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THE UNFINISHED TURÓW CRISIS: POLITICAL- GEOGRAPHICAL ANALYSIS OF THE GERMAN-POLISH DISPUTE¹

Artur Boháč – Marie Cviková*

ABSTRACT

The dispute over the Turów lignite mine, located in Poland near the borders with Czechia and Germany, illustrates the complex interplay of environmental concerns, cross-border governance, and multilevel politics in Central Europe. While the Czech-Polish controversy was concluded in 2022 through a bilateral agreement, German actors, particularly the city of Zittau, NGOs, and regional politicians, continue to oppose the mine's expansion, arguing that it threatens groundwater, air quality, and local stability on German territory. This paper investigates the German-Polish dispute, compares it with the Czech-Polish case, and identifies the strategies, actors, and institutions shaping its course. The research combines desk analysis of academic and policy sources, cross-border statistics, and legal documents with qualitative insights from interviews and conference speeches conducted between 2022 and 2023. Findings reveal that, unlike the Czech case, the German-Polish dispute lacks robust state-level involvement, leaving local governments and NGOs to spearhead legal complaints to the European Commission and Polish courts. Despite active securitisation discourse and international NGO support, German efforts face obstacles due to Poland's pro-mining stance, weak multilevel governance in Central Eastern Europe, and divergent energy transition strategies. The analysis demonstrates that the Turów case is an environmental and resource conflict and a positional border dispute, highlighting the limits of EU conflict resolution mechanisms. It underscores the imbalance between national and local actors and the persistence of peripheral asymmetries in the Three-Border Region.

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Key words: Border Conflict, Securitisation, Geographical Analysis, Non-governmental Organisations, European Union

Introduction

The text deals with the current topic of the German-Polish dispute over the operation of the Turów Mine. The Turów Mine, located in Poland near the borders of Germany and Czechia, has become a significant bone of contention in Central Europe in the last five years.

The Czech-Polish dispute was thoroughly analysed by many scholars from various perspectives (Kurowska-Pysz et al., 2022; Žuk & Žuk, 2022; Boháč, Łaźniewska & Kurowska-Pysz, 2023; Wróblewski, Boháč & Böhm, 2023; Bembnista & Gailing, 2024; Berrocal & Thielemann, 2024; Böhm, Novotný & Kurowska-Pysz, 2024; Ondráček, Łupkowski & Urbański, 2024). The under-researched German-Polish controversy freely follows the Czech-Polish crisis. German subjects also cooperate with the Czech and Polish environmental NGOs, which consider the deal unfair to citizens and the environment. The cross-border region of interest, the Three-border Region (*Dreiländerregion/Trzy Państwa*), is peripheral. Hence, economic and environmental questions are crucial for its citizens.

The Turów question is essential for good relations in the border region and a functioning cross-border cooperation. The relations are far from ideal because of the German eastern border policy and the general question of the distribution of immigrants from the Middle East and Africa (Balkan Insight, 2024), the current strict German border policy leaving immigrants in Poland and the Polish proposals for payment of war reparations for the Second World War (DW, 2024). Both countries are crucial for the EU's stability and military assistance to Ukraine in its war against Russia.

The primary objective of this paper is to provide a multidisciplinary analysis of a topic. Partial goals are to clarify the dispute's progress, identify its actors and their strategies and cooperations, and compare the German-Polish and Czech-Polish disputes over the Turów Mine. Also, the text attempts to outline the possibilities of future development around the mine. The structure of the text is mainly adapted to these objectives. We analyse the events until May 2024. The starting point of the German-Polish dispute's hot phase was January 2021, when German subjects filed an official complaint to the European Commission regarding the mine. Nevertheless, older events and related circumstances in Czechia cannot be overlooked.

1. Theoretical basis

The text is anchored in conflict theories of international relations and security studies. Conflicts have been a persistent feature of human history, shaped by various political, economic, social, and environmental factors. Conflicts manifest as military confrontations, diplomatic standoffs, or economic rivalries between nation-states, their alliances, international organisations or non-state groups. Various actors emerged in the studied dispute, including cities, NGOs and individual politicians. Furthermore, a grey area exists where subnational actors and national governments may compete for authority in tackling specific issues. The influence of NGOs in Western countries has become more substantial, but it's worth noting that civic society in East Germany and especially Poland is not as well-developed due to lingering post-socialist influences (Mendelson & Glenn, 2002; Jacobsson & Saxonberg, 2013). Understanding international conflicts' causes, dynamics, and consequences requires an interdisciplinary approach. Conflicts can be broadly understood as disputes that arise when the interests of involved parties differ or are incompatible regarding values, power, perceptions, and goals (Castro & Nielsen, 2001). **Murzakulova** and **Mestre** (2016) further add a territorial aspect, emphasising that borders play a central role, describing a conflict as a part of constructing or deconstructing nation-state borders.

