

## The Validity of the Munich Agreement and the Process of its Repudiation during the Second World War as Seen from a Czechoslovak Perspective

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In order to obtain a clear understanding of the Czechoslovak political and legal position towards the Munich Agreement it is necessary to begin with the events connected with the outbreak of the Second World War. For it was during the period 1939 - 1948 that Czechoslovak and other legal experts effectively developed all the main arguments used to contest the validity of the Munich Agreement and of March 15th, 1939. From 1948 until the 1980's the ideological and political interpretation of these facts and arguments was changed both to fit Marxist ideology and because of the profound political division in Europe. All parties to the Munich Agreement, with the exception of Germany came to repudiate Munich and proclaimed it as being non-valid and non-binding in the period 1940 - 1945. The Munich Agreement, however, has to be seen not only from a strictly legal point of view, but it has also items of its wider political significance. The process known as „repudiation of Munich“ is closely connected with other main issues, especially of the re - establishment of Czechoslovakia within its pre - Munich borders and also with the question of the transfer of Sudeten Germans from Czechoslovakia. For Czechoslovakia ( and since 1993 for the new Czech Republic) Munich represents also theme with profound moral and emotional aspects. It is also a question which was reflected from the philosophical point of view. For example Václav Havel, President of the Czech republic, in his speech „Czechs and Germans on the Way To a Good Neighbourship“ given at Charles University on February 17th, 1995 stated that he is not sure „whether certain people, especially on the German side, are sufficiently aware of the fact that Munich was not simply an unjust solution of a disputable minority issue but the last and, in a way crucial confrontation between democracy and the Nazi dictatorship. At that time democracy capitulated and thus paved the way for the dictatorship to launch its inconceivable assault on all the fundamental value of civilization and on the very essence of human coexistence - possibly the most severe such assault made in human history. To Hitler Munich was the final test of democracy and its ability to defend itself; he took the Munich capitulation of the democrats as a sign that he was free to unleash a war. His calculation proved to be wrong and democracy prevailed at the end, but only at a great sacrifice that could most probably have been avoided if democracy had not given in to the delusion of appeasement and had resisted Hitler at the time of the Munich crisis.“<sup>(1)</sup>

This study, however, concentrates on the legal and general historical aspects of the „second life“ of the Munich Agreement during the period of the Second World War. I shall start by summarizing the legal arguments against the validity of the Munich Agreement as seen from a Czechoslovak (or Czech) perspective. For Czechoslovakia the 1938 Munich Agreement represented a mass of far-reaching breaches of international law.

Czechoslovak lawyers, politicians, historians but also the Czechoslovak general public have always stressed that President Edvard Beneš and the Czechoslovak Government accepted the Munich Agreement under duress expressed especially by Nazi Germany. Acceptance of the Agreement by the Czechoslovak Government was preceded by repeated threats of the use of force in the form of the immediate launching of an aggressive war against Czechoslovakia. Sudeten Germans on German territory were formed into special armed military units called Sudetendeutscher Freikorps and were placed under direct German military command. All their members took the oath of allegiance to the Führer and German Chancellor Adolf Hitler. The German threats were in direct violation of the Czechoslovak - German Arbitration Agreement of 1925 and of course with the Paris Treaty on the Renunciation of War ( Briand - Kellog Pact), which prohibited aggressive war as an instrument of national policy. German officials continued in their policy of using threats in order to intimidate Czechoslovakia even after the Munich Agreement was accepted by Foreign Minister K. Krofta. According to this argument the Munich Agreement was not valid from the very beginning.<sup>2)</sup> The allegation that the Munich Agreement was only accepted under duress, played a key role in Beneš's theory of the legal continuity of the Czechoslovak Republic and constituted his main argument against the validity of Munich. Beneš also connected the question of the validity of the Munich Agreement with the claim of uninterrupted continuity of his office of President of the Czechoslovak Republic. The main object of German coercion was to remove President Beneš and it is now very clear from the evidence that Beneš resigned due to German coercion and threats arising from the implementation of the Munich Agreement in the Berlin International Committee on Future Czechoslovak frontiers.<sup>3)</sup> The manner in which the Czechoslovak Republic was forced to accept the terms of the Munich Agreement has given the Munich Agreement special notoriety in Czechoslovak legal and political literature. The Munich Agreement has for many years been known to Czechs and Slovaks as „the Munich dictate“. The term was used for the first time in 1946 during the court proceedings against K. H. Frank, who played a key role in the German occupation administration of the Protectorate, when two leading Czech experts in international law professors L. Vošta and A. Hobza gave their expert testimony, that „the Munich Agreement was not an Agreement in the sense used

in international law, but was a plain dictate imposed upon Czechoslovakia...“<sup>4)</sup>

The term „dictate“ also reflects the fact that especially French Government had expressed its view that Czechoslovakia would be considered as being responsible for any resulting European war should the Czechoslovak Republic defend herself with arms against Germany. The Czechoslovak Government had no other alternative than to accept the „dictate.“

After the end of the Second World War and especially after the Nuremberg trials, Czechoslovak arguments concerning the threats of force were strengthened by the fact that the German preparations for war against Czechoslovakia were declared to be a crime against peace in the sense of international law.<sup>5)</sup> The question of German preparations for war against Czechoslovakia and its significance for the validity of the Munich Agreement was for the Czechoslovak politicians in exile in London closely connected with the problems regarding the existence of the state of war between the Czechoslovak Republic and Germany. The same shall apply also for the validity of Vienna arbitrary decision of November 2nd, 1938 and the state of war between Czechoslovakia and Hungary.

The participation of the Czechoslovak state in the war against Germany on the side of other Allies was for the first time unofficially declared by Edvard Beneš in his letters to Eduard Daladier and Neville Chamberlain immediately after the outbreak of the Second World War. The same approach was also adopted by the first internationally recognized organization of the Czechoslovak exile movement - the Czechoslovak National Committee in Paris in its proclamation dated October 17 th, 1939. The Czechoslovak National Committee stated that „the whole nation at home and abroad did not hesitate but started war against the brutal oppressor who is not its protector, but destroyer and cynical rapist of the Czechoslovak nation.“ „According to the Czechoslovak National Committee the main object of its policy should be the „establishment of an independent Czechoslovak army in France and to fight against Germany together with France, British empire and Poland.“<sup>6)</sup>

