



The International Legal Status of Austria 1938-1955

Robert E. Clute

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Austria was the first victim of Hitler's policy of aggression. The German domination of that country (the so-called Anschluss) heralded the beginning of a diplomatic demarche. The event also had deep implications for the legal system of the international community. The Allied occupation of Austria after World War II and the long delay in attaining a State Treaty to arrange for the Allied withdrawal from Austrian territory eventually gave rise to some doubts as to the international legal status of the latter. This study is confined to an examination of the international legal problems involved in Austria's changed status from the Anschluss of March 13, 1938, until the signing of the State Treaty on May 15, 1955. It is not intended to be a history of the period covered and no attempt is made to treat fully such fascinating topics as the diplomatic negotiations leading up to the Anschluss or the story of the long struggle between the occupying powers to attain a State Treaty for Austria. The time span of this work was deliberately chosen in a desire to confine it to an appraisal of the legal continuity of the Austrian State and an evaluation of the impact of the Austrian question on the traditional law of state succession and recognition. The problem of Austria's new neutralized status resulting from the negotiations in connection with and subsequent to the signing of the Austrian State Treaty is worthy of separate treatment and is not dealt with in the present study.

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