The Turów question is a particular case, but it has some similarities to the Temelín dispute between Czechia and the Austrian-German alliance around the year 2000 (Böck & Drábová, 2006) and the Barsebäck dispute between Denmark and Sweden in a similar period (Meyer, 2021). Both disputes centred around nuclear power plants situated near the borders. The Temelín case is more similar because of the three involved countries and the disagreement between countries from the former Western and Eastern Blocs. We perceive the Turów dispute as an environmental one. It also partly fulfils the features of a resource (because of the water drainage from Germany to Poland) and border conflict (because of the specific location near the German-Polish border, which has a history of questioning and present debates on the function of the border).

Environmental conditions are a key monitored indicator from the point of view of the relationship between natural resources and conflicts, especially in cases where the resource is the cause of environmental deterioration (O'Lear, 2005). The campaign against CO₂ emissions and climate change exacerbates ecological fears. Climate change is closely linked to energy security and the economy (Månsson, 2014). Disputes over natural resources, such as water, land,

or minerals, are ubiquitous. Due to the growing or more demanding population, the clash of value systems and higher economic and environmental demands are becoming more frequent (Brown & Keating, 2015). Most studies dealing with the role of natural resources in territorial conflicts analyse and predict disputes based on their geographical distribution and environmental conditions, which are influenced by a combination of political, economic and social factors (e.g. Okumu, 2010; Guo, 2021). Disputes related to territory are thus most influenced by two fundamental aspects: lack and excess of resources.

A border conflict refers to a disagreement between two or more political entities over the ownership or control of territories, which can include land, water, or airspace (Schultz, 2015). It is based on historical and cultural matters and is usually accompanied by political sensitivity. Brunett-Jailly (2015) then defines three main categories of border disputes: territorial disputes concerning land, positional disputes about the details of the course of the border, and functional disputes concerning the conflicting understanding of the function that the border should fulfil.

A court is often used as a means of resolving a non-violent conflict, which can be used both at the beginning of the dispute and also at the moment when the conflicting parties can no longer fix the problem. The role of courts in environmental and resource conflicts has increased in recent decades, and based on the scope of the dispute, they can be used at the local, national, or international levels in cross-border cases (Yasmi, Schanz & Salim, 2006). Also, border conflicts are settled by courts such as the International Court of Justice.

We witnessed a massive securitisation during the Turów dispute. Securitisation represents a critical framework for understanding how issues are transformed into security matters through political discourse, which subsequently mobilises societal response (Buzan, Wæver & de Wilde, 1998), leading to actions that would typically be outside the bounds of routine political procedures (Balzacq, Léonard & Růžička, 2016). Securitisation took on a specific form in so-called energy borderlands (Bembnista & Gailing, 2024).

2. Methods

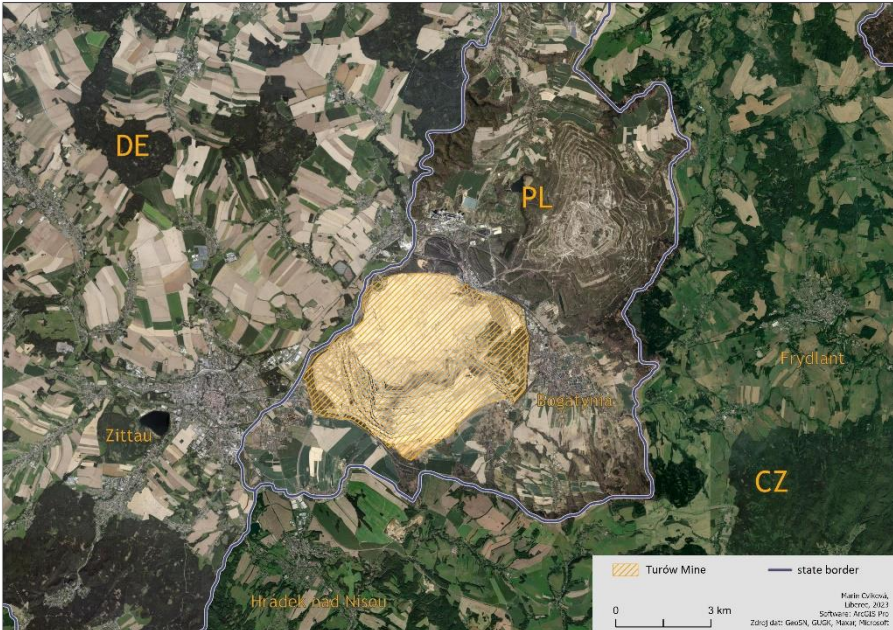
The text is based on desk research of geographical, economic and other social sciences secondary sources about the Three-border Region and the Turów disputes. The conflicts have been a matter for the last five years, but have not yet been fully reflected in academic texts. Local information sources, online news,

reports, and statements in German, Polish, and Czech are often used. Also, information in English, such as scientific reports on the effects of the mine or other sources intended for a wider European readership, are employed. An analysis of available economic and demographic data from Poland and Germany at various hierarchical levels was used. The data valuable for the characteristics of the studied area were sourced from Statistics Poland (Statistics Poland, 2022) and the Statistical Office of the Free State of Saxony (Sachsen.de, 2022). The data primarily pertain to the year 2021 unless otherwise noted. The online information sources were last checked in October 2024. The preconditions of the disputes were connected to spatial settings, so geographical and cartographic analyses were employed. Moreover, we conducted in-depth semi-structured interviews with crucial actors on the German and Polish sides. They were realised between January 2022 and September 2023. Parts of the interviews and statements from the critical Czech-Polish-German conference about Just Transformation in the Three-border Region held in Liberec in March 2023 are given as direct quotations in the text. Observation of the events and places connected to the Turów Mine was also used, as the authors live in the Three-border Region. The map addition was created using Esri's ArcGIS software.

