

Skubiszewski Krzysztof: *Pieniądz na terytorium okupowanym. Studium prawno-międzynarodowe ze szczególnym uwzględnieniem praktyki niemieckiej*, Poznań 1960, s. 423. * *La monnaie sur le territoire occupé. Etude de droit international tenant compte en particulier de la pratique allemande.* * *Денежная система на оккупированной территории. Международно-правовой очерк особенно учитывающий германскую практику* * *Money on Occupied Territories. A Study in International Law Based on German Practice*

The book is an important contribution to the series of the works of the Institute for Western Affairs in Poznań which deals primarily with German problems. It was well reviewed and aroused a considerable interest since the question of money in an occupied territory has not yet had a monograph devoted to it in Polish legal literature, and very little is written of it in foreign legal literature. The author's task was difficult in that it demanded the isolation of a relatively narrow issue from the whole context of the occupation of foreign territories. The investigations were carried out not only in the framework of legal and financial considerations, but in that of political economy also. The author has successfully overcome the difficulties in this task and has provided readers with a clear and concise study of the problem.

In the first part the author describes the practices of occupying powers and systematises them. We find here material concerning the period before the First World War, the period between the two World Wars and that concerning those occupations which occurred during the Second World War.

The second part is of a theoretical nature, and on the basis of what was said in the preceding section, the author gives legal constructions, interesting comments upon the law of Haga then he distinguishes three problems : of local currency, the currency of the

occupying powers and that currency issued within the occupied territory by the occupying powers. Special emphasis is laid upon the latter type of currency.

The author introduces interesting and convincing legal arguments based upon a few laws only, but originating in financial and economic studies.

Dealing with the sources of law the author rightly presumes that "There are no binding rules in international law clearly defining the problem of money in occupied territories; there are, however, rules from which standard legal usage can be deduced" (p. 155). One of such general rules states that the occupying powers have no justification in enriching themselves by means of exaction, which rule applies, however, only to the economy.

The author begins his commentary by pointing out that an occupying power must maintain use of local currency (p. 169) and comes to the conclusion that "One can consider a legal withdrawal of local currency only if for some reason it is impossible to maintain its circulation, either because a serious threat to the occupying power gives it in international law the right to withdraw it, or because the local economy must be reorganised" (p. 245 and following).

Commenting upon the occupying powers obligations regarding currency in circulation the author argues that "If the occupying power favours its own currency such behaviour is simply indirect confiscation of properties, contrary to its law" (p. 293).

The book contains theses for discussion such as

1. Commenting upon the occupation of Poland by the Three Empires the author stresses mainly the actions of the German occupant without a simultaneous analysis of the Austro-Hungarian Empire.

2. It is difficult to accept without question the authors standpoint or rather lack of one concerning "Polska Krajowa Kasa Pożyczkowa". On the one hand the author expresses the view that "Kasa" remained strictly dependant upon the occupant and on the other, that the issues of "Kasa" were not banknotes of the occupant — but that the bank was an institution of the occupant.

3. The author has not stressed sufficiently the illegality of the German occupant's acts in the Second World War concerning the incorporation of the occupied areas of Belgium and Luxemburg, contrary to international law.

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