

# Iwona Galewska

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## Polish treaty policy towards Czech Republic in 1993-2011

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# ARTICLES-STUDIES

## POLISH FOREIGN POLICY

**Iwona Galewska**

Opole University, Poland

### POLISH TREATY POLICY TOWARDS CZECH REPUBLIC IN 1993–2011

#### ABSTRACT

The article contains an analysis of the treaty policy of the Republic of Poland and the Czech Republic. A properly executed treaty policy is a condition of good mutual relations and, as a part of a foreign policy, is responsible for ensuring the best possible conditions on the international arena for the development of a state in all possible directions. In other words, good neighborly relations between the Republic of Poland and the Czech Republic depend on a reasonable treaty policy. The article presents a few areas of bilateral cooperation, including borderline agreements, agreements on national minorities, security and defense, economic agreements, agreements on cultural and cross-border cooperation, and the agreements on legal issues in 1993–2011. The article presents also the agreements that are part of succession

#### STRESZCZENIE

W artykule poddano analizie politykę traktatową Rzeczypospolitej Polskiej z Republiką Czeską. Warunkiem pozytywnych relacji dwustronnych jest prawidłowo prowadzona polityka traktatowa, która jako część polityki zagranicznej odpowiada za zapewnienie maksymalnie korzystnych warunków międzynarodowych dla rozwoju kraju we wszystkich jego dziedzinach. Ważną kwestią w kształtowaniu dobrych relacji sąsiedzkich między Rzeczypospolitą Polską a Republiką Czeską jest prowadzenie właściwej polityki traktatowej. W artykule przybliżono wybrane obszary bilateralnej współpracy tj. umów granicznych, umów dotyczących mniejszości narodowych, bezpieczeństwa i obronności, umów gospodarczych, współpracy kulturalnej, współpracy transgranicznej oraz umów dotyczących spraw prawnych w latach 1993–2011. Zwrócono uwagę umo-

of the treaty policy that the Republic of Poland concluded with the Czech and Slovak Federal Republic and also analyses international agreements that were ratified both by the Polish and the Czech states. The thesis on the Polish involvement in developing the treaty base with the Czech Republic is validated.

### Key words

bilateral relations, treaty policy, international agreements, the Republic of Poland, the Czech Republic

wy w ramach sukcesji w odniesieniu do polityki traktatowej między Rzeczpospolitą Polską a Czeską i Słowacką Republiką Federacyjną. Przeanalizowano umowy międzynarodowe, które zostały ratyfikowane przez obie strony. Zweryfikowano pozytywnie tezę o zaangażowaniu strony polskiej w rozbudowę bazy traktatowej z Republiką Czeską.

### Słowa kluczowe

stosunki bilateralne, polityka traktatowa, umowy międzynarodowe, Rzeczpospolita Polska, Republika Czeska

## 1. Introduction

A treaty policy is an intentional and constant process of creating and concluding agreements between political entities with the help of international law mechanisms; it is a part of the foreign policy of a given country in its bi- and multilateral relations. The demise of the Soviet Union and the structures that integrated the alliance caused a pivotal change in the geopolitics of the region. Polish treaty policy needed to address those changes, most of all, towards newly established states of the Czech Republic and Slovakia. The Czech Republic officially appeared on the map of Europe on January 1, 1993, as the result of a division of Czechoslovakia. As a consequence, Polish diplomacy had to take the appropriate steps towards establishing and normalizing relations between the Republic of Poland and the Czech Republic. “The Czech Republic is admittedly one of the youngest states of our continent, in reality, however, it is a direct continuation of the body politic existing in Bohemia since the Middle Ages.”<sup>1</sup>

The aim of the article is to present the results of an analysis of the Polish treaty policy towards the Czech Republic. International agreements signed between 1993 and 2011 are the main source material; however, in the first part of the article the author included necessary clarifications relating to the agreements realized in succession to the Polish treaty policy towards the Czech and Slovak

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<sup>1</sup> E. Pałka, *Republika Czeska: aspiracje i możliwości* [Czech Republic: Ambitions and Opportunities] [in:] *Polityka zagraniczna. Aktorzy, potencjały, strategie* [Foreign Policy. Actors, Potentials, Strategies], T. Łoś-Nowak (ed.), Warszawa 2011, p. 329.