3. Characteristics of the region

The Turów lignite mine is located in the Polish territorial protrusion belonging to the Lower Silesian Voivodeship, Zgorzelec County. The spur is wedged between Czechia, specifically the Liberec Region and the Liberec District, and Germany, specifically the Free State of Saxony and the Görlitz District (see Figure 1).

Figure 1: Orthophoto map of the Three-border Region



Source: Authors, 2024

The studied area lies in the loosely defined cultural-historical Three-border Region. The Three-border Region, where approximately 200,000 inhabitants live, is determined by the towns of Bogatynia, Zittau, and Hrádek nad Nisou and the Neisse (Nysa) River, creating a German-Polish border.

The region is a part of the ERN (Euroregion Neisse-Nisa-Nysa), the oldest Euroregion including post-communist countries. The area under study exemplifies a socioeconomic periphery for all three countries due to its remote location and the region's modern history, which is marked by population movements, border shifts, and economic transformations. Population changes were particularly pronounced in Czechoslovakia, where three million Germans were expelled, while Poland moved westward into former German territory. Newcomers replaced the displaced German population. The migration wave led to the change of toponyms and the loss of traditional regional ties. These attributes are sharpened by various asymmetries between areas and countries (Boháč, Łazniewska & Kurowska-Pysz, 2023), prejudices, and feelings of

historical injustice (Graf et al., 2015). Therefore, the ideational dimension of cross-border integration (dimensions proposed by Durand & Decoville, 2019) is weak, contrary to functional and institutional ones. Economic differences (see Table 1) between Czechia, Germany and Poland lead to shopping tourism and work commuting. The institutional dimension is quite substantial thanks to the ERN, which belongs to the more successful Euroregions in central Europe.

Table 1: Polish and German parts in the Three-border Region in selected indicators

	Polish part	German part
Municipalities	Bogatynia	Zittau, Ostritz
Area (km²)	136.2	90.28
Population	21,891	26,804
Population density (/km²)	160.72	296.9
Natural population increase	-126	-474
Migration balance	-43	109
Average salary per month (EUR)	1,098	3,316
Economic subjects	1,906	2,891
Registered unemployed people	315	3,016
Forest area (km²)	38.13	20
Length of tourist routes (km)	43.8	65
Length of cycling routes (km)	7.6	61
Overnight stay options	4	11

Source: Sachsen.de (2022), Statistics Poland (2022), and own calculations

The Turów crisis has evolved into a dispute involving numerous local, regional, and national actors over the past five years, although it started as a local border dispute and then the Czech-Polish dispute. It can also be viewed from a global perspective, particularly regarding potential violations of UN climate policies. In the Three-border Region, Czechoslovakia and Germany previously operated lignite mines (Olbersdorf, Berzdorf and Kristýna). Still, these were closed by 1991 for economic and environmental reasons and transformed into lakes with tourist facilities. While Czechia and Germany continue to operate brown coal mines, these mines are not as close to the border as the Turów Mine. The only exception was Germany's Jänschwalde Mine on the Polish border, which was closed in 2023. Several Polish politicians have cited the environmental impact of this mine as a counterargument in the Turów dispute. Other German mines, such as Reichwalde and Nochten in the Görlitz District, are more than 10 km from the border.

The Turów Mine has been operating in its modern form since 1904, with the nearby Turów Power Plant operating in 1962 (Izidorczyk, 2022). The Turów Power Plant has historically caused cross-border environmental issues due to its emissions, which contributed to acid rain and damaged nearby mountain forests, including the Zittau Mountains in Germany. However, the situation improved significantly in the 1990s when advanced desulphurisation technology was introduced. Water loss on Czech territory became a problem as the mine expanded. Although efforts have been made to reduce dust and noise pollution by constructing barriers and promoting land restoration and reforestation in post-mining areas (Turów 2044, 2024), concerns persist. Currently, the mine's pit is less than 1 km from Czechia and only 200 meters from Germany.

In Czechia, complaints include air and noise pollution, soil subsidence, mudflows from the mine dump onto Czech territory, and mainly underground water drainage. In Germany, residents have raised concerns about air and noise pollution, building cracks, and terrain subsidence. There are also fears of water drainage and the pollution of the Neisse River caused by increased concentrations of sulphates, cadmium, uranium, and nickel (Zittau, 2024). On the Polish side, the mine's external impacts are minimal outside Bogatynia and in this town, revenues from the Turów energy complex balance them.

