms of international law. At that time Berlin and Moscow were the only capitals officially declaring that the Polish State no longer existed. However, Berlin did not succeed in making any other state, with the exception of its henchman Slovakia, accept the statement alleging that the Polish State had completely disappeared as a result of the conquest, and no longer existed. Here one should be reminded that in the course of WWI Serbia (1915) and Montenegro (1916) were completely overpowered by the aggressor; yet their Governments were transferred abroad and continued working there. One more point: at the time of WWI nobody denied the existence of the Serbian state with its Government in emigration maintaining regular diplomatic relations with the Governments of the Allies as well as the neutral states.

As is well known, after the members of Poland's Constitutional Government had crossed Rumanian border on September 17 to 18, they were interned on the territory of that state.

The new leadership, formed in accordance with the constitution of the country, appeared in Paris a few days later. However, none but Berlin and Moscow considered that sufficient for declaring that the Polish State no longer existed. As a matter of fact, her diplomatic representatives were functioning in France, England, the USA, Rumania, Hungary, Italy, Switzerland, Sweden, and many other countries. As I have already said, the French and English Governments refuted officially Molotov's declaration about the collapse of the Polish State. On Sept. 30, 1939, a new President, appointed in accordance with the constitution, formed the Government with General Wladislaw Sikorski as Head. It was immediately recognized — at first by the Allies, i. e. France and Great Britain, and then by many neutral states, including the USA. In that way the Governments of those states showed their recognition of the fact that the Polish Government still existed in the legal sense. To illustrate this, I shall quote the declaration by the USA of Oct. 2, 1939: "Occupation as such of the territory does not bring about the fall of the government in the legal sense. That is why the USA will continue to regard the Polish Government as existing in accordance with the constitution of Poland". Consequently, it was not only Poles on the occupied territory and outside the country who considered the Government of the Polish Republic to be the only legal body expressing the sovereign rights of Poland. The stance of Berlin and Moscow, in accordance to which the Polish State had disappeared or collapsed, had nothing to do with the norms of international law and remained but a politically ideological formula.

From the very moment of its foundation in emigration, the lawful Government of the Polish Republic firmly upheld and remained faithful to the sovereign rights of the Polish State as determined at the turn of the '30s and '40s. The primary task of Poland was to restore her integrity, which, in its turn, was linked to her attitude to the Soviet Union. Although neither of the countries had declared war on the other, the Polish Government considered that Poland was in the state of war with the Soviet Union. At the end of Aug. 1940, the Government formulated the gist of its programme in which it was declared that the Polish Government could not accept the situation in connection with the annexation of Lithuania, Latvia and Estonia by the USSR. As to the relations with the USSR, it said: "The main prerequisite for improving relations between Poland and Russia must be the restitution of the Polish-Russian border as it existed before Sept. 1939".

The Polish Government tried to negotiate Great Britain's support for this policy of Poland. But its attempts proved abortive. New conditions for resuming the Polish-Soviet relations came with the beginning of the

German-Soviet war in 1941. The Polish Prime Minister Sikorski expected the Soviet Union to denounce her treaties with Germany concerning Poland, which would automatically mean re-establishment of the legal status as recorded in the Peace Treaty of 1921 and the Non-Aggression Treaty of 1932. There was a sharp dissent around that question in the Government. All were for the improvement of relations with the Soviet Union and for the formation of the Polish Army on the territory of the Soviet Union, for releasing the Polish prisoners from the camps and the repressed Polish citizens from the places of detention in the USSR. Some, however, insisted that as an important prerequisite for the Polish-Soviet co-operation, there should be a declaration of the Soviet Government not only about the annulment of its treaties with the Third Reich, but also about the restitution of the pre-war borders with Poland. However, they were in the minority. The majority supported Sikorski, who considered it sufficient if the Treaties of Aug. 23 and Sept. 28 became spontaneously null and void. As for the Polish-Soviet border, it was to be decided by the actual balance of forces in the last phase of the war. Polish Prime Minister thought the said balance would be favourable for Great Britain and the USA, and they would see to it that the end of the war would not see Poland mutilated in its Eastern part.