Federal Republic. Parliamentary elections in Poland and the start of the seventh term of the Sejm were chosen as the final date. The main thesis of the article is that the Polish treaty policy towards the Czech Republic in bilateral cooperation developed in a satisfactory manner.

## 2. Succession agreements

In accordance with the Act of December 15, 1992 the newly established states are continuators in regard of the treaties concluded with the Czech and Slovak Federal Republic. The Czech Republic had recognized that succession regarding the treaties concluded by the Czech and Slovak Federal Republic in the proclamation referred to the parliaments and nations of the world and in the Act no. 4/1992 passed by the Czech National Council on December 31, 1992. The Protocol on the succession of bilateral agreements and review of the treaty system between the Republic of Poland and the Czech Republic of March 26, 1996 regulated the issue of the binding force and the necessary adaptations of the agreements concluded between Poland and Czechoslovakia, the Czech Republic, and Slovakia.<sup>2</sup> Annex 1 to the Protocol lists eleven agreements that were no longer legally binding on its entering into force on August 23, 1996.<sup>3</sup> The agreements that were not listed retained their binding force, unless they lost it for other reasons.<sup>4</sup> Among the agreements that were subject to succession are the Convention on Consular Relations signed in 1973 and the Treaty

<sup>2</sup> *Zbiór Dokumentów* of 1996, No. 3; J. Ciszewski, *Obrót prawny z zagranicą: zbiór umów międzynarodowych*, Vol. 2: *Umowy dwustronne* [Turnover of Foreign Law: A Collection of International Agreements, Vol. 2: Bilateral Agreements], Sopot 2003.

<sup>3</sup> See: A. Banaszkiwicz, *Traktaty i umowy polsko-czeskie zawarte w latach 1993–2004* [Treaties and Polish-Czech Agreements Contained in the Years 1993–2004] [in:] *Europa Środkowa, dekada transformacji. Republika Czeska* [Central Europe, the Decade of Transformation. Czech Republic], B.J. Albin, W. Baluk (eds.), Wrocław 2005, pp. 345–346; A. Przyborowska-Klimczak, W. Staszewski, *Stosunki traktatowe Polski z państwami sąsiednimi. Wybór dokumentów* [Polish Treaty Relations with Neighboring Countries. Selection of Documents], Lublin 1998, pp. 86–67.

<sup>4</sup> Among them were: *Umowa o ubezpieczeniu społecznym* [Social Security Agreement] (J/L of 1949, No. 6, item 34); *Konwencja konsularna* [Consular Convention] (J/L of 1973, No. 19, item 108); *Umowa o pomocy prawnej i stosunkach prawnych w sprawach cywilnych, rodzinnych, pracowniczych i karnych* [Agreement on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters] (J/L of 1989, No. 39, item 210) and *Umowa o współpracy kulturalnej i naukowej* [Agreement on Cultural and Scientific Cooperation] (J/L of 1992, No. 42, item 184).

between the Republic of Poland and the Czech and Slovak Federal Republic on Good Neighbourly Relations, Solidarity and Friendly Cooperation concluded in Cracow in October 6, 1991.<sup>5</sup> A treaty on neighborly relations (an example of which is the abovementioned treaty) created a necessary international legal framework for further development of bilateral relations.