4. The course of the Czech-Polish dispute

The Turów Mine is the property of the mostly state-owned consortium PGE Group (*Polska Grupa Energetyczna*) and its mining division PGE GiEK (*PGE Gornictwo i Energetyka Konwencjonalna*). In the 2010s, Czech-Polish and Czech-German negotiations regarding the Turów Mine occurred at various levels but failed to produce a binding outcome. Despite the neighbours' objections after Polish authorities' indications of mining expansion, in March 2020, the Polish Ministry of Climate and Environment extended the company's mining concession for six years with a plan for mining to 2044. The mine should expand to 30 square kilometres, and the Poles plan to mine at a depth of 330 meters. The Polish government supported this strategy without conducting proper cross-border consultations or research, violating EU law/the EU Treaty, the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes, and the European Water Framework Directive. The mine employs around 2,500 people: 1,200 work at the power plant and about 15,000 in related businesses (Žuk & Žuk, 2022). The power plant provides water and heat to

Bogatynia.

Since 2019, pro- and anti-Turów demonstrations have occurred along the Czech-Polish border. Pro-Turów demonstrations were organised by trade unionists from the Solidarity (*Solidarność*) union, whose slogans are "Hands off Turów" and "Green Deal, not a Grim Deal". Local and supranational NGOs and ordinary citizens organised anti-Turów demonstrations. For the basic info about involved NGOs, see Table 2. The joint statement of European NGOs and politicians was also important (EEB, 2020). Affected Czech municipalities submitted a petition with 13,000 signatures to the European Parliament in 2019. The petition was deemed valid, influencing the European Commission's actions and subsequent court decisions.

Public pressure and the involvement of the Liberec Region eventually led to action by the Czech government, which successfully complained to the European Commission and then sued Poland over the mine at the European Court of Justice (ECJ) and won the case. The court fined Poland €500,000 per day for continued mining. While the Polish government opposed the ruling, it ultimately reached a compromise with the Czech government (Žuk & Žuk, 2022). In February 2022, Czech Prime Minister **Petr Fiala** and Polish Prime Minister **Mateusz Morawiecki** signed an agreement in which Poland agreed to pay €45 million in compensation, mainly for constructing new water infrastructure in Czechia. Poland also committed to building a green barrier on the mine's southwestern border and an underground wall to prevent water drainage (MŽP, 2022). Following the agreement, the Czech government withdrew its charges at the ECJ, although the penalties accrued before February 4, 2022, still create tension between the EU and Poland.

The dispute did not end for Czech environmental activists and people from the affected zone despite the agreement. They point to continuing adverse effects from the mine (Frank Bold, 2022; Ekolist.cz., 2023; Společně pro vodu, 2023) and slow use of compensation money to build water lines. Supporters of the Czech-Polish agreement usually stand against current German efforts, while its opponents from opposition groups and NGOs support them.

5. The course of the German-Polish dispute

The primary objection from Germany revolves around the mine's environmental impact. As Germany seeks to transition to cleaner energy sources as part of its energy transition policy (Energiewende), the continued operation of

the Turów Mine undermines these efforts by exacerbating CO₂ emissions in the region. Germany advocates for stricter environmental regulations within the EU's Green Deal and Fit for 55 legislative packages to reduce greenhouse gas emissions (Figura & Gądek-Hawlena, 2022). Ambitious German climate targets contrast with Poland's continued reliance on coal, despite Poland's relatively quick growth of the share of renewable energy sources. Germany has been investing heavily in renewable energy and sustainable development in its border regions, and the persistence of lignite mining just across the border may undermine these efforts. As such, many local German communities are advocating for the mine's closure or at least stricter environmental oversight.

Czechia took Poland to the ECJ over the expansion of the Turów Mine, citing violations of the EU environmental law, particularly regarding cross-border environmental impacts. Although Germany did not join the lawsuit directly, it has expressed concerns through diplomatic channels. German officials, including those from the Saxon region, have emphasised better cross-border environmental governance and compliance with EU laws to ensure that the mine's activities do not negatively impact German territories. German governmental policy towards the Turów question remains the same even after the change in the leading governmental party from the Christian Democratic Union of Germany/Christian Social Union in Bavaria (Christlich Demokratische Union Deutschlands/Christlich-Soziale Union in Bayern) with Prime Minister Angela Merkel to the Social Democratic Party (Sozialdemokratische Partei Deutschlands) with Prime Minister Olaf Scholz. Stephan Meyer, Görlitz District administrator and the leader of the German part of the ERN, said: "There was a lack of committed mediation by the Saxon authorities and ministries towards the federal government, which is in charge of the potential intergovernmental procedure."

Zittau has opposed the Polish plan of mining extension for a long time. In January 2021, Zittau, together with the Görlitz District and several members of the Saxon parliament, predominantly members of the Alliance90/The Greens (Bündnis 90/Die Grünen), filed a complaint to the European Commission, similar to the one filed by Czechia. They protested, among other things, against violating the same procedural rights (EIA) as the Czechs did. They could not effectively participate in the permit procedures and defend themselves against the issued decision to extend mining (Zittau, 2024). They claimed the Polish side had not acted correctly when discussing the mining expansion's environmental impact. The German branch of the Greenpeace organisation published a geological

assessment conducted by German hydrogeologist Ralf Krupp (2020), which stated that further mining in Turów threatens water quality and soil stability on the German side of the border.

