



■ 25 years on: the June 17, 1991 Treaty between the Republic of Poland and the Federal Republic of Germany on good neighborhood and friendly cooperation

Political, institutional and cross-border cooperation

Cooperation between governmental administrations is to rely critically on inter-governmental consultations which the Treaty established to ensure growth, deepen bilateral relations and facilitate a mutual alignment of the parties' policies on international affairs. The heads of governments and the ministers of foreign affairs are obliged to hold such consultations at least annually. In addition, the ministers of defense and other ministers are to maintain regular relations. After their first round in 1997, consultations became an annual affair from 1999 to 2004. While some of their frequency was lost in the years 2005-2010, the 20th anniversary of the Treaty provided a renewed impulse to revive them. Thus far, the governments of the two states have convened joint meetings on 14 occasions. Their conferences were used mainly to exchange information and, to a lesser extent, to align positions on international matters.

The cooperation between the Bundestag and the Sejm is intended in part to strengthen dialogue between the two parliaments, discuss current bilateral issues and consult the administrations of the respective countries on any contested issues and joint projects that are associated with systemic differences (such as Polish-language education in Germany, the treatment of the Polish diaspora and the development of transportation links between the two countries). In recent years, the consultations focused on the way in which Poland and

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Germany should contribute to furthering European integration and the EU's neighborhood policy as well as the standing of the Polish diaspora in Germany and that of the German minority in Poland. Parliamentary dialogue has been a largely unappreciated albeit critical factor in Polish-German relations. For the most part, the parliamentary consultation mechanism has proven to be a highly effective instrument.

The nature of Polish-German relations is largely a function of the institutional infrastructure in place, i.e. the network of institutions established under the political agreement concluded between the two states. Such institutions support cooperation among various entities aimed at furthering an understanding between communities (the Cross Foundation for the Cooperation of Polish and German Youth, the Foundation for Polish-German Cooperation, the Polish-German Foundation for Cooperation in Science, the Foundation for Polish-German Reconciliation) or help strengthen political relations between the two states (governmental plenipotentiaries for Polish-German relations, intergovernmental consultations, the Weimar Triangle, the Polish-German Forum, the Round Table for supporting German citizens of Polish descent and Poles living in Germany as well as the German minority in Poland), relations among various sectors of public administration (Polish-German Intergovernmental Committee for Regional and Border Cooperation, the Polish-German Environmental Protection Council, the Polish-German Conference on "the Odra Partnership", the Polish-German Center for the Collaboration of Border Guards, the Police and Customs Services in Świecko).

The Foundation for Polish-German Cooperation has funded nearly 15,000 joint projects in the last quarter of a century. Its main objective has been to support joint cultural and educational projects that help disseminate knowledge on Poland and Germany and foster scientific cooperation, projects addressing social, economic and environmental protection issues as well as projects that enhance media relations. Since 2008, the Polish-German Foundation for Science has provided over € 6 million to finance more than 200 Polish-German scientific projects in the fields of the humanities, law, social sciences and economics.

The youth exchanges carried out by the Polish-German Youth Exchange have been growing rapidly, as evidenced by more than 70,000 programs with ca. 2.7 million participants. For comparison, over the last quarter of a century, the German-French counterpart institution has helped exchange 8 million young people within the framework of 9,000 programs per year. The student exchange system has been expanded as part of a joint scholarship program of the Foundation for Polish-German Cooperation, the GFPS-Polska Scientific and Cultural Association in Central and Eastern Europe, and the GFPS e.V. Association for Student Exchange in Central and Eastern Europe. It has so far enabled more than 12,000 Poles to study in Germany.

German political foundations (including the Konrad Adenauer Foundation, the Friedrich Ebert Foundation, the Heinrich Böll Foundation and the Friedrich Naumann Foundation) have carried out intense work targeted at the Polish political elites, thereby complementing the activities of the aforementioned cooperation institutions. Significant contributions in Poland's public space focused on the broad-based culture and science have been made in equal measure by German governmental institutions, institutions backed by the German state and privately-owned foundations (the Robert Bosch Foundation, the Study Foundation of the German Nation, the Bertelsmann Foundation, Inter Nations, the Goethe Institute and the German Academic Exchange Service). Polish Institutions did not have the comparable means to participate in the German public discourse.

