



Strasbourg, 6 September 2022

T-PVS/Files(2022)66

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 28 November - 2 December 2022

New complaint: 2022/05

**Fence Construction on the Polish-Belarusian Border
(Poland)**

- REPORT OF THE GOVERNMENT -

*Document prepared by
the General Director of Environmental Protection of Poland*



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Warszawa, 30-08-2022 r.

DZP-WG.604.23.2022.EP

Ms Ursula Sticker
Secretary of the Bern Convention

In response to the letter of 9th June 2022 regarding 12 complaints regarding the construction of a barrier on the Polish-Belarusian border, I present explanations in this regard.

At the outset, it should be emphasized that the need to build a border barrier on the Polish side is dictated by the threat caused by the state services of the Republic of Belarus, which send thousands of groups of usually unverified and often aggressive migrants to the border zone with Poland. Officers of the Belarusian regime actively support migrants who illegally cross the Polish state border in prohibited places. Officers guarding Polish territory are physically attacked - thrown with stones, tree limbs, blinded by lasers, strobe lights.

Moving by migrants across areas usually inaccessible to people posed a threat also to themselves. In many places, these areas are marshy, swampy, difficult to pass, and sometimes even impossible to pass. Nevertheless, the Belarusian regime directs migrants to these places, who, when crossing the border illegally without knowing the topography, wander, risking freezing in the event of low temperatures, or drowning in the event of entering swamps or peat bogs.

Poland considers all the activities described above to be a manifestation of a hybrid war consisting in a combination of conventional and unconventional force and sabotage instruments. This is to cause destabilization and internal unrest in Poland, and perhaps also throughout the European Union.

For many months, in this extraordinary situation, thousands of Border Guard officers and other uniformed services of the Polish state have been constantly guarding the Polish border. It also means the constant additional presence of people, mechanized equipment, as well as artificial light and noise regardless of the time of day, which could have a negative impact on nature.

In order to increase the security of the state border, a barrier in form of a spiral fence consisting of poles and vertically placed concertina-type wire entanglements was laid along the border road on selected sections of the eastern border of Poland. The fence was secured with a net to avoid direct exposure of animals to possible negative effects of the wire (Photo 1). It should be emphasized that this security was only temporary.

Despite the above-mentioned actions, the number of attempts to cross the border did not decrease, but tended to increase. In the whole of 2021, there were 39,664 attempts to

illegally cross the state border, including 17,545 people in October alone. For comparison, in the whole of 2020 it was 129 people.

The efforts made so far to avert a crisis through diplomatic channels have not produced the expected results. Therefore, Poland decided to build a permanent barrier. This decision was made in a situation where the crisis at the border turned out to be a chronic and continuous situation, without the possibility of specifying even an approximate time of its end. In addition, since last year, the risk of a full-scale aggression by Russia, supported by Belarus, on neighboring Ukraine (which happened in February this year), has seriously increased.

Referring to the request in a collective manner to the allegations contained in the submitted complaints, I present the following information and explanations.

In order to ensure, inter alia, proper monitoring and evaluation of the investment implementation, also in terms of nature protection, a Team for the preparation and implementation of protection of the state border was established. The representative of the Minister of Climate and the Environment and the General Director of Environmental Protection (hereinafter "GDOŚ") participated in all meetings of the Team, obtained information on an ongoing basis from regional and local authorities, including the Regional Director for Environmental Protection (hereinafter "RDOŚ") in Białystok, Forest Inspectorate of Białowieża Forest District, The Forest Inspectorate of the Hajnówka Forest District and the Director of the Białowieża National Park, and recommended optimal solutions for the barrier, related to the need to protect the natural environment and minimize environmental impact, both at the stage of implementation of works and at the stage of barrier operation. As a member of the Team, GDOŚ was responsible for ensuring environmental supervision over the implementation of the investment.