Zittau's Mayor Thomas Zenker, representing the local voters association, expressed hope: "Thanks to the complaint to the European Commission, the town would obtain another legal assessment of the permission to continue and expand mining. My primary goal is not to close the mine immediately." The complaint is still pending. The cooperation of Zittau with the Czech authorities ended after the Czech-Polish agreement. Only Czech NGOs maintained their critical attitude towards the mine. The relations between Czechia and Poland are good at the national level, as well as at the level of the affected Liberec and Lower Silesian regions. At the Liberec conference held in 2023, Czech and Polish representatives shared similar opinions and implicitly considered the representatives from the Görlitz District and German scientists querulous, even though Czechia was in the same position as German actors two years ago. Currently, the Liberec regional and Czech governments have the same attitude towards Turów, as they are politically close to each other.

In March 2021, the NGOs Saxon Union (Bund Sachsen) and German branches of ClientEarth and Greenpeace sent a letter to the Prime Minister of Saxony, Michael Kretschmer, representing the Christian Democratic Union of Germany (Christlich Demokratische Union Deutschlands). The letter called for the support of Czechia in the lawsuit against the expansion of the mine. He only expressed concern about mining in Turów and procured expert reports from lawyers. These reports documented many violations, but no reaction came.

In October 2022, the alliance of international and regional NGOs, formed by Greenpeace, Frank Bold, Saxon Union, and the Neighbourhood Association Uhelná, submitted another complaint to the European Commission concerning illegal mining activities in Turów, which were conducted without a proper EIA (Radio Prague International, 2022). Their complaint is supported by the report prepared by Polish hydrogeologist Sylwester Kraśnicki (2022). They called to initiate proceedings regarding a potential breach of the Czech-Polish agreement. A verdict has yet to be reached.

In February 2023, the Polish Ministry of Climate and Environment granted a mining permit until 2044. This permit led to Zittau's main lawsuit. The city contends that it is legally incorrect to grant a mining concession while there is still no final ruling on the legality of the EIA process. It argues that the EIA lawsuit should be resolved before any new decisions are made regarding the

continuation of the mining project, particularly when based on a decision that has not yet undergone judicial review (Zittau, 2024). A date for the lawsuit's decision has not been set.

The city council in Zittau, in cooperation with the Saxon Union and Greenpeace, also approved a lawsuit to the court in Warsaw in November 2022. Zittau disagreed with the Polish EIA concerning the expansion of the mine and the connected General Directorate for Environmental Protection approval. The document ignores the problems that further mining will cause the city.

PGE promotes the slow transformation of Bogatynia with the help of the EU Just Transition Fund. However, access to money from the fund will be problematic due to Poland's non-cooperation with the EU regarding the mine (EKO-UNIA, 2021). Plans to turn the mine into a lake and the region into a solar, wind or hydrogen-energy plant are very vague and, in the case of a lake, unrealistic, given that it would take 150 years to flood the pit (Krupp, 2020). In addition, the mine is still expanding.

Thomas Zenker appealed to the provincial and federal governments for over four years, but to no avail. From the point of view of Zittau, neither the German authorities nor the Polish operator dealt with the consequences of mining in Turów. In March 2024, despite the political and public pressure and variable decisions of the Polish lower courts, the Provincial Administrative Court in Warsaw ruled that approving the EIA report by the General Directorate for Environmental Protection concerning the expansion of the Turów Mine was unlawful. Nevertheless, it did not mean the suspension of the mine's operation. Thomas Zenker pointed to several problems in the court decision. Zittau's key arguments, which demonstrate that no proper EIA was conducted, have not yet been fully addressed. The court appears to have based its decision on the Czech-Polish agreement, which significantly alters the situation and requires a new assessment (Zittau, 2024). The case will move to the higher administrative court, with proceedings expected to be prolonged. Both Czech-Polish and German-Polish disputes were accompanied by mutually opposite narratives in the media and social networks (Berrocal & Thielemann, 2024).

6. Key actors

6.1. Poland

The central government is the crucial actor on the Polish side, as the PGE is a state-owned company. Since December 2023, Poland has had a new

government consisting of liberal and pro-EU political parties led by **Donald Tusk**, chairman of the Civic Platform (*Platforma Obywatelska*) party. To this date, Poland has been ruled for eight years by a national conservative government led by Law and Justice (*Prawo i Sprawiedliwość*). During the rule of the Law and Justice party, Poland showed features of authoritarianism and distrust towards NGOs, especially those with political programs (Kopeček & Folvarčný, 2020). Law and Justice is strongly pro-mining in the long term, and it is supported in mining regions of Poland, especially among trade unions (Gardawski, Mrozowicki & Czarasty, 2012). It sees mining as crucial for the country's energy independence. The Law and Justice party launched symbolically its election campaign with a rally in Bogatynia in May 2023.