The Polish-Soviet Treaty was signed in London on July 30, 1941, by Sikorski and by V. Maiski, the Soviet Ambassador in London. A part of the Treaty which is of vital interest to us, runs as follows: "The Government of the USSR admits that the Soviet-German Treaties of 1939 concerning the territorial changes in Poland have lost their validity". That was not to say, however, that the legal acts as to whom the pre-war Eastern part belonged, passed by the Supreme Soviet of the USSR in autumn, 1939, had also lost their validity. That is why the Soviet Union still regarded the line fixed in the Molotov-Ribbentrop Pact of Sept. 28 as part of her western border. The Soviet laws concerning the citizenship of the population living between the line of Sept. 28 and the Polish-Soviet frontier which was recognized by the Soviet Union until Sept. 17, 1939, and by the Polish Government also thereafter, were still valid. Nevertheless, there is no doubt that the Molotov-Ribbentrop line fixed on Sept. 28, 1939, resulted from the aggression by Germany on Sept. 1 and by the Soviet Union on Sept. 17, 1939, which were made possible by the Treaties of Aug. 23.

*Eugeniusz DURACZYNSKI,*

ajaloodoktor, professor, Poola Teaduste Akadeemia Ajaloo Instituut

### MOLOTOVI-RIBBENTROPI LEPETE TÄHENDUS POOLALE

1939. aasta 23. augusti lepingu salaprotokoll näitas, et Nõukogude Liidu ja Saksa valitsused ignoreerisid tol ajal kehtinud rahvusvahelise õiguse norme, Stalin aga ei pidanud kinni ei agressiooni määratluse konventsioonist ega oma maa valitsuse poolt allakirjutatud rahvusvahelistest lepetest, sealhulgas Poolaga sõlmitud lepingust, mis pidi kehtima 31. detsembrini 1945.

17. septembril teatas Nõukogude valitsus, et enam ei eksisteeri Poola riiki ega valitsust. See avaldus oli vastuolus rahvusvahelise õiguse normidega. Samal päeval alanud Punaarmee tegevus Poola vastu oli 1933. aastal Poola, Nõukogude Liidu ja teiste riikide poolt allakirjutatud agressiooni määratluse konventsiooni põhjal agressioon. See oli vastavuses Molotovi-Ribbentropi 23. augusti paktiga, mis määras lepinguosaliste huvisfäärid Ida-Euroopas.

Berliin ja Moskva olid sel ajal ainsad pealinnad, kus ametlikult teatati, et Poola riiki ei ole enam olemas.

Vastavalt Nõukogude-Saksa leppele 28. septembrist jagati Poola kaheks peaaegu võrdseks osaks: ühe okupeeris Saksamaa, teise Nõukogude Liit. Nimetatud lepe oli loogiline jätk 23. augusti paktile, samuti Saksamaa kallaletungile Poolale ja Nõukogude Liidu tegevusele Poola vastu 17. septembril. See oli järjekordne rahvusvahelise õiguse rikkumine.

## ДОГОВОРЫ МОЛОТОВА—РИББЕНТРОПА С ПОЛЬСКОЙ ТОЧКИ ЗРЕНИЯ

Тайный (секретный) протокол к договору от 23 августа 1939 г. означал, что правительства Советского Союза и Германии не намеревались соблюдать действовавших в то время норм международного права, а Сталин — подписанных правительством его страны международных договоров, в том числе договора с Польшей, имевшего силу до 31 декабря 1945 г., а также конвенции об определении агрессии.

17 сентября советское правительство заявило, что польское государство и его правительство перестали существовать. Это заявление противоречило нормам международного права, а предпринятые в тот же день действия Красной Армии против Польши — в свете конвенции, подписанной в 1933 г. Польшей, СССР и другими государствами, об определении агрессии, — были актом агрессии. Однако они соответствовали договору Молотова—Риббентропа от 23 августа о разделе сфер интересов в Восточной Европе.

Берлин и Москва были в то время единственными столицами, где официально заявляли, что польское государство уже не существует.

По советско-германскому договору от 28 сентября Польша была разделена на две почти равные части: одну оккупировала Германия, вторую занял Советский Союз. Договор этот был логическим следствием договора от 23 августа, нападения Германии на Польшу и действий СССР, предпринятых против польского государства 17 сентября. Он явился очередным нарушением норм международного права.