### 3. Border agreements

After the division of Czechoslovakia, the problem of regulating the borders became an important issue. Between 1993 and 1995, the Republic of Poland signed a number of agreements with the Czech Republic (e.g. Agreement of May 10, 1993 on the Transfer of People through the Common Border; Agreement of January 17, 1995 on the Common Border with the Czech Republic).<sup>6</sup> The latter determined the course of the border, the mode of its marking, and established the Standing Polish-Czech Border Committee. The main tasks of the Committee are as follows:

- Organizing and carrying out joint controls of the course of the border and the laying of border signs;
- Deciding on the modes of marking the borderline in connection with building or removing border roads or ditches;
- Making changes in the mode of marking the borderline in connection with building or removing border roads or ditches;
- Qualifying the scope of changes in the channels of border water flows and issuing opinions on the projects on regulating border water flows from the point of view of the course of the borderline;
- Commenting on the building projects and other actions of a technical character taken up in proximity to the borderline;
- Making changes in the marking of the border from indirect to direct and vice versa;
- Drawing up border documentation.<sup>7</sup>

In 2008, the issue of the “borderline debt” arose. In 1958, when the border was demarcated between Poland and Czechoslovakia, the Czech side received 1,205 ha from the Polish side while the Polish side received 837 ha in return. The Standing Border Committee discussed the problem, however, in 2008 it was

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<sup>5</sup> J/L of 1992, No. 59, item 296.

<sup>6</sup> J/L of 1996, No. 46, item 205.

<sup>7</sup> Ibidem, Article 21.

passed to the Ministry of Foreign Affairs.<sup>8</sup> In 2011, Polish Minister of Internal Affairs and Administration Jerzy Miller explained that the issue concerns only the river channels.<sup>9</sup>

On January 17, 1995, the Republic of Poland and the Czech Republic signed the Agreement on Local Border Traffic,<sup>10</sup> which stipulated 36 border crossings for local border traffic. 116 Polish administrative districts and 415 Czech districts were also listed. The agreement was amended as many as six times due to the changes in administrative borders within the states.<sup>11</sup> During that time, many agreements on particular border crossings were signed (e.g. the Agreement on Changing the Character of the Railway Border Crossing Český Těšín – Cieszyn to a Border Crossing for Individuals Being Citizens of all States and a Border Crossing for Individuals in Local Border Traffic of February 28, 1995; Agreement on the Opening of Road Border Crossing Miłoszów – Srbska of December 19, 1995; Agreement in the form of note exchange on Border Crossing Owiszczepiast Local Border Traffic of January 3, 1996). A very important agreement on border crossings was the Agreement on Border Crossings on Tourist Trails Crossing the Borderline and the Rules of Crossing the Border outside Border Crossings of November 22, 1996 with annexes. Annex 1 to the agreement of 2007, which listed the open border crossings, was amended by fourteen agreements<sup>12</sup> that were concerned with changes in the border markings and the maximum

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<sup>8</sup> *A Response of the Under-Secretary of State* – authorized by the Minister – to the question no. 5579 on the course of the Polish-Czech borderline in the region of Rudyszwałd (district Krzyżanowice, Silesia Province) and to question no. 1819, <http://orka2.sejm.gov.pl> [access: 10.06.2012].

<sup>9</sup> See: <http://www.rmfm24.pl/fakty/polska/news-miller-korekta-granicy-z-czechami-to-nie-kwestia-dlugu-grani,nId,333793> [access: 12.06.2012].

<sup>10</sup> J/L of 1996, No. 46, item 207.

<sup>11</sup> See: <http://isap.sejm.gov.pl/RelatedServlet?id=WDU19960460207&type=12&isNe w=true> [access: 15.06.2012].

<sup>12</sup> *Agreement of March 29, 2007 Concluded between the Republic of Poland and the Czech Republic on the Change of Annex 1 and Annex 3 to the Agreement Concluded between the Republic of Poland and the Czech Republic on Border Crossing, Tourist Trails Crossing the Borderline and the Rules of Crossing the Borderline outside Border Crossings* concluded in Warsaw on November 22, 1996, Polish Monitor of 2007, No. 97, item 1059; P/M of 2007, No. 96, item 1042; P/M of 2007 No. 97, item 1069; P/M of 2007, No. 72, item 781; P/M of 2007, No. 72, item 775; P/M of 2007, No. 97, item 1065; P/M of 2007, No. 72, item 777; P/M of 2007, No. 72, item 779; P/M of 2007, No. 97, item 1063; P/M of 2007, No. 97, item 1061; P/M of 2007, No. 97, item 1071; P/M of 2007, No. 97, item 1067; P/M of 2007, No. 97, item 1044.