Referring to the allegations regarding the interruption of animal migration corridors, it should be emphasized that the chosen form of physical protection of the state border is the solution least interfering with the natural environment. It should also be emphasized that, unlike various temporary safeguards, the barrier does not pose a threat to the health and life of animals. The openwork nature of the barrier as well as the used passages and culverts ensure the possibility of animal migration. The barrier in Poland has over 70 thousand culverts for small mammals, amphibians and reptiles (two in each span) and 24 passages for large animals. The width of each passage is 5 m and the height is 4.5 m - these are sufficient parameters for the representatives of the largest species, such as European bison, elk, deer, wolf or lynx (Photo 2). The locations of the passages were determined on the basis of migration analyzes of large mammals - mainly bison and lynx (Fig. 1, 3-5). A comparative analysis with the results of telemetry studies of European bison and lynx showed that the passages were located correctly and optimally arranged. In addition, there are 100 additional 1.5x1.5 m passages that can be used by animals as needed.

Additionally, it should be emphasized that a greater density of crossings would be largely unjustified due to the existence of a tight barrier along the entire length of the border (so called 'systema') on the Belarusian side. It is an uninterrupted (with the exception of transport and communication corridors) system of engineering and electronic security measures, distant from the border line from several to several hundred meters (Photo 3-4). The main part of the system is a technical dam consisting of several fences (up to 3, usually in the form of a T-shaped wooden fence, armed with barbed wire lines; in some sections the dam is made of modules and barbed wire, on metal posts, concreted) of up to approx. 3 m high, equipped with a sensor system (Fig. 5-19). On both sides of the dam, there is an approximately 3-6 meter strip of ploughed soil, without vegetation cover, systematically

ploughed or harrowed. This system is built regardless of the terrain in which it runs (also along and across rivers or in swamps), it should be emphasized that it also crosses forest complexes, including those very valuable in terms of nature: the Augustów Primeval Forest, the Knyszyn Primeval Forest and the Białowieża Primeval Forest. It does not have an animal passage system that would allow the migration of small and large mammals. In many places, the system runs closely adjacent to the border with Poland, which in fact prevents animals from crossing this border. In other places, the system runs at a variable distance from the boundary line, which allows animals to cross the border, but (with the exception of individual cases) it is not possible for animals to cross the system. This fact is confirmed by the results of telemetry tests, as described below.

In addition, the migration of animals on the Polish side will be possible through rivers (on this section of the border these are: Leśna Prawa, Przewłoka and Narew) and water reservoirs where no dam has been built. Other protection systems will be used on these border sections, which will allow wild animals to freely cross the border. Therefore, the barrier on the Polish side of the border will not constitute a significant barrier on the migration routes of animals of pan-European importance. Poland does not fence rivers, which does not change the fact that the animals, after crossing the border rivers, encounter systemia on the Belarusian side, an obstacle that cannot be crossed (Photo 3).

The above clearly shows that the Polish side has made every effort to ensure the maximum possible permeability of the animal migration corridors, but it is regrettable to emphasize that the solutions applied will not be effective anyway due to the tight barrier existing for years on the Belarus side. The results of the European bison monitoring (Fig. 3-5) prove that they cross the state border, but have to turn back after reaching the Belarusian barrier. Such a situation is particularly dangerous for the preservation of the bison's welfare. This species requires constant enrichment of the gene pool.

The results of the monitoring of the lynx (Fig. 1), compiled ten years ago, indicate that four individuals found a way to breach the system. At this point, however, it should be noted that the system has been modernized and caulked in recent years. On the other hand, the wolf telemetry studies from the 90s (Fig. 2), as well as telemetry studies conducted since 2013 by scientists from the Belarusian National Park Białowieża Forest, the Belarusian organization Protection of Homeland Birds and the German Frankfurt Zoological Society (Fig. 6) confirm very much limited possibilities for wolves to cross the system. There is no evidence that lynx and wolf migrations through the system continue. Under specific conditions, single wolves and lynxes can probably pass through the fence, but risk injuries at the same time.

In conclusion, the lack of a system of animal passages in the system and gaps in the form of unfenced wetlands negatively affects large and medium-sized mammals and their habitats. In Poland's opinion, the system's impact on the areas, species and habitats protected under the Bern Convention should also be analyzed by the Secretariat.