But only after the Czechoslovak Government in Exile was recognized by Great Britain ( July 21 st, 1940 and June 18th, 1941) and later by the Soviet Union ( June 18th, 1941) and the United States ( August 1941 and September 1942),<sup>7)</sup> that it was possible to formulate an official position of the Czechoslovak Government regarding the state of war between Czechoslovakia and Germany. When Japanese military forces attacked the USA at Pearl Harbor, the United States and Great Britain declared that they were now at war with Japan and His Majesty's Government also proclaimed a state of war with Finland, Hungary and Rumania.<sup>8)</sup> Representatives of both Allies informed the Czechoslovak Government in London of these developments. Czechoslovak President Edvard Beneš decided, that the Czecho-

slovak Government in Exile should take the opportunity to do the same. The Czechoslovak Ministry of Foreign Affairs in Exile represented by State Undersecretary Dr. Hubert Ripka therefore prepared the Czechoslovak declaration of war against Germany. On December 9 th, 1941 at 5. 45 p.m. in the name of the Czechoslovak Government in Exile Hubert Ripka read the following statement in the Czechoslovak BBC' s broadcast: „Every country, which is at war with the British empire, the Soviet Union or the United States of America is automatically and with all the consequences regarding a war enemy of the Czechoslovak Republic.“ Ripka stated that according to the Czechoslovak Government in Exile „the Czechoslovak Nation has been at war since September 1938.“ On December 10 th, 1941 an identical declaration was sent to the American and British Envoys to the Czechoslovak Government in Exile, Anthony Drexler - Biddle and Philip Nichols.<sup>9)</sup> The Czechoslovak Ministry of Foreign Affairs suggested that it would be better to speak about the „proclamation of the state of war in accordance with Article 64, paragraph 1 of the 1920 Czechoslovak Constitutional Act“ instead of „declaration of war.“ This decision was finally confirmed on December 16th, 1941 by the Cabinet meeting.<sup>10)</sup> Edvard Beneš acting as a President of the Czechoslovak Republic and Msgre Jan Šrámek as a Prime Minister declared „that the Czechoslovak Republic is in state of war with all countries which are in a state of war with Great Britain, the Soviet Union or the United States of America, and that the state of war between the Czechoslovak Republic on one side, and Germany and Hungary on the other, has been in existence since the moment when the Governments of these countries committed acts of violence against the security, independence and territorial integrity of the Republic.“<sup>11)</sup> The abovementioned declaration was sent to the British, Soviet and American Governments together with a diplomatic note concerning the „principles of the Czechoslovak foreign policy“. The note declared that „The Czechoslovak Republic, an Ally of Great Britain and the Soviet Union in this war, has never ceased to exist in a juridical respect, even though, after the Munich decision, it was at once brought beneath the direct influence of Nazi Germany and temporarily lost its freedom of resolution.“ The German and Hungarian attacks against the rest of the Czechoslovak state on March 1939 were condemned as „acts of war“ and they were „still regarded as such by the Czechoslovak Government. Hence, the Czechoslovak State and Nation and also the Czechoslovak Government has, from the time in question, been in a state of war both with Germany and with Hungary.“<sup>12)</sup> In respect to these two States the Czechoslovak Government in Exile reserved „all our rights... until such time as, after the end of the war, it will be necessary to secure vindication and restitution of our infringed rights.“<sup>13)</sup> The exact date from which the Czechoslovak Republic was deemed to be in a state of war with Germany and Hungary was left for future negotiations to determine, because

the British Government in the letter delivered by P. Nichols on February 7th, 1942 expressed reservations regarding the Czechoslovak declarations as a result of the fact of the limited extent of British recognitions of the Czechoslovak Government in Exile in the years 1940 - 1941. P. Nichols confirmed this stand to Hubert Ripka during their lengthy conversations, which took place several times in December 1941 and February 1942.<sup>14)</sup>

The Czechoslovak Government in Exile and its legal experts discussed the question of the exact date of the commencement of a state of war with Germany in order to determine a suitable date to cover the whole period of „Munich crises“, preferably beginning before the acceptance of the Munich Agreement by the Czechoslovak Government. At the beginning of January 1943 the Foreign Office asked the Czechoslovak Government for its decision. The Czechoslovak Ministry of Foreign Affairs prepared a „Memorandum Concerning the Date from which the Czechoslovak Republic has been in a State of War with Germany and Hungary“ and sent it on February 3rd, 1943 to Edvard Beneš. The memorandum was later confirmed by the Czechoslovak Government.<sup>15)</sup> In this important document the Ministry of Foreign Affairs suggested that it is necessary to find an earlier date than March 15th, 1939 in order to cover the Munich Agreement and the Anglo - French proposals concerning the cession of Czechoslovak territory of September 19th, 1938. The proposed date was September 17th, 1938, when „the leaders of Henlein's Sudetendeutsche Partei fled to Germany and under the assistance of the German Government proclaimed the establishment of Sudetendeutscher Freikorps.“<sup>16)</sup> Sudetendeutscher Freikorps were according to Czechoslovak legal experts regarded as military units, whose members were armed and under the command of Chancellor Adolf Hitler.<sup>17)</sup> Such military units „equipped with German arms and grenades had undertaken night attacks against the Czechoslovak frontier guards, custom and administrative offices.“ By giving support to such units established on its territory Germany had „committed an act of war and violence against Czechoslovakia.“ The occupation of a part of Slovakian territory on October 10th, 1938 was regarded as a similar act of war from the side of Hungary. Later this date was advanced to October 7th, 1938, when a Hungarian military unit had crossed the River Danube and attacked the Czechoslovak Army.<sup>18)</sup> The above-mentioned statement was confirmed on February 28th, 1944, when the Czechoslovak Ministry of Foreign Affairs sent a special diplomatic note to the British, Soviet, American and Chinese Envoys to the Czechoslovak Government in London. It was also presented to the Foreign Office on March 6th, 1945 in a „Memorandum of the Czechoslovak Government on the state of war between Czechoslovakia and Hungary“. The same opinion was delivered by the Czechoslovak representatives during the preparations for the Peace Conference, especially in the „Aide - mémoire of the Czechoslovak Government“ on the conditions of an armistice with Germany

of August 24th, 1944, which was handed over to the Chairman of European Advisory Commission J. S. Winant.<sup>19)</sup>

The Czechoslovak Government in Exile also developed other arguments against the validity of the Munich Agreement. The Czechoslovak Republic was not a party to the Munich Agreement. Moreover, the Czechoslovak Government which accepted the Agreement on September 30th, 1938 was not competent to do so, since according to Article 64, paragraph 1 of the Czechoslovak Constitutional Act of 1920, no part of Czechoslovak territory could be ceded to another state without the consent of the Czechoslovak Parliament given in the form of a constitutional act. The Czechoslovak Government repeatedly stressed the need to resolve the question of the Sudetenland according to the constitutional laws which had been in force at the time. The Czechoslovak legal view presented during the Second World War stated that according to generally accepted principles of international law and according to the majority of the doctrine of international law any international treaty concluded, or in the Czechoslovak case accepted, by a Head of State or Government in violation of the constitutional restrictions on that Government with regard to the cession of territory lacked legal force and was not binding. On the other hand several Czechoslovak legal experts including the legal adviser to President Beneš, Dr. Eduard Táborský, gave a number of examples opposed to such interpretation of the validity of the Munich Agreement. Nevertheless, it was used frequently in the Czechoslovak diplomatic memoranda and notes throughout the Second World War.