carrying capacity of trucks. The Agreement on Railway Transport through the Borderline was signed on April 29, 2005.<sup>13</sup> After the accession of the Republic of Poland and the Czech Republic to the European Union and later to the Schengen Area, a large portion of these agreements were no longer valid or changed their character. The last agreement that was signed during the analyzed period is the Agreement of August 19, 2008 on Geological Works in the Area of the Common Borderline,<sup>14</sup> in which it was determined that geological works in the area of the borderline are those conducted in order to survey bituminous coal deposits (Article 2).

#### 4. Agreements on national minorities

Initially, the issues connected with national minorities were regulated by an agreement concluded with the Czech Republic and Slovakia. It was emphasized that individuals who belong to national minorities have individual and collective rights of free expression and behavior, as well as of developing their ethnic, cultural, language, religious identity in all manners, without any assimilation attempts that would be against their will. The basis of the regulations concerning national minorities' protection was established in accordance with international standards, particularly European ones (Article 8).<sup>15</sup> This is the reason why the legal foundation of the issue of national minorities in Poland and in the Czech Republic is the Convention of the Protection of Ethnic Minorities adopted by the Council of Europe.<sup>16</sup> It was signed by Poland on February 1, 1995 and finally ratified on December 20, 2000; it entered into force on April 1, 2001. The Czech Republic was much quicker to adopt the legislation considering that it had entered into force on April 1, 1998 for the Czechs.<sup>17</sup>

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<sup>13</sup> J/L of 2007, No. 96, item 636.

<sup>14</sup> J/L of 2009, No. 198, item 1530.

<sup>15</sup> O. Szura, *Ochrona prawna mniejszości narodowych w perspektywie integracji europejskiej* [Legal Protection of National Minorities in the Perspective of European Integration] [in:] *Stosunki międzynarodowe w Europie na przełomie XX i XXI wieku. Wybrane aspekty* [International Relations in Europe at the Turn of XX and XXI Century. Selected Aspects], J. Przewłocki, M. Stolarczyk (eds.), Katowice 2002, pp. 129–131.

<sup>16</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=8&DF=2/27/2008&CL=ENG> [access: 17.06.2012].

<sup>17</sup> Signed by the Czech Republic in April 28, 1995 and ratified on December 18, 1997.

## 5. Agreements on safety and defences

The Agreement between the Ministry of National Defence of the Republic of Poland and the Ministry of Defence of the Czech Republic on Military Cooperation was concluded in Wyszaków on April 13, 1996. On September 12, 1996 Poland and the Czech Republic signed a Protocol on Cooperation in the Field of Defence Research and Development. The area of cooperation were as follows:

- Exchanging scientific and technical information, which are in the interest of both the Republic of Poland and the Czech Republic;
- Conducting joint research, development, experiments, and trials in the previously agreed fields.

From the point of view of legal regulations, one of most important documents is the Agreement between the Ministry of National Defence of the Republic of Poland and the Ministry of Defence of the Czech Republic on the Protection of Military Confidential Information of October 1, 1998. Polish-Czech cooperation in the field of security has not resulted from bilateral cooperation, but rather because “the international political situation in Central Europe, the geographical location of the two states, their historical experience, and the currently shared objectives of their foreign policies.”<sup>18</sup> Another agreement concerning safety is the Agreement of June 8, 2003 on Cooperation and Mutual Assistance in Case of Catastrophes, Natural Disasters and Other Exceptional Events<sup>19</sup> and the Agreement of September 27, 2005 on Early Notification on Nuclear Accidents and on Exchange of Information on Peaceful Uses of Nuclear Energy, Nuclear Safety and Radiation Protection, since even though Poland does not have any nuclear plants, the Czech Republic does.

After the accession the Czech Republic and Poland to NATO and the EU, both countries maintain cooperation in that field; however, it is concluded on the basis of multilateral cooperation.