In July 2023, during a campaign rally in Wrocław, **Donald Tusk** firmly stated that both the Turów energy complex would remain operational as long as coal could be extracted, despite his previous statements about kickstarting the country's transition to lower carbon energy (Portal Samorządowy, 2023). This statement, whose sincerity may be doubted, was made in response to the narrative promoted by the trade unions allied with the ruling Law and Justice party, which claimed that the Turów energy complex would be shut down if the opposition came to power. **Tusk's** statement disappointed German and Czech anti-Turów actors.

In March 2024, the new Deputy Minister of State Assets, **Robert Kropiwnicki**, clarified that the new government does not plan to close the mine. He provided this information following a significant ruling by the Provincial Administrative Court in Warsaw in March 2024, which annulled the EIA granted by the General Directorate for Environmental Protection. **Kropiwnicki** added that PGE GiEK would appeal this ruling to the Supreme Administrative Court (Business Insider, 2024).

PGE claims that shutting down the operations of the Turów complex without spreading out the implementation of the transformation program over several years would lead to a collapse of the local job market, a sharp rise in unemployment, and the bankruptcy of hundreds of businesses (Turów 2044, 2024). However, the company wants to present itself as environmentally responsible and take steps to mitigate the negative impacts of its activities on the surrounding environment. At the Liberec conference held in 2023, **Miranda Ptak** from PGE GiEK tried to relativise the situation around Turów by pointing to the absence of relevant cross-border hydrological data. She said: "It is not the Turów Mine but the gravel pit (a hundred times smaller than the mine; authors' note) in

Hrádek nad Nisou in Czechia that causes a lack of water in Czech border settlements. She also condemned Zittau's lawsuits and emphasised the mining past of Zittau and former mining corridors, which might have caused building cracks."

The regional government of Lower Silesia Voivodeship, led by liberal politicians in the long term, was not a strong actor despite its negotiations with the Liberec Region during the hot phase of the Czech-Polish dispute. Its moderately pro-Turów attitude was overwhelmed by the central government. A strong voice had Bogatynia, which depends on the mine and the adjacent power plant. Its mayor, **Wojciech Dobrołowicz**, a representative of the Law and Justice, consistently supports mining. At the Liberec conference held in 2023, he criticised Zittau's complaints directed at Turów's activities as unconstructive. He questioned the results of studies on the effects of the mine on the German border settlements. Dobrołowicz expressed his affection for a just transformation but noted that defining how to implement it is necessary. Also, Zgorzelec County, for which the economy and employment connected to mining are crucial, was active in the pro-Turów policy. Its counsellor, **Adam Balcer**, stated: "Little could be done to prevent the dispute on the local and regional level because political parties in Czechia and Germany artificially triggered the dispute to gain popularity before the elections. Then, it resonated in the media."

The Polish government, PGE, Lower Silesian Regional Government, Bogatynia, and trade unions share the same interests. A few members of the Polish Parliament and European Parliament, predominantly from the Green Party (*Zieloni*), stood against the extension of mining in Turów. **Małgorzata Tracz** from the Green Party participated in cross-border meetings focused on the Turów question.

The most prominent Polish anti-Turów NGOs are Yes to Development – No to Mining (*Rozwój TAK – Odkrywki NIE*, RT-ON) and ECO-UNION (*EKO-UNIA*). RT-ON has been fighting for several years to stop constructing of new surface lignite mines and combating the negative impacts of existing ones. ECO-UNION's focus involves the promotion of renewable energy sources and energy conservation, nature conservation and biodiversity protection, sustainable development of rural areas, and providing information and legal advice to communities in environmentally problematic cases. The organisation is a member of the European Environmental Bureau (EEB, 2020), a federation of environmental NGOs. For many years, ECO-UNION has been running, together with RT-ON and the Polish branch of Greenpeace, the Stop Turów campaign.

They aim for Bogatynia to embark on an energy, economic, and social transformation path. The Stop Turów website (Stop Turów, 2024) is available in Polish, Czech, German, and English, though the Polish version provides the most detailed information on current issues.

These NGOs participated in protests regarding Turów in the Three-border Region and cooperated with their German and Czech counterparts. The protests peaked in the hot phase of the Czech-Polish dispute in 2021, and they took place in Hrádek nad Nisou, right next to the borders with Poland and Germany. After the Czech-Polish deal, they are less frequent and emerge especially in major cities such as Wrocław or Prague.

6.2. Germany

In Germany, the situation is different. Minor entities are involved in the dispute. The Saxon government is more active than the central one, although it has a cautious approach with minimal practical steps or significant cooperation with German NGOs involved in the dispute. The Saxon institutions operated with the argument of the existence of the lignite mines on their territory, which also had adverse effects on Poland. However, research showed that hydrogeological conditions in these mines are different and not so harmful regarding groundwater drainage. The Federal German and Saxon governments are passive despite the presence of the pro-environmental Alliance 90/The Greens in them. Nevertheless, several members of the mentioned party were visible in the dispute.

The complaint of the German actors to the European Commission in January 2021 received the support of MEP (Member of the European Parliament) **Anna Cavazzini** from the Alliance 90/The Greens and the European Greens political bloc. She originally comes from Saxony. She has devoted herself intensively to the Turów crisis since 2020 and requested a new EIA for the mine. She involved her German colleagues from the European Parliament and the same political party, **Terry Reintke** and **Hannah Neumann**, in the Turów question. They visited the affected region in 2024 and discussed the situation with the Czech anti-Turów activist **Milan Starec** from the Neighbourhood Association Uhelná. The CDU MEP **Peter Jahr**, originally from Saxony, also came out against the mine, demanding its immediate closure.