Another argument against the validity of the Munich Agreement used by the Czechoslovak representatives in exile was that the Munich treaty is not valid because its object was in breach of several other universally recognized principles of international law. For example France and Great Britain were bound by the Covenant of the League of Nations, especially by its articles 10 and 20 and were obliged to defend the territorial integrity of the Czechoslovak Republic as a Member of the League of Nations and not to conclude any Agreement, which would be in contradiction to the principles of the Covenant.<sup>20)</sup>

The last group of arguments is that the Munich Agreement ceased to be a valid international treaty when it was breached by the parties to the Agreement. The Munich Agreement was breached when Germany, Italy, France and Great Britain did not fulfill their obligation arising from the Munich Agreement to guarantee the new Czechoslovak frontiers. The Czechoslovak Republic asked the signatories to the treaty to give the guarantees. For the Czechoslovak Government the guarantees of its frontiers represented an essential condition of its acceptance of the Agreement and in the case that this condition was not fulfilled by any of the parties to the treaty, the others parties to the treaty had the right to revoke the treaty and

cause its expiration.<sup>21)</sup> The Czechoslovak representative at the Nuremberg trials colonel JUDr. Bohuslav Ečer delivered an even stricter construction of the above-mentioned principle. In the Czechoslovak report to the judges at the Nuremberg trials he presented the following statement of the Czechoslovak post-war Government: „the Munich Agreement was for the first time infringed during its implementation by the German army on October 1st - October 10th, 1938, which seriously violated and by far exceeded the terms agreed in Munich...“<sup>(22)</sup>

An even more serious infringement of the Munich Agreement was the German military attack against the rest of the Czecho - Slovakia on March 15th, 1939. This represented a Czechoslovak Government concession to the British legal point of view and was cited in the first Czechoslovak political proclamations against Munich. After the end of the Second World War this argument ceased to be used so frequently.

During the discussions concerning the validity of the Munich Agreement some Sudeten German politicians and historians pointed out that the Munich Agreement was only the practical implementation of an earlier agreement concluded between Czechoslovakia, France and Great Britain on September 19th, 1938.<sup>23)</sup> The official Czechoslovak position on this matter was formulated and communicated to the British Government as early as April 1941. It was based on the assumption that for the same reasons for which the acceptance of the Munich Agreement is not valid, the forced acceptance of so called Anglo - French plan of September 19th, 1938 could not be valid either and that the Munich Agreement was in fact not an application of the Anglo - French plan, the scope of which it far exceeded.<sup>24)</sup>

The main Czechoslovak legal argument concerning Munich is that during the Second World War Great Britain, France and Italy politically and legally repudiated Munich and to various extents recognized all or at least several of the above mentioned arguments. This point is closely connected with the main part of this study, which deals with the so called diplomatic „repudiation of Munich“.

On the 15th of March 1939 the Czechoslovak Republic ceased to exist de facto and the Protectorate of Bohemia and Moravia along with the Slovak Republic were established. Great Britain, France, the USA and the Soviet Union did not de jure recognize the new situation on the territory of the Czechoslovak republic, but there was real danger that this could change in future, especially after Slovakia and the Protectorate were de facto recognized by Great Britain and France in the summer of 1939.

In this situation it was difficult for Czechoslovakia to even begin its struggle for the repudiation of the Munich Agreement in the international forum. The main problem was in determining which organ was competent to

represent the Czechoslovak Republic instead of Hacha's Protectorate Government or Government of the Slovak Republic.

This is the reason that the question of Munich is so closely connected with the recognition of the Czechoslovak Government in Exile, with the theory of the legal continuity of the Czechoslovak Republic and with the problems connected with the recognition of the Czechoslovak Government in Exile.

The only Czechoslovak politicians, who were able to freely express Czechoslovak views on the legality of Munich and who could start the process of its repudiation were Czech and Slovak emigrés. Among them the leading role was played by the former Czechoslovak President Edvard Beneš who had resigned after Munich. During his stay in the USA, Beneš developed his known theory of the legal and political continuity of the Czechoslovak Republic, which was based on the assumption, that despite the events of Munich and March 1939 the Czechoslovak Republic continued to exist in law as an international legal entity, that the Munich Agreement was not binding on Czechoslovakia and that it was not a valid international treaty because it was imposed under threat of force, and that it was destroyed by Germany's invasion in March 1939. Beneš's theory was presented to the public for the first time on June 8<sup>th</sup>, 1938 during a speech in Pilsen Park in Chicago organized by the Czechoslovak fellow-countrymen movement.<sup>25)</sup> The Czechoslovak Government in Exile had to be created to exercise the sovereign rights of the legally existing Czechoslovak Republic. Beneš was helped in his legal argumentation by several well-known legal experts, especially where the non validity of the Munich Agreement in international law was concerned. One of them was a professor of jurisprudence and the founder of the school of „pure legal theory“ Hans Kelsen, who was asked for help by the Czechoslovak representative to the League of Nations dr. Jaromír Kopecký. Kelsen's legal expertise, so called Kelsen's Memorandum of April 1939 which focused mainly on the question of non validity of the establishment of the Protectorate was sent to Beneš. Beneš was also helped by his colleagues from Chicago University professors Quincy Wright and A. Lepawsky. Their analyses together with the legal opinions of another expert in international law, French professor of Sorbonna University René Cassin, formed the basis of the Czechoslovak diplomatic documents concerning Munich during the Second World War.<sup>26)</sup>

Until the outbreak of the war nothing changed concerning the difficult and uncertain position of Czechoslovakia. Beneš and the Czechoslovak Envoy to France, Štefan Osuský, agreed after some disputes to create a government in exile and ask France and Great Britain for its recognition. Unfortunately, only a Czechoslovak National Committee in Paris was allowed to be formed and was recognized as an organ which would be responsible for the Czechoslovak army, which was slowly being built in the

South of France. The French Government made a small concession towards the Czechoslovak legal point of view on Munich when it allowed Czechoslovak National Committee to recruit Czechoslovak citizens of German, Hungarian and Sub-Carpathian origin for the Czechoslovak army in exile as well as Czech and Slovak ones.<sup>27)</sup>

Beneš also tried to improve Czechoslovak position in Great Britain. The international situation changed on May 1940, when Churchill replaced Chamberlain as British Prime Minister and especially after the military defeat of France in June 1940. On June 21st, 1940 Beneš requested for British recognition of the whole Czechoslovak state machinery consisting of Beneš as a President, exile Government and State Council. At that time Great Britain had not yet abandoned its „Munich policy“ towards Central Europe. For example the legal adviser to the Foreign Office Sir William Malkin in his minutes dated June 25th, 1940 expressed serious doubts as to whether the Czechoslovak state existed in law and suggested: 1, to recognize the Czechoslovak government as a provisional one and 2, make certain reservations concerning the recognition regarding particularly the authority of the Czechoslovak government over Czechoslovak nationals in Great Britain and 3, make reservations concerning future frontiers. The question of the validity of the Munich Agreement was behind the British reservations repeatedly re-stated by the British diplomats William Strang and Lord Halifax during the process of recognition. The reservation concerning the authority of the Czechoslovak government over the Czechoslovak citizens was intended to exempt Sudeten Germans from the Czechoslovak state machinery. This problem as well as the question of frontiers remained to be open for future developments and negotiations.<sup>28)</sup>