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<sup>18</sup> L. Żák, *Miejsce i rola Polski w historii Republiki Czeskiej – w aspekcie jej bezpieczeństwa* [Polish Place and Role in the History of the Czech Republic – In Terms of Its Safety] [in:] *Bezpieczeństwo Polski w zmieniającej się Europie* [Polish Security in a Changing Europe], P. Seydak, S. Helnarski (eds.), Warszawa–Toruń 1997, p. 33.

<sup>19</sup> J/L of 2004, No. 36, item 325.



## 6. Economic agreements

The process of introducing reforms, the recession, and the end to settlements in transfer the ruble necessitated the prompt regulation of economic matters.<sup>20</sup> The first agreements concluded between Poland and the Czech Republic were the Agreement on Double Taxation Avoidance with Respect to Taxes on Income and on Capital<sup>21</sup> of June 24, 1993 and the Agreement on the Support and Mutual Protection of Investments<sup>22</sup> of July 16, 1993. They maintained their legal power even after both Poland and the Czech Republic joined West European political structures. The latest economic agreement signed by Poland with the Czech Republic was concluded on September 13, 2011. It was the Agreement on Double Taxation Avoidance and Prevention of Tax Avoidance with Respect to Income Tax, which superseded the earlier agreement from 1993.<sup>23</sup> On its website, the Ministry of Economy emphasizes that “an important role in the Polish-Czech economic cooperation is played by regional and cross-border cooperation, coordinated by the Polish-Czech Intergovernmental Committee for Cross-Border Cooperation.”<sup>24</sup>

Despite the treaty policy being poorly developed in this respect, economic cooperation is developing very well; the Czech Republic is one of the most important economic partners of the Republic of Poland, ranking sixth in terms of trade turnover after Germany, Russia, Italy, France, and China. It should be emphasized that in 2010 the Czech Republic was the fourth largest recipient of Polish goods and that the Republic of Poland is the Czech Republic’s third largest trading partner.

## 7. Agreements on cultural cooperation

The Agreement on Cooperation in the Field of Culture, Education and Science of September 30, 2003 was an important agreement that dealt with cultural cooperation. In essence, this agreement does not radically differ from the provisions of the agreements concluded with other neighboring countries.

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<sup>20</sup> J. Kukułka, *Traktaty sąsiedzkie Polski odrodzonej* [Neighborhood Treaties of Reborn Poland], Wrocław–Warszawa–Kraków, p. 87.

<sup>21</sup> J/L of 1994, No. 47, item 189.

<sup>22</sup> J/L of 1994, No. 97, item 469.

<sup>23</sup> J/L of 1994, No. 47, item 189.

<sup>24</sup> The official webpage of the Ministry of Economy of the Republic of Poland, [www.mg.gov.pl](http://www.mg.gov.pl) [access: 17.06.2012].

Article 5 states that the parties shall in particular support direct cooperation between cultural organizations and institutions, and that such cooperation shall include:

- Popularization of literature from the other party in the original and in translations;
- Organizing exhibitions, concerts, and other artistic activities by museums, galleries, theatres, libraries, music bands, and other cultural institutions partaking in this kind of activity;
- Exchanging information and experience in the field of drama, literature, music, visual arts, film, museology; the preservation, protection, and conservation of architecture, cultural heritage, and monuments; and direct relations between professionals in the abovementioned fields;
- Exchanging books, documents, and other publications on culture and art between the parties;
- Participating, on the principle of reciprocity, in significant international festivals held by the parties by theatrical artists, musicians, and music bands;
- Participating in international film festivals and film events held by the parties, pursuant to the rules of such events.<sup>25</sup>

The Protocol on Handing Over of the Manuscripts and Incunabula from the Collection of the Jewish Theological Seminary in Wrocław, Kept in the National and University Library in Prague During World War II was signed on December 4, 2004. The Programme of Cultural Cooperation for 2008–2010 signed on September 29, 2008 by the respective culture ministers occupies an important place in the treaty policy of the Republic of Poland towards the Czech Republic.<sup>26</sup> Earlier, a similar program of cooperation between the Ministry of Culture of the Republic of Poland and the Ministry of Culture of the Czech Republic for 2004–2006 was signed on December 4, 2004. The Programme for 2008–2010 included a number of events to be organized by Poland:

- Central Europe Theatre Festival “The Neighbours”;
- “Without borders” International Theatre Festival;
- International Theatre Festival “Kontakt” in Toruń;
- International Festival of Puppetry Art in Bielsko-Biała;
- International Chopin Piano Festival in Duszniki Zdrój;

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<sup>25</sup> J/L of 2004, No. 244, item 2449.