Referring to the impact of the Polish barrier on natural values in the context of the Natura 2000 area, which is part of the Emerald network, it should be emphasized that the assessment of the impact of the project on protected species and natural habitats showed no significant negative impacts.

It should be noted that pursuant to Art. 9 of the Act of 12 October 1990 on the protection of the state border (Journal of Laws of 2019, item 1776), a border strip is an area 15 meters wide, counting inside the country territory, from the state border line or from the shore of border waters (...). Both in the protection plan of the Białowieża National Park and in the documents of forest districts there are provisions on maintaining the strip of the state

border road of the Republic of Poland. For the analysis of the environmental impact of the investment on the natural habitats and habitats of species, the statutory width of the strip was adopted, i.e. the buffer 15 m from the state border (along the border road), despite the fact that the construction of the technical road and the construction of the barrier required a strip without trees, only with a width of up to 8 m from the state border.

Regarding the matter of logging, I would like to inform you that the vast majority of the border strip section did not require tree cutting, because on a significant length of its length the border road has been a cleared road for years (Photo 1), although in accordance with the law, such as mentioned above it could be a 15-meter strip. Necessary, very little interference in the stand (removal of individual trees on small fragments in the fringes of the habitats) took place along the border road running through the Białowieża National Park. The removed trees and deadwood were moved to an adjacent stand, where they will undergo a process of natural decomposition.

In the case of the analysis of the impact of the investment on birds, due to the precautionary principle, the study area was extended to 100 m. In this buffer, only a point presence of protected bird species was found. However, no tree hollows or nests were found within the analyzed investment. The conducted analysis of the investment's impact on birds showed the possibility of a short-term impact through disturbing. However, taking into account the limitation of investment only to the lane of a technical road (max. 50 heavy equipment vehicles per day), temporary (1 breeding season) use of access roads, no tree felling during the bird breeding season and no identified nests and hollows within the lane of the road, it should be clearly stated that the construction of a barrier on the state border will not significantly adversely affect nesting, breeding success and the behavior of bird species.

With regard to the species of insects that are the subject of protection of the Natura 2000 Puszcza Białowieska area, which is part of the Emerald network, their presence in the 15-meter border zone has not been demonstrated. Taking into account the habitat requirements of the species in question, it should be clearly stated that the border strip (which was essentially devoid of trees) could not be a convenient place of their occurrence. The large sun exposure caused by gaps in the stand and the wetland in the area of rivers do not constitute the optimal habitat for species of protected insects. In addition, the implementation of the investment did not reduce the amount of dead wood, which is a potential habitat for saproxylic insects.

At the same time, in order to reduce the negative impact on the environment, including the areas, species and habitats protected under the Bern Convention, a set of mitigating measures has been designed. The barrier is located indirectly on reinforced concrete piles, which minimally interferes with the water and soil conditions, and the technical road is built of natural aggregate. At the same time, it should be noted that the construction of the dam will not affect the wetlands on the Belarusian side, due to the natural conditions related to the flow of water in this region. Due to the terrain, the area of the Białowieża Primeval Forest on the Polish side is supplied by wetlands on the Belarusian side, so the flow of water is to the west, not the east. In addition, post-implementation monitoring has also been planned, aimed at, inter alia, determination of the impact of the construction of a barrier and technological roads on the hydration status of habitats.

To sum up, the following solutions were applied to minimize the possible negative impact of the assessed investment on protected species and habitats:

- ensuring ongoing environmental supervision,
- limiting the scope of works only to the area of the technical road,

- no barrier along water courses and reservoirs,
- execution of culverts on existing water courses and in depressions with stagnant water on the surface,
- construction of over 70 thousand small passages for animals and 24 passages for large animals,
- felling of a small number of trees, outside the bird breeding season,
- leaving the felled trees to their natural decomposition.

After analyzing the available data, it can be concluded that the investment in question will not significantly adversely affect the species and natural habitats protected under the Bern Convention. In addition, the mitigation measures defined in the course of the analysis will guarantee that works will be carried out with the utmost