The first improvement in the British attitude towards the validity of the Munich Agreement came on September 30th, 1940. British Prime Minister Winston Churchill proclaimed in his radio broadcast to Czechoslovakia for the first time that the Munich Agreement was dead, because it was destroyed by „the unscrupulous men who control the destiny of Germany“. The text of the Churchill broadcast was sent to the Czechoslovak Foreign Minister in advance together with a special letter signed by William Strang in which Strang confirmed, that by these words „the Agreement was destroyed“ is the ultimate concession the British could give to cover the Czechoslovak position towards the Munich.<sup>29)</sup> Churchill also said for the first time, that the restoration of Czechoslovak liberties was a British war aim. Churchill's statement meant that the Munich Agreement ceased to be valid international treaty for Great Britain from March 15th, 1938, however, it was for many Czechoslovaks serious setback.<sup>30)</sup>

Then on November 11th, 1940 the British representative to the Czechoslovak Provisional Government, Robert Bruce Lockhart, communicated an official statement of the British Government concerning the Czecho-

slovak frontiers. In his letter he backed Beneš against former Czechoslovak Envoy to Paris and Slovak Autonomist Štefan Osuský, who started among the Czechoslovak exiles to express serious doubts in respect to the extent of the British recognition and to the British attitude towards Munich. According to this letter Lord Halifax's statement made during the process of recognition of the Czechoslovak Government in Exile, that the British Government „would not commit themselves to recognize or to support the establishment in the future of any particular frontiers in Central Europe“ was intended to „refer to all and any frontiers, including, of course, the so-called Munich line.“<sup>31)</sup> The final solution of the question of the Czechoslovak frontiers was postponed until the end of the war.

On April 18th, 1941 Beneš approached Eden with a note demanding the full de jure recognition of the Czechoslovak Government in Exile together with his own position as President of the Czechoslovak Republic. It is important to point out that the Beneš's arguments for full recognition of the Czechoslovak Government in Exile were based on the non- validity of the Munich Agreement.

In his memo „Political and Juridical Relationship of the Czechoslovak Republic to Great Britain“ dated April 20 th, 1941 Beneš stated, that the „Czechoslovak Republic continues to exist just as it existed before September 19th 1938.“ The Anglo - French plan of September 19th, 1938 and the Munich Agreement „were forced upon Czechoslovakia“... The Czechoslovak republic was neither consulted about the Munich decision nor even admitted to the negotiations concerning it. Czechoslovak Parliament and Government never gave their consent to it and the ratification of this Agreement was never carried out... The occupation of Czechoslovakia by Germany on March 15th, 1939 was an infringement of Munich... Under these circumstances the only acceptable conclusion for the Czechoslovak people and the Czechoslovak Government is that, as far as international law is concerned, nothing has happened from September 1938 onwards can be recognized, and that juridically the Czechoslovak republic continues to exist...<sup>32)</sup> Similar arguments were also put forward in the second and third part of another memorandum „Czechoslovak Peace Aims“.<sup>33)</sup> The memorandum was not officially handed over to the Foreign Office but was thoroughly discussed by the members of the Czechoslovak Government in Exile. The Czechoslovak Peace Aims emphasised that the Czechoslovak nation was entitled to demand that the Great Powers proclaim the occupation of its territory as „illegal, violent and non existent .“

Nevertheless the Foreign Office in particular was not prepared to withdraw its legal objections to Beneš's arguments including the arguments concerning the validity of the Munich Agreement. Beneš tried to overcome the British attitude through various ways. He for example prepared for Bruce Lockhart another non official memorandum entitled „Notes for a Discussion

regarding the legal Continuity of the Czechoslovak Republic“<sup>34)</sup> but in the end Lockhart was not given the memorandum. In this document Beneš pointed out that the theory of legal continuity „will never be abandoned“ by Czechoslovakia because „it is a matter of national honor.“ According to Beneš the theory of legal continuity and the Czechoslovak stand against the validity of Munich were „neither a question of defending some legal thesis, nor of obtaining some sort of better position to enforce the consequences of this thesis in practical questions... It is a question of an important moral value accepted by the whole nation.“

Beneš also pointed out that all the above - mentioned aspects „will play an important part after the war in our inner politics.“ „Had it not been for Munich“, Beneš continued „we should have fought, and would have been in the legal and political situation either of the Emperor of Abyssia or of the present Polish and Yugoslav Governments.“ Beneš also repeated that Czechoslovakia submitted to French and British threats that „we should be considered as responsible for European war should we defend ourself in arms against Germany.“

On the other hand Beneš recognized that the British Government could not „do anything which would signify either directly or through its consequences an obligation or commitment with respect to future frontiers in Central Europe.“ He proposed to agree a compromise - the British Government would issue a proclamation, that „Great Britain refused to recognize the occupation of Czechoslovakia and all the changes thus brought about, and that she continued to recognize the Legation in London even after March 15th, 1939.“ Beneš also suggested that Great Britain should confirm that „the above mentioned changes were devoid of any basis of legality and that His Majesty's Government Note of March 18th 1939, notified... to the German Government can have no other significance than that the juridical (legal) existence of the Czechoslovak republic continue (or continued) to be recognized.“

Despite the exchange of letters between E. Beneš and A. Eden in May 1941, it was not possible to reach even the above mentioned compromise.<sup>35)</sup>

The situation changed after the German attack against the USSR. The Soviet Union was without any scruples and was prepared to immediately recognize de jure the Czechoslovak Government in London and President Beneš as official representatives of the Czechoslovak Republic. In 1942 during Molotov's visit to London the Soviet diplomat declared, that the Soviet Union supported the restoration of the Czechoslovak Republic in its pre-Munich boundaries.