<sup>26</sup> *Ěeská zahraniční politika v roce 2008*, p. 162 – [www.mzv.cz](http://www.mzv.cz). J/L of 2009, No. 46, item 380.

- “Song of Our Roots” Early Music Festival in Jarosław;
- “New Tradition” Polish Radio Folk Music Festival in Warsaw;
- Łódź Ballet Festival;
- “Wratistavia Cantans” International Festival;
- “Warsaw Autumn” International Festival of Contemporary Music.

The Czech side undertook the organization of:

- “Divadlo” International Festival in Pilsen;
- International Theatre Festival – Theatre of European Regions in Hradec Králové;
- “Skupa’s Pilsen” Biennial Czech Professional Puppet And Alternative Theater Festival in Skupova Plisen;
- “Spectaculo interesse” International Puppet Festival in Ostrava;
- Prague Quadrennial of Performance Design and Space;
- “Tanec Praha” International Festival of Contemporary Dance and Movement Theatre;
- “Janacukov Maj” International Music Festival in Ostrava;
- “Colours of Ostrava” International Folk Music Festival;
- International Jazz Piano Festival in Prague;
- International Fryderyk Chopin Festival in Mariánské Lázně,
- Prague Spring International Music Festival;
- Saint Wenceslas Music Festival in Ostrava.

A large number among the abovementioned events were a huge success.

## 8. Cross-border cooperation

Cross-border cooperation between the Republic of Poland and the Czech Republic started to develop after September 8, 1994, when the Agreement on Cross-Border Cooperation was signed.<sup>27</sup> Article 4 of the agreement states that the parties are to support development in the following areas:

- Planning and land management;
- Municipal engineering;
- Environmental protection and shaping;
- Transportation and communication;
- Cross border transit of goods and people;

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<sup>27</sup> *Zbiór Dokumentów* of 1995, No. 1.

- Trade and services;
- Agriculture and farm and food industry;
- Education and science, including teaching Polish and Czech respectively in the neighboring country;
- Healthcare;
- Culture and art;
- Contacts and student exchange;
- Tourism, recreation and sport;
- Crime prevention;
- Mutual assistance in case of catastrophes and natural disasters;
- And in other areas of common interest.

The remaining agreement on cross-border cooperation is the Agreement on Cooperation in Crime Prevention, Public Policy and on Cooperation in the Borderland Areas, signed in Warsaw on June 21, 2006. The Schengen Agreement's abolishment of border inspections initially brought about an increase in the cases when Chechen refugees illegally crossed the border of the Republic of Poland and traveled through the Czech Republic to Austria. Despite these initial difficulties, a number of provinces (Opole Province with Moravian-Silesian Region, Silesia Province with Moravian-Silesian Region, and Opole Province with Olomouc Region) entered into agreements on mutual assistance; counteracting catastrophes, damages, and natural disasters; and combating the after effects.<sup>28</sup> On February 2, 1999 the Polish and Czech foreign ministries signed the Agreement on Establishing of and the Principles Governing Joint Institutions in Kudowa Słone and Chotěbuz.<sup>29</sup> The main tasks of the institutions are:

- Gathering And Exchanging Important Information For Safety, Public Order, And The Combating Of Crime In The Borderland, Including Access To Databases;
- Coordinating Searches For People And Property;
- Interceding In The Filing Applications Concerning Mutual Assistance Pursuant To The Agreement, Including Requests On The Verification Of Dactyloscopic Data;

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<sup>28</sup> M. Gniazdowski, *Polityka Polski wobec Republiki Czeskiej* [Polish Policy towards the Czech Republic] [in:] *Rocznik Polskiej Polityki Zagranicznej 2009* [Yearbook of Polish Foreign Policy 2009], S. Dębski (ed.), Warszawa 2009, p. 191.