The public administration in the fight against the expansion of the Turów Mine is mainly represented on the German side by the city of Zittau and its mayor, **Thomas Zenker**. The basic argument of the city was the issuance of a decision

without a deadline for submitting objections to the EIA procedure and its description, which was inaccurate on the part of the mine operator, non-transparent due to the lack of a translation into German, and inconsiderate of objections and city comments as early as 2019. Half a year later, the press conference of the stern hydrogeological study (Krupp, 2020) came up with fundamental results that testify to the far-reaching impacts of mining. These findings supported a complaint from January 2021.

Zenker also promoted cooperation with Czechia in its struggle before European institutions. However, there appeared to be a lack of political will in Berlin to get involved in the case, and the Saxon government also did not announce any political steps to resolve the crisis, prompting the city to consider suing Saxony for its inaction. The Saxon media pointed to the state and federal governments' inactivity (Klimareporter, 2023). Also, ERN was inactive in both Czech-Polish and German-Polish disputes. Czech and German Euroregional offices preferred diplomatic neutrality, and only the Polish one more or less supported mining in Turów. Due to its authority limitations, potential interventions from the Euroregion could have been public statements. On the Euroregional level, no significant changes in the number of cross-border projects were observed (Kurowska-Pysz et al., 2022; Wróblewski, Boháč & Böhm, 2023).

After the agreement between Czechia and Poland, Zittau found itself alone in the case. Its representatives decided to act on their own through the three complaints mentioned in the previous chapter. Zittau, in addition to defending the interests of the German border region, also held the opinion of necessary cooperation and cross-border talks with Polish representatives, primarily within the Small Triangle (cross-border association of Zittau, Bogatynia and Hrádek nad Nisou). All three borderlands share a very similar story and have similarities in historical traditions and development. The economic transformation in the area around Zittau is still painful. While environmental pollution has decreased, the number of unemployed persons has increased significantly, which is one of the main trends based on which the Germans feel some sympathy with the Poles. **Yelena Zimdahl** from the Saxon Union stated: "We are aware that only part of the population is against the continuation of mining and that some residents are also concerned about the shutdown of coal or are indifferent to the issue, which is valid for both countries. Many of Zittau's residents are still taking cheap coal briquettes."

One of the most active political parties was, above all, the Left Party (*Die Linke*), which, as part of the trial of Czechia and Poland at the CJEU, spoke out

in support of Czechia and, in the form of an open letter to Prime Minister **Michael Kretschmer**, called on the Saxon government to adopt the same position. However, the Saxon government did not share the residents' concerns to the extent that was expected, and after stormy debates in the Saxon State Assembly, the Committee for Energy, Climate Protection, Environment, and Agriculture rejected the proposal.

The most visible NGO on the German side is the Saxon Union, which has been against the expansion of the mine since its announcement and pointed to increased environmental dangers and violations of the EU environmental policies. Saxon Union constantly lobbied the state government to convince the federal government to take action against the mine. The main goal was to adequately defend the German border region's interests and cooperate with Czech actors. It also complained to the European Commission and Polish courts in cooperation with other actors. Then, we should also mention the activities of global or international NGOs, such as Frank Bold, Greenpeace, and ClientEarth, as well as their national branches, focusing on environmental law and civic activism (see Table 2).

Table 2: Typology of the most visible NGOs involved in the Turów dispute

NGO	Affiliation	Only Turów focused	Compliance with the regional government	Compliance with the central government	Types of actions
ClientEarth	global with national offices	NO	–	–	legal actions, services and analyses, expert analyses, media coverage
Greenpeace	global with national branches	NO	–	–	legal actions, expert analyses, media coverage, protests, lobbying
Frank Bold	Europe with national offices	NO	–	–	legal actions, services and analyses, media coverage
Neighbourhood Association Uhelná	northern part of the Liberec Region	YES	YES until 2022, later NO	NO, between 2020-2022 partly YES	legal actions, media coverage, protests, lobbying, art
Yes to Development – No to Mining	Poland	partly YES	NO	NO	media coverage, protests
ECO-UNION	Poland	NO	NO	NO	legal actions, media coverage, protests

Saxon Union	Saxony/ Global – Friends of the Earth	NO	NO, after 2020 partly YES	NO	legal actions, media coverage, protests, lobbying
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Source: Authors, 2024

Conclusion

We have shown that the current dispute around the Turów Mine is even more complicated than the Czech-Polish one. There are even more involved actors and court proceedings. There is also a bigger mess in declared interests, tacit interests and tactically suppressed interests of particular subjects. Finally, compared to the Czech-Polish conflict, there is no serious support from the state institutions on the German side, which makes the German-Polish dispute different. Some governments, such as the Saxon and German, are cautious in presenting their attitudes, and their criticism of the Turów Mine is none or very mild. The heavily securitised approach of both Polish governments is straightforward: to preserve mining at almost any cost. The EU and its institutions are principally against climate-unfriendly activities and their prolongation.