Great Britain was also forced to give full de jure recognition to Beneš and the Czechoslovak Government. But Britain's two main reservations concerning frontiers and the authority over German exiles from the Czechoslovak republic remained. Great Britain also had not make its final judgment

over the validity of the Munich Agreement. It took another year of hard negotiations led by Edvard Beneš, Jan Masaryk and Hubert Ripka on the Czechoslovak side and Philip Nichols for the British before this could be brought about. The records kept of their extensive conversations form one of the most valuable sources for understanding the development of the Czechoslovak and British positions concerning the Munich Agreement and German minority in Czechoslovakia. For Beneš „the repudiation of Munich“ involved wider consequences concerning the solution of Czechoslovak minority problems - especially in respect to Sudeten Germans. That is why Beneš on January 1942 prepared a „Memorandum regarding the Question of the Frontiers of the Czechoslovak Republic.“<sup>(36)</sup>

In this memorandum Beneš argued that “ the Munich decision of the Great Powers was imposed upon us, has never been approved by the nation, and never been ratified. The Government and the President on which it was forced by circumstances and by the action of the rest of Europe were guilty of violating the constitutional and other laws of the Republic in as much as without the approval of the nation they agreed to certain measures even when they were imposed upon them by force major. Hence neither the decision of Munich nor the decision regarding the frontiers with Poland and Hungary are binding for any Czechoslovak Government. Then Beneš repeated that the Munich Agreement „was destroyed by force by Germany herself...“<sup>(37)</sup> The above-mentioned document is interesting because Beneš saw linkage between the non validity of the Munich Agreement and the final settlement of the Czechoslovak frontiers, what he defined as the return of the „status quo ante.“ Simultaneously Beneš also suggested the transfer of the Sudeten German minority from the Czechoslovak Republic together with the cession of limited part of Czechoslovak territory. This can be regarded as rare departure from his theory of legal continuity of the Czechoslovak Republic in its pre - Munich borders. The memorandum was handed over to Robert Bruce Lockhart who by that time had ceased to be the British representative to the Czechoslovak Government in London. According to E. Táborský Beneš told Lockhart that „this memo should be deemed non - existent unless Great Britain declared that Munich does not exist and that we may get rid of two million Sudeten Germans.“<sup>(38)</sup>

The actual negotiations concerning the „repudiation of Munich“ began at the end of January 1942. At the luncheon given by Anthony Eden on January 21st, 1942 and attended by P. Nichols, H. Ripka and E. Beneš Anthony Eden asked Edvard Beneš to prepare a formula dealing with the effects of Munich „which would meet the President’s point of view and which would be acceptable“ to Great Britain. Beneš prepared a short text entitled „Principles for the agreement between the Czechoslovak and British Governments.“<sup>(39)</sup>

- Beneš repeated all the familiar „keystones“ of Czechoslovak legal theory:
- a) any decisions regarding Czechoslovakia since September 1938 is not valid in international law, because they were imposed on Czechoslovakia under the threat of force or by violation of international treaties and Czechoslovak laws ;
  - b) the pre - Munich legal status of Czechoslovakia should be restored and confirmed by victorious allied countries during any negotiations concerning postwar re-organization.

The British Government was prepared to repudiate Munich and recognize the Czechoslovak Government's jurisdiction in British territory over all nationals from the former Czechoslovak Republic on the condition that an agreement was reached between the representative of Sudeten German Social Democrats Wenzel Jaksch and Beneš and that adequate Sudeten representation was given in the State Council. This condition was expressly stated by P. Nichols on February 5th, 1942, during his conversation with Hubert Ripka, which was again confirmed by Nichols on February 28th, 1942.<sup>40)</sup> The British and Czechoslovak views stood in such opposition to each other that the negotiations were deadlocked until May.

The situation changed dramatically after the assassination of Heydrich and after the first reports of unprecedented German retribution against the Czech civilians reached London. On June 4th, 1942 Edvard Beneš sent Anthony Eden yet another compromise proposal. Beneš tried to overcome British objections and especially reservations expressed during the process of recognition of the Czechoslovak Government in Exile in the years 1940 - 1941. Beneš asked the British Government to proclaim that His Majesty's Government continued to recognize the legal continuity of the Czechoslovak Republic. He used practically the same arguments as in the above - mentioned memorandum „Notes for a Discussion regarding the Legal Continuity of the Czechoslovak Republic“ from April 1941 including the recognition of the Czechoslovak Government in the same international status as Polish and Yugoslav Governments.<sup>41)</sup> On July 7 th, 1942 E. Beneš, J. Masaryk and H. Ripka met British Foreign Secretary A. Eden and P. Nichols and reached an Agreement which was approved the same day by the British War Cabinet.<sup>42)</sup> The compromise solution was based on the separation of controversial issues - The British were prepared to denounce the Munich Agreement provided that their legal view concerning the validity of the Agreement during the period up to March 15th, 1939 was not challenged. The question of the participation of the Sudeten Germans in the State Council was postponed until a future convenient time, which in fact never came about. The same applied also in respect to the recognition of the Czechoslovak theory of legal continuity of the Czechoslovak Republic. The British still maintained their reservations concerning the final resolution of the question of the Czechoslovak German minority.

On August 5th, 1942 the British foreign secretary Anthony Eden handed over to Jan Masaryk a special diplomatic note. He confirmed that the statement made by W. Churchill in the above-mentioned broadcast to the Czechoslovak people on September 30th, 1940 meant „the attitude of His Majesty's Government in regard to the arrangements reached in Munich in 1938.“ Mr. Churchill had said then that „the Munich Agreement had been destroyed by the Germans.“ The foregoing statement and recognition of the Czechoslovak Government in Exile then „have guided the policy of His Majesty's Government in regard to Czechoslovakia,“ but „in order to avoid any possible misunderstanding“ Eden declared on behalf of the British Government that „as Germany has deliberately destroyed the arrangements concerning Czechoslovakia reached in 1938, in which His Majesty's Government of the United Kingdom participated His Majesty's Government regard themselves as free from any engagements in this respect. At the final settlement of the Czechoslovak frontiers to be reached at the end of war they will not be influenced by any changes effected in and since 1938.“ In his reply to the parliamentary question Eden said, that exchange of notes between him and J. Masaryk had reached „a practical solution of questions and difficulties ... which emerged between our two countries as the consequence of the Munich Agreement and the events which followed it.“ Eden also stressed the importance of the Czechoslovak resistance against German oppressors and especially mentioned the fate of Lidice, which had „stirred the conscience of the civilized world“.<sup>43)</sup>

In a special letter handed over to Eden the same day the Czechoslovak Minister of Foreign Affairs Jan Masaryk informed Eden, that the Czechoslovak Government regarded the „... note as a practical solution of the questions and difficulties ... maintaining ,of course, our political and juridical position with regard to the Munich Agreement and the events which followed it as expressed in the note of the Czechoslovak Ministry of Foreign Affairs of December 16th, 1941. We consider your important note of August 5th, 1942, as a highly significant act of justice towards Czechoslovakia, and we assure you of our real satisfaction and of our profound gratitude to your great country and nation.“ „The Masaryk's letter ended with the words: „Between our two countries the Munich Agreement can now be considered as dead.“<sup>44)</sup>

The whole procedure was concluded by an informal exchange of letters between E. Beneš and W. Churchill. W. Churchill in his letter of September 2nd, 1942 wrote: „You already know my attitude toward the Munich Agreement. Two years ago I said publicly that it had been destroyed by the Germans. It therefore gives me particular satisfaction that our two Governments have formally placed on record their agreement that Munich can now be considered as dead between them. The exchange of letters of August 5th is a further proof to the whole world that the days of com-

promise with aggression and tyranny are now long past. My hope is that it may also prove a source of inspiration and encouragement to your compatriots at home who are suffering so terribly under the German yoke.<sup>(45)</sup> The British Government, however, did not agree with the entire Czechoslovak legal views regarding Munich. Basically Britain considered the Munich Agreement to have lost its validity only after the moment when Germany had violated it on the 15th of March 1939.