<sup>29</sup> J/L of 2009, No. 96, item 796.

- Providing Assistance In Establishing Contacts Between Appropriate Authorities Of Both States;
- Participating In Compiling Analyses, Statistics, And Assessments On The Basis Of The Data Gathered During The Operation Of The Institution;
- Cooperating In Organizing And Implementing Joint Training And Participating In Drawing Up Suggestions For The Development Of Cross-Border Police Cooperation;
- Coordinating Action In The Field Of Crime Prevention And Combating In The Borderlands, Including Coordination Of Joint Patrols;
- Coordinating Operations Concerned With Cross-Border Pursuit And Assisting To Coordinate Operations Connected To Cross-Border Surveillance Where Necessary;
- Coordinating Operations Connected With Preparing, Handing Over, And Taking In Individuals;
- Participating In The Organization Of Working Teams, Sending Consultants, And Holding Working Meetings Concerning Particular Instances Of Criminal Activity.

Moreover, the Programme of Cross-Border Cooperation for 2007–2013 started to operate in 2007.

Currently, there are seven Euroregions on the border between Poland and the Czech Republic:

- Euroregion Neisse-Nisa-Nysa (December 21, 1991; Czech Republic/Poland/Germany);
- Euroregion Glacensis (December 5, 1996; Poland/Czech Republic);
- Euroregion Praděd – Pradziad (July 2, 1997; Poland/Czech Republic);
- Euroregion Tesinske Slezsko – Śląsk Cieszyński (September 20, 1998; Poland/Czech Republic);
- Silesia Euroregion (April 22, 1998; Poland/Czech Republic);
- Euroregion Beskidy – Beskydy (February 18, 2000 – Czech Republic accessed in July; Poland/Czech Republic/Slovakia);
- Euroregion Dobrawa – Dobrava (2001; Poland/Czech Republic).

## 9. Agreements on legal matters

The Agreement on Amending and Supplementing the Treaty between the Czechoslovak Socialist Republic and the Polish People's Republic on Mutual Legal Assistance and the Regulation of Legal Relations in Civil, Family, Labour and Criminal Matters, Warsaw, December 21, 1987 was signed on October 30,

2003.<sup>30</sup> Among the changes introduced by the agreement were the deletion of item 3 of the Article 3, according to which judicial authorities contact each other through central bodies in matters related to the taking over of criminal prosecution, extraditing, transportation, temporal transfer of persons; and in matters concerning notifications on sentencing. The agreement also added item 1a after Article 59 item 1, which introduces the option of refusing criminal prosecution, if the criminal charges are of a political, exclusively martial, or if there is sound justification for assuming that the application was made on the basis of race, religion, nationality, or political beliefs, or if the execution of the application would be contradictory to the principles of the legal system established between the sides. An equally important document is the Agreement on Mutual Protection of Confidential Information signed in Prague on December 7, 2004.<sup>31</sup>

## 10. Summary

Despite the fact that specialist literature acknowledges that political relations between the two states were improving in the second half of the 1997<sup>32</sup> – after the decisions made in July by the North Atlantic Council and the European Commission selecting Poland, Czech Republic, and Hungary for membership in NATO and the EU<sup>33</sup> – it was the time when the treaty policy was developed almost exclusively in the area of border agreements. Presumably, this was connected with the fact that both states were preoccupied with the issue of membership in the European Union. The accession of Poland and the Czech Republic to the European Union caused mutual relations to flourish, despite the fact that Czech literature<sup>34</sup> on foreign policy emphasized that the outlook on

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<sup>30</sup> J/L of 2005, No. 222, item 1911.

<sup>31</sup> J/L of 2005, No. 193, item 1612.