Owing to the institutional infrastructure for mutual relations, it has been possible to establish and strengthen political cooperation and relations between the two societies. This not only provided an impulse for a number of grass-roots initiatives but also created the conditions conducive to growth. Following their expansion, the cooperating institutions have done a great deal to forge an agreement between the two societies on a scale comparable to that achieved in German-French relations.

Cross-border cooperation in Euroregions covers the regions of Nysa (1991), the Sprewa-Nysa-Bóbr (1993), Pro Europa Viadrina (1993), and Pomerania (1995). The cooperation extends to the Euro-regional associations of municipalities, local Polish-German agreements between regions of Poland and the federal states of Germany as well as agreements between individual towns and cities. Border towns (Świnoujście, Słubice, Gubin and Zgorzelec) have developed their own models for cross-border cooperation with German partners. The Intergovernmental Committee on Regional and Border Cooperation comprises four subcommittees dedicated to border cooperation, inter-regional cooperation, education (established in 2010) and spatial economy (established in 1999). Both sides follow the guidance of the conventions of the Council of Europe (the European Framework Convention on Transfrontier Cooperation between Territorial Communities or Authorities (since 1993) and the provisions of the European Charter for Border Regions (since 1995).

The planning of cross-border cooperation has not been sufficiently advanced. Inconsistencies are evident in the Polish and German concepts of developing border regions. Asymmetries could also be seen in the parties' commitment to cooperation. While cross-border initiatives worked well with practical issues aimed at promoting cooperation locally, they failed to serve as platforms for resolving conflicts of interests between Poland and Germany (as in the case of transport corridors).

Economic cooperation

Stable economic relations between Poland and Germany have been possible thanks to Poland's successful economic transformation as well as a number of favorable trends, including growth in foreign direct investment and qualitative and quantitative

improvements in international trade. Nevertheless, asymmetries were observed in the extent to which Poland and Germany facilitated business activities. Business relations received the support of such Polish and German organizations as the Polish-German Chamber of Industry and Commerce, the Polish-German Association for the Support of Economy (TWG) and Germany Trade & Invest. Germany is one of Poland's top trading partners while Poland is Germany's seventh largest trading partner in terms of volume of trade. The trading volumes between Poland and Germany rose rapidly from 1991 to 2009.

In 2015, Germany accounted for a staggering 27% of Poland's exports by value. Meanwhile, purchases made in Germany made up 22% of Polish imports by value. According to the Federal Statistical Office, the trading volume between Germany and Poland amounted to € 96.6 billion in 2015 (€ 44.5 billion in imports and € 52.1 billion in exports). Poland generated a € 9.3 billion trade surplus in trade with Germany.

Foreign direct investment (FID) was the main factor for strengthening links among businesses. German enterprises top the ranking in terms of the number of investment projects and their combined value (the projects carried out between 1989/1990 and 2015 were worth a total of approximately € 28 billion). By the end of 2013, foreign direct investment by value accounted for a staggering 17% of the total foreign investment in Poland. German businesses invested chiefly in industrial processing (31%), particularly in the automotive and chemical industries. The next largest sectors by value have been finance and insurance (26%) followed by wholesale and retail trade (15%). Poland is home to approximately 6,000 German companies employing roughly 300,000 workers.

Meanwhile, Germany is home to a great number of Polish enterprises operating in particular in the fuel and chemical industries as well as the IT, trade and service sectors. According to the Federal Bank of Germany, Poland's investments amounted to € 816 billion in 2013. A comparison of Polish and German investments shows structural disproportions. As opposed to the structure of Polish businesses in Germany, those coming to Poland from Germany tend to invest in highly developed industries that receive substantial public funding.