The French exile movement led by General Charles de Gaulle adopted a different view towards Munich. Eventhough the negotiations on Munich were not as smooth as Beneš expected, after a relatively short time of negotiations between Czechoslovak representative to the French National Committee dr. F. Černý and French Commissioner of Foreign Affairs M. Dejean on exact terms, the exchange of letters between Czechoslovak Government and French National Committee took place on September 29th, 1942.<sup>(46)</sup> In a letter signed by Charles de Gaulle and Maurice Dejean, the French National Committee solemnly declared the Munich Agreement to be null and void as well as all acts undertaken in its application or in consequence of the Agreement. Moreover the French National Committee did not recognize any of the territorial changes affecting Czechoslovakia which had come about in 1938 or afterwards and pledged itself to do everything in its power to achieve the restoration of the Czechoslovak Republic within the frontiers which it had before September 1938. France also offered political, military and economic cooperation and a political alliance between Czechoslovakia and France. Secretly Dejean confirmed, that Czechoslovak claims for territorial gains at any future Peace Conference remained an open question.<sup>(47)</sup>

On the same day Czechoslovak Prime Minister Jan Šrámek and Foreign Minister Jan Masaryk replied and „in the name of the Government of the Czechoslovak Republic“ stated that the Czechoslovak Government „has never ceased to consider the French people as the ally and friend of the Czechoslovak people“ and expressed its view that „the present trials borne in common will only strengthen this alliance and friendship.“ The Czechoslovak Government also informed the French National Committee that it „pledges itself for its own part to do everything in its power for France, restored in her strength, in her independence and in the integrity of her territory, both metropolitan and overseas, to obtain every effective guarantee concerning her military security and territorial integrity and to occupy in the world the place to which her great past and the valour of her people give her the right“.<sup>(48)</sup>

On September 30th, 1942 in a BBC Czechoslovak program Czechoslovak Minister for Foreign Affairs Jan Masaryk underlined the importance of the Czechoslovak - French declaration. He said that „General de Gaulle stands at the head of Free Fighting France and that is the only France that we

know... After Great Britain comes Free France and in the name of her leader she promises to help us to assure what was ours on the day of Munich, what must be ours again, that to which we have a sacred right. Soviet Russia has already told us that for her Munich does not exist and she recognizes our frontiers of 1938. Yesterday's document is very important for us, it is only a further full acknowledgment of the policy of Dr. Beneš and his government..." Edvard Beneš expressed a similar attitude in his own speech.<sup>49)</sup>

This far reaching French stand, however, caused special offence to the Polish Government.<sup>50)</sup> Officially, however, E. Raczynski congratulated Czechoslovak representative to the Polish Government J. Skalický on September 15th, 1942 on the British denouncing of Munich. He stated that Poland did not take part in the Munich Agreement and has never acknowledged it. He informed the Czechoslovak Ministry of Foreign Affairs that according to A. Eden's statement on August 5, 1942, in the House of Commons the British attitude does not concern the Czechoslovak - Polish frontiers.<sup>51)</sup> The Czechoslovak Government in Exile adopted the view that for the same reasons for which the acceptance of the Munich Agreement is not valid, Czechoslovakia's forced acceptance of Poland ultimatum of September and October 1938 was not valid either. The Cieszyn region was regarded as a part of the Czechoslovak territory. This question together with disputes arising from the policy towards the Soviet Union led to the final failure of the Czechoslovak - Polish negotiations on the proposed establishment of a Confederation and Alliance between the two nations.

The French stand concerning the Munich Agreement was confirmed, following the French Provisional Government's establishment and recognition by the Czechoslovak Government in Exile. According to Beneš, the new French representative to the Czechoslovak Government in London, Maurice Dejean proposed a joint Czechoslovak - French declaration concerning the Munich Agreement and eventual post war cooperation. The declaration was finally adopted on August 22nd, 1944 and stated the non validity of the Munich Agreement from the very beginning.<sup>52)</sup>

A similar position towards the validity of the Munich Agreement was adopted by the new Italian Government after the fall of Mussolini on September 26th, 1944.<sup>53)</sup> The Italian Government stated that the Munich Agreement, the arbitration decision in Vienna and all other acts resulting from these Agreements were not valid from their very beginning.

The Soviet Union was not a party to the Munich Agreement but during a visit of V. Molotov in London on June 1942, the Soviet Union declared that it never considered the Munich Agreement as valid and binding in any respect. The same confirmed Molotov in a special diplomatic note handed over to the Czechoslovak Minister to Kujbyšev Zdeněk Fierlinger on October 24th, 1942.<sup>54)</sup>

After summer 1943 the Czechoslovak Government in exile began preparing its legal and political arguments for the eventual Peace Conference. In November 1943 the Government established a special commission at the Ministry of Foreign Affairs, which set the task of preparing the first draft of Czechoslovak armistice conditions for Germany. On July 25th, 1944 the European Advisory Commission (EAC) represented by the American diplomat J. S. Winant asked the Czechoslovak Government to hand over the final version of the Czechoslovak armistice conditions in writing. After discussion with Edvard Beneš and at the Cabinet meetings the Czechoslovak Government agreed on August 24th, 1944 to present „Aide Mémoire of the Czechoslovak Government on the subject of armistice conditions for Germany.“<sup>(55)</sup> The opinion of the Czechoslovak Government was that „already in the terms of the armistice, which will be imposed upon Germany and Hungary at their capitulation, these States should recognize the nullity of certain enactments which preceded the occupation of Czechoslovak territory“. The Czechoslovak Government especially demanded that „without prejudice to her responsibility, as defined in the armistice terms,... Germany (Hungary) recognizes: a) the nullity of the Munich Agreement of September 29th, 1938, and the so-called Vienna Arbitration Award of November 2nd, 1938, as well as all enactments arising from these Agreements and enactments, or others connected with them. b) the nullity of all enactments regarding the establishment of the Protectorate of Bohemia and Moravia and all enactments connected with this... e) the sovereignty of the Czechoslovak Republic over territory within the frontiers before September 29th, 1938, ensuing from the preceding points, and all other consequences ensuing from them.“

The Czechoslovak demands were discussed by E. Beneš, J. Masaryk and H. Ripka during their meetings with A. Eden and P. Nichols in November and December 1944 and the talks concentrated on the question of the sovereignty and „full administrative control“ over the Czechoslovak territory lost after Munich. The negotiations also touched other problems, especially those connected with the „final settlement“ of the Czechoslovak frontiers, the transfer of Sudeten Germans and also of Czechoslovak - Polish disputes over Cieszyn territory. The Czechoslovak standpoint was also discussed in EAC, which on January 11th, 1945 presented to the Czechoslovak Government „The Summary of Instrument of Unconditional Surrender of Germany.“<sup>(56)</sup>

The Czechoslovak demands were in some respect fulfilled through the actual re-establishment of the Czechoslovak Republic within its pre - Munich borders with the notable exception of Sub-Carpatian Ukraine, which was ceded to the USSR. The decision of the Nuremberg trial and Postdam Conference also went some way to meet the Czechoslovak legal standpoint.