<sup>32</sup> W. Bojaklo, *The Reform Polish Local Government, and the Europe of the Regions* [in:] *Poland in the European Union*, K. Cordell, A. Antoszewski (eds.), Routledge 2000.

<sup>33</sup> M. Szczepanik, *Stosunki Polski z Czechami i Słowacją* [Polish Relations with the Czech Republic and Slovakia] [in:] *Polska polityka zagraniczna* [Polish Foreign Policy], A. Żukowski (ed.), Olsztyn 1999, p. 164.

<sup>34</sup> V. Havlík, *Zahraniční politika* [in:] *Veřejné politiky v České republice v letech 1989–2009*, Centrum pro studium demokracie a kultury, Brno 2010, pp. 592–611; H. Fajmon, *Česká zahraniční politika po roce 1989* [in:] *Česká konzervativní a liberální politika*, P. Fiala, F. Mikš (eds.), Centrum pro studium demokracie a kultury, Brno 2000, pp. 303–320; V. Handl, M. Kunštát, *Střední Evropa v zahraniční politice České republiky* [in:] *Česko a Rakousko po konci studené války*, G. Heiss (ed.), sine loco, sine anno.

foreign policy, especially regarding Europe, is fundamentally different in Poland and in the Czech Republic. This is primarily the result of the position of the state in the international arena, which is less important for the Czech Republic than it is for Poland.<sup>35</sup> “Polish–Czech mutual relations started to have strategic character after both states acceded to the European Union. Between 1989 and 2004, the bilateral relations and multilateral regional cooperation, carried out primarily within the framework of the Visegrád Group and the Central European Initiative were the plain of cooperation.”<sup>36</sup> It did not take long for Prague and Warsaw to notice, that on the EU level they are united, rather than divided, on various issues. Among their common interests is a shared view on the development of European integration, energy security, strengthening the North Atlantic Treaty, “open door” policy, and matters related to historical policy.<sup>37</sup> Such similarities proved beneficial for diplomatic relations between the two states.<sup>38</sup>

To conclude, the thesis on the Polish engagement in expanding the treaty base with the Czech Republic can be confirmed. However, one cannot help but notice that the internal political situation (the election calendar in particular) has significant influence on the Polish activity in that field. It seems that the Republic of Poland should take action in order to revise some of the bilateral agreements with the Czech Republic, such as the Consular Convention concluded by the Polish People’s Republic and the Czech Socialist Republic of 1973, which previously had a purely symbolic dimension; now the Polish government should give it more relevance by means of an official bilateral visit.

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<sup>35</sup> A. Wolek, *Polsko-české vztahy? V pohodě*, <http://www.revuepolitika.cz/clanky/1560/polsko-ceske-vztahy-v-pohode> [access: 15.06.2012].

<sup>36</sup> A. Szczepańska, *Stosunki Polski z Republiką Czeską w latach 2004–2007* [Polish Relations with the Czech Republic in 2004–2007] [in:] *Polityka zagraniczna Polski w warunkach członkostwa w Unii Europejskiej* [Polish Foreign Policy in Terms of Membership in the European Union], R. Podgórzńska (ed.), Torun 2009, p. 53.

<sup>37</sup> See: P. Ukielski, *Polska pozycja w Unii Europejskiej a relacje Polski z Czechami, Słowacją i Węgrami* [Position of Poland in the European Union and Polish Relations with the Czech Republic, Slovakia and Hungary] [in:] *Rzeczpospolita na arenie międzynarodowej. Idee i praktyczne dylematy polityki zagranicznej* [Republic of Poland in the International Arena. Ideas and Practical Dilemmas of Foreign Policy], J. Kloczkowski, T. Żukowski (eds.), Warszawa–Kraków 2010, pp. 349–366.

<sup>38</sup> P. Ukielski, “*Pogłębianie*” *integracji europejskiej a polskie i czeskie interesy narodowe* [“Strengthening” of European Integration and the Polish and Czech National Interests], <http://www.omp.org.pl/arttykul.php?artykul=216> [access: 18.06.2012].