Minorities

The Treaty provisions on minorities appear to be the most contentious and have become a fixture on the agendas of Polish-German meetings. The controversies result from both the so called conceptual disparities enshrined in the Treaty as well as asymmetries in the practical implementation of its provisions.

The most serious minority-related issues center on articles 20, 21, 22 and 25. Art. 20.1 speaks of the members of "the German minority in Poland", i.e. the Polish nationals who are of German descent or who claim an affiliation with the German language, culture or traditions. The word asymmetrical has been used to describe

Poles in Germany. The specific wording reads: “persons in the Federal Republic of Germany who are German citizens of Polish descent or who claim an affiliation with the Polish language, culture or traditions”. The rights of the Polish diaspora in Germany and of the German minority in Poland have been assessed as equal.

The other articles concern the conditions of membership in individual minority groups, their rights and obligations. The Parties to the Treaty have made a commitment to protect the ethnic, cultural, linguistic and religious identities of the above groups. They specifically committed to take action to support members of minorities and their organizations and ensure conditions conducive to teaching the native language, culture and history in institutions of education.

Insufficient support on the part of German authorities for teaching Polish as the first language and for Polish organizations to ensure symmetry has been a constant contentious point in Polish-German relations.

Germany has pointed out that the extent of its support has been constrained by the poor internal organization of the Polish community and, in particular, by its internal disagreements and the absence of strong umbrella organizations. It also noted that Germany’s federal system and specifically the fact that the federal states set their own educational policies, stood in the way of the country’s adequate fulfillment of treaty obligations. The root cause of Germany’s unsatisfactory compliance with the Treaty was its failure to embrace its provisions in Germany’s domestic law at both the national and federal state level.

Although the Treaty provided both minorities with equal rights, pronounced discrepancies have for years been observed in the opportunities available to the two groups and the scopes of their operation. The German minority in Poland enjoys a position that is significantly more privileged than that of the Polish minority in Germany, particularly in the fields of education and culture. As a recognized national minority, Germans in Poland benefit from a number of Polish laws (including the Minority Act of 2005), which guarantee them full rights and a host of specific privileges, including its own Parliamentary representation. According to the 2011 census, the German minority in Poland is ca. 150,000 strong, composed mostly of indigenous people (of the Polish regions of Silesia, Kashubia, Warmia and Masuria). The largest community of Polish Germans can be found in Opolian Silesia (approximately 100,000). Their social and political efforts have been focused on maintaining their existing privileges (a strong representation in the local authorities of various levels in the Opole Region, where the majority of its members reside and in the Sejm). One of the challenges faced by minorities was the competition for influence over indigenous Germans coming from the Movement for Silesia’s Autonomy and other Silesia rights movements. They were also challenged to maintain their German identity (the majority of the minority members speak either the Silesian dialect of Polish or standard Polish).

Cultural cooperation

The Treaty has been implemented consistently at various levels of state administration. Cooperation frequently relied on personal contacts and the dedication of individuals committed to exchanging and promoting Polish culture in Germany and German culture in Poland.

The model of cultural cooperation between Poland and Germany has changed dramatically over the last 25 years. In the 1990s, it largely focused on promoting the culture of the neighboring country (at both the national and regional levels by holding various events such as “Polish Days” and, less frequently, the culture days of individual federal states of Germany held in Poland). Gradually, a partnership-based approach was adopted. Today, cultural cooperation takes place at so many different levels that it is no longer possible to keep a complete record of projects. For instance, no complete listing is available of all artistic events.

The bilateral cultural cooperation has been characterized by a steady improvement in the quality and quantity of cultural contacts; expanded cooperation at the national, regional, cross-border and local levels; a wide range of cultural events and opportunities; and diverse forms of artistic presentation. Currently, cultural cooperation takes place mainly at the institutional level. It is institutions (national, local, non-governmental, etc.) that establish the bulk of relations with German partners and carry out individual projects (large, small, one-off and follow-up).

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