The two key Czechoslovak theories concerning the validity of the Munich Agreement and the beginning of the State of war with Germany and Hungary, however, were not explicitly recognized. No peace treaty was signed with Germany after the war, when the war coalition was slowly breaking down.

The only peace treaty concluded was with Hungary and this sheds some interesting light on the legal view concerning the validity of the Munich Agreement. According to this treaty the decision reached on November 2nd, 1938 in Vienna ( which dealt with the question of Czechoslovak territory and which was directly connected with the Munich Agreement) was not valid from its inception.

The question of the validity of the Munich Agreement entered a new phase after February 1948. The new communist regime changed the whole interpretation of Munich. Munich was from the international point of view a typical product of „imperialist policy aimed against small nations“ and of course against the USSR. The policy of the Soviet Union in connection with Munich was praised and glorified and the Western powers were accused of betrayal. A similar approach was applied in official ideology and propaganda towards the internal consequences of Munich. Munich was portrayed as a bourgeoisie betrayal against the will of people and the Communist party.

Nevertheless it was only when the Czechoslovak Socialist Republic and Federal Republic of Germany concluded the Prague Treaty of December 11th, 1973 which is still seen as a final compromise between Czechoslovak and German views towards Munich.<sup>57)</sup> This matter, however, must be subject of a different study.

## Notes

- 1) Address by Václav Havel entitled „Czechs and Germans on the Way To a Good Neighbourship“ at Charles University, February 17th, 1995. Official press release of the Press Department of the Office of the President, p. 5.
- 2) See for example Eduard Táborský: „Naše věc, Československo ve světle mezinárodního práva za druhé světové války“, Praha, Melantrich 1946, pp. 38-41 (English version „The Czechoslovak Cause, The Problems of International Law in Relation to Czechoslovakia“ was published in London in 1944), Brgel, J. W.: Zur Problematik des Münchner Abkommens. In: Osteuropa, Heft 11, November 1971, pp. 881 - 883, Kopal, V.: Počáteční neplatnost mnichovské dohody. In: Právník, č. 9, 1971, p. 725 and Kopal, V.: K boji o uznání neplatnosti Mnichovské dohody z r. 1938. In: Pocta akademiku Václavu Vaněčkovi k 70. narozeninám. Praha, Univerzita Karlova 1974. During the Second World War this argument was used also in the Memorandum Concerning a state of war with Germany, February 2nd, 1943, Archives of the Ministry of Foreign Affairs of the Czech Republic, ( Subsequently quoted as A MZV), fund London Archives - Confidential (Subsequently quoted as LA - D ), Box No. 224 or Memo Concerning the Future Frontiers

of the Czechoslovak Republic, January 1942, Hoover Institution Archives, Stanford, California, ( Subsequently quoted as Hoover Institution Archives), Collection E. Táborský, Box No. 6.

- 3) The German pressure concerning the resignation of President Beneš is based mainly on the evidence given by the Czechoslovak diplomat Arnošt Heidrich and the Czechoslovak Envoy to Berlin Vojtěch Mastný. Heidrich, A.: International Political Cause of the Czechoslovak Tragedies of 1938 and 1948, Washington D.C., 1968, pp. 24 and 25. See record of conversation between V. Mastný and H. Göring of September 3rd, 1938 at V. Mastný Collection, National Museum Archives, Prague.
- 4) Český národ soudí K. H. Franka, Praha, Ministerstvo informací 1946. p. 185.
- 5) Kopal, V.: Počáteční neplatnost mnichovské dohody, p. 723. See also Czechoslovak Collection of Laws No. 164 / 1947 and edition of documents Československo a Norimberský proces, Hlavní dokumenty norimberského procesu o zločinech nacistů proti Československu, Praha 1946, pp. 22-23 and p. 393. Compare also HARRIS D. J.: Cases and Materials on International Law, Third Edition, London 1983, pp. 122, 555-556, 560.
- 6) The Proclamation of the Czechoslovak National Committee was finally released in January 1940. Archives of the T.G. Masaryk's Institute, Czech Academy of Sciences, Prague, (Subsequently quoted as TGM Archives), Beneš's Archives (Subsequently quoted as BA), fund 40, vol. No. I/1 and I /1. For Beneš's draft see also Hoover Institution Archives, Collection E. Táborský, Box No. 6.
- 7) For more details see Kuklík, J.: The Recognition of Czechoslovak Government in Exile and Its International Status 1939 - 1942. In: Prague Papers on History of International Relations, 1997, pp. 173 - 206.
- 8) A MZV, LA-D, Box No. 224.
- 9) Ibid.
- 10) Ibid. The decision of the Czechoslovak Government in Exile was based on legal opinion of Beneš's legal adviser, dr. E. Táborský. Hoover Institution Archives. Collection E. Táborský. Box No. 3.
- 11) The Czechoslovak Official Gazette, London 1942, III. No. 1.
- 12) A MZV, LA-D, Box No. 224.
- 13) Ibid. , Diplomatic Notes No. 4114 /dův/41.
- 14) Public Record Office, London ( Subsequently quoted as PRO), Foreign Office (Subsequently quoted as FO) 371 / 26405. See especially minutes of P. Nichols, December 17th, 1941, which were handed over to A. Eden.
- 15) A MZV, LA-D, Box č. 224. Memorandum of the Czechoslovak Ministry of Foreign Affairs, February 3rd, 1943. Legal adviser to E. Beneš E. Táborský suggested different solution. In his legal opinion he pointed out that according to traditional international law it was more appropriate to say that the Czechoslovak Republic was in a state of war with Germany since March 15th, 1939. Hoover Institution Archives, Collection E. Táborský, Box. No. 3.
- 16) A MZV, LA-D, Box No. 224. Memorandum of the Czechoslovak Ministry of Foreign Affairs, February 3rd, 1943.

- 17) See Vošta, L. : O právní kontinuitě Československé republiky, Praha , Všechno 1947, pp. 24 - 25. See also Český národ soudí K. H. Franka, pp. 44 - 46 and 182 - 183.
- 18) A MZV, LA-D, Box No. 224. Memorandum of the Czechoslovak Ministry of Foreign Affairs , February 3rd, 1943.
- 19) A MZV, LA - D, Box. No. 154. See also Vondrová, J. : Češi a sudetoněmecká otázka. 1939 - 1945. Dokumenty, Praha 1994, document No. 139, pp. 282 - 285.
- 20) See Táborský, E.: Naše věc, p. 40.
- 21) Ibid., pp. 42 - 47.
- 22) Československo a Norimberský proces, pp. 83 - 84. A Report of Dr. B. Ečer, Minister Plenipotentiary, Czechoslovak Representative to the United Nations War Crimes Commission, September 10th, 1945, A MZV, LA - D, Box No. 154.
- 23) See for example Kopal, V. : Počáteční neplatnost mnichovské dohody, where prof. Kopal criticized O. Kimminich's article Der verminte Weg nach Prag. Probleme eines weiteren Ost-Vertrags, published in Rheinischer Merkur, No. 13, 1971. Compare also ERMACORA, F. : Die Sudetendeutschen Fragen, Bonn 1992, p. 43, Raschofer, H. - Kimminich, O.: Die Sudetenfrage, Munich 1988, chapter on the Munich Agreement.
- 24) See Memorandum of Edvard Beneš handed over to the Foreign Office on April 18th, 1941, AMZV, LA-D, Box No. 129 and PRO, FO 371 / 26394. See also Hoover Institution Archives. Collection E. Táborský, Box No. 6.
- 25) TGM Archives, BA, fund B - Second World War, Box No. 116. See also BENEŠ, E.: Šest let exilu a druhé světové války, Praha 1946, pp. 38 - 51.
- 26) Compare a study of Quincy Wright: The Munich Settlement and International Law In: American Journal of International Law, 1939, No. 33 with Beneš's Memorandum entitled „A Statement about the Czechoslovak Problems“, which was handed over to F.D. Roosevelt on April 20th, 1939. TGM Archives, BA, fund B - Second World War, Box No. 116. See also the Kelsen's memorandum deposited in the Archives of the Czech Army, fund J. Kopecký, Box No. 1 and R. Cassin: La position internationale de la Tchécoslovaquie In: Czechoslovak Yearbook of International Law, London 1942. See also E. Táborský: The Czechoslovak Cause, London 1944, R. Cassin's foreword.
- 27) For the recognition of the Czechoslovak National Committee see KUKLÍK, J.: The Recognition of Czechoslovak Government in Exile and its International Status 1939 - 1941, pp. 173 - 206, In: Prague Papers on History of International Relations, 1 / 1997.
- 28) Ibid. pp. 175 - 178.
- 29) A MZV, LA-D, Box No. 86.
- 30) See diary of the Czechoslovak diplomat and archivist of Edvard Beneš Dr. J. Opočenský, October 1940, Hoover Institution Archives, Collection L. Feierabend. According to Opočenský the Czechoslovak exile Government refused to thank W. Churchill for his broadcast.
- 31) A MZV, LA - D, Box No. 129.
- 32) For English version accompanied by minutes of R. Bruce Lockhart see PRO, FO 371/26394. For Czech version see AMZV, LA -D, Box No. 129 and Hoover Institution Archives. Collection E. Táborský, Box No. 6.

- 33) For Memorandum entitled „Czechoslovak Peace Aims“ see Hoover Institution Archives, Collection E. Táborský Box No. 6 and Češi a sudetoněmecká otázka, document No. 47, p. 84. See also Diary of J. Opočenský, where he noted that E. Beneš asked his ministers on February 4th, 1941 to prepare their opinion on the above-mentioned document. Hoover Institution Archives. Collection L. Feierabend.
- 34) Hoover Institution Archives. Collection E. Táborský, Box No. 6.
- 35) For more details see Kuklík, J.: The Recognition of Czechoslovak Government in Exile and its International Status 1939 - 1941, pp. 173 - 206.
- 36) Hoover Institution Archives, Collection E. Táborský, Box No. 6 and Češi a sudetoněmecká otázka, document No. 80, pp. 142 - 146.
- 37) Ibid.
- 38) See E. Táborský's hand written note on the memorandum, Hoover Institution Archives, Collection E. Táborský, Box No. 6.
- 39) Hoover Institution Archives, Collection E. Táborský, Box No. 6 and Češi a sudetoněmecká otázka, document No. 84, pp. 152 - 153.
- 40) A MZV, LA-D, Box No. 129 an TGM Archives, BA, fund B - Second World War, Box No. 104.
- 41) Hoover Institution Archives, Collection E. Táborský, Box No. 6.
- 42) Hoover Institution Archives, Collection E. Táborský, Box No. 6. E. Táborský wrote „Beneš show to Eden and discussed with Nichols.“ See also TGM Archives, BA, fund 40, vol. XVIII / 12 and Češi a sudetoněmecká otázka, document No. 92, p. 169. For the official British documents see PRO, FO 954 / 4, Cz/42/5.
- 43) Hoover Institution Archives, Collection E. Táborský, Box No. 6. For the exchange of notes see PRO FO 371 /34329, Treaty series No. 3 ( 1942) Exchange of Notes concerning the Policy of His Majesty's Government in the United Kingdom in Regard to Czechoslovakia, London, August 5th, 1942. See also A MZV, LA-D, Box No. 136.
- 44) A MZV, LA-D, Box No. 136.
- 45) Ibid.
- 46) Documents concerning the repudiation of Munich - France, A MZV, LA-D, Box No. 138 and BENEŠ, E.: Šest let exilu a druhé světové války, p. 468. See also Beneš, E.: Paměti (Memoirs), Od Mnichova k nové válce a k novému vítězství, Praha 1947, pp. 337 - 348.
- 47) LA-D, Box No. 138
- 48) Ibid.
- 49) Ibid.
- 50) See reports of the Czechoslovak representative to the Polish Government J. Hejret, October 1942, LA-D, Box No. 138.
- 51) See Štoviček, Ivan - Valenta, Jaroslav (ed.): Czechoslovak - Polish Negotiations of the Establishment of Confederation and Alliance 1939- 1944, Karolinum, Charles University Press, Praha 1996, document No. 133. E. Raczynski's Diplomatic Note to J. Skalicky, September 15th, 1943, p. 257
- 52) A MZV, LA-D, Box No.. 138 and Beneš, E.: Šest let exilu a druhé světové války, p. 477. See also Beneš, E. : Paměti, pp. 348 - 350.

- 53) Beneš, E.: Šest let exilu a druhé světové války, pp. 478-479.
- 54) A MZV, LA - D, Box No. 138.
- 55) A MZV, LA-D, Box No. 154.
- 56) Ibid.
- 57) For the negotiations concerning the validity of the Munich Agreement between Czechoslovakia and Federal Republic of Germany see Břach Radko: Smlouva o vzájemných vztazích mezi ČSSR a SRN z roku 1973. Sešity Ústavu pro soudobé dějiny AV ČR. svazek 25. Praha 1994, pp. 12 - 23. Compare especially the statement of H.D. Genscher of July 19th, 1974. Ibid., pp. 88 - 89. See also Kimminich, O.: Völkerrecht und Geschichte im Disput über die Beziehungen Deutschlands zu seinem östlichen Nachbarn. In: Aus Politik und Zeitgeschichte, Beilage zur Wochenzeitung Das Parlament, B 28 / 96, July 5th 1996, pp. 34 - 35.