Meanwhile, after the Czech-Polish agreement, the Czech government and the Liberec Regional Government changed their anti-Turów attitude for a de facto pro-Turów one, despite the Polish side's dubious fulfilment of the deal. Their ignorance of Czech residents in the affected borderland and also demands of German actors prove the truth to those who saw the behind-the-scenes ties of Law and Justice and the Civic Party (*Občanská demokratická strana*), the strongest Czech governmental party, connected by the membership in one block in the European Parliament, behind the conclusion of the contract (iDNES.cz, 2022). By the way, Czechia could ask Poland for much more money, given the EU authorities' previous decisions, which put Poland in a stalemate.

It is an example of a political big game, because of which small actors, such as the city of Zittau or local NGOs, have the feeling of a lonely struggle. Their only hope is in the support of large international NGOs such as Frank Bold or Greenpeace. Regarding the Czech-Polish dispute, NGOs cooperated with local entities and did much work in its early stages. Still, national governments took the last crucial steps towards the agreement without consultations with them. Such a monopolistic approach of national governments was also similar during the COVID-19 pandemic and related border closures (Böhm, 2021). This approach is consistent with the less usual practical application of multilevel governance and NGO incorporation into decision processes in Central Eastern Europe. In the

current German-Polish dispute, the risk of such a takeover by national governments is low due to the inactivity of the Saxon and German governments. But without their involvement, the chance for success is not high.

The ongoing German-Polish conflict over the mine is a critical case study of the tensions between economic interests, environmental protection, and peaceful neighbour relations within the EU. The EU is a crucial actor serving as a mediator and also as a judging organ, as it was during the Temelín and Barsebäck crises. However, even the international court's judgment can be ignored, as witnessed during the Czech-Polish Turów dispute.

As outlined in the Characteristics of the region, geographical factors also play a role, as affected territories on both sides of the border belong to less developed and distant from important cities. For the Polish part, the mine and connected power plant operation are crucial regarding energy security and employment. For the German part, the limitation or termination of mining in Turów is vital because of environmental impacts, which can play a role in high emigration rates in Zittau and its surroundings.

After the Czech-Polish agreement, Poland started building a ground barrier and an underground wall to mitigate the effects of mining on the Czech territory. Friendly steps towards the Germans are even rarer, except for the limitations of night operations in the part of the mine bordering German settlements. This approach was probably affected by German policy, which was more conciliatory than that of the Czech until January 2021. The policy of the federal and Saxon governments remains the same, but the efforts of smaller German actors irritate Polish authorities. Polish side skilfully combines diplomacy, ignorance and delaying tactics. These were strategies that proved to be relatively successful also in the Czech-Polish dispute.

As mentioned in the Theoretical background, the dispute falls primarily into the category of environmental and resource conflict. It also fulfils the criteria of the positional border dispute because the German side wants the border region to be more inclusive, involving proper and binding consultations on such vital topics as mining activities near the border and functioning cross-border cooperation and solidarity.

The future of the Turów energy complex, particularly the possibility of closing it before 2044, will likely be influenced by electoral outcomes in Poland. If the current government takes the presidency and wins the next parliamentary elections, there may be some openness to ending extraction earlier. However, any such move would face strong opposition from Law and Justice, which would

portray it as undermining Poland's national assets. The changes in the Polish domestic political situation are the only way to close the mine sooner. It is not achievable through pressure from the neighbouring countries or the EU institutions' proceedings and fines. As we know from the Czech-Polish controversy, Poland can ignore them despite the troubles of obtaining EU finances.

Shifts in conciliatory positions of the German federal government and Saxon government are not expected unless more radical and patriotic political parties like the Left Party and Alternative for Germany (*Alternative für Deutschland*) come to power. Another issue can emerge when the new Czech government, created after elections in 2025 and probably consisting of current opposition parties, questions the observance of the Czech-Polish agreement. Then, a Czech-German alliance may arise.

There are only scenarios that would bring instability to Central Europe, except for the Polish domestic stoppage of mining. The potential German/Saxon-Polish agreement would also be attainable only through extreme pressure and penalties from the EU. For success in front of the ECJ, German actors, in our opinion, need to obtain a favourable decision from the European Commission. Concisely written, they should follow the Czech way in the dispute, except for the conclusion of a disadvantageous agreement. The European Commission and ECJ proceedings in the Czech case should be precedent. However, German actors' complaints to the European Commission are still pending. The authors speculate that such lengthy proceedings may be because non-state, less powerful actors are behind the complaints compared to the Czech filing. The Czech complaint was dealt with quickly between September and December 2020.

German subjects also struggle in Poland without a definitive decision. If the higher court upholds the March ruling of the Provincial Administrative Court in Warsaw, it could pave the way for a legal challenge to the mine's 2026-2044 license. Nevertheless, ruling out some legal loopholes in such a sensitive case for Poland is daring. In conclusion, the future of the dispute is worth observing, mainly for scholars dealing with international relations and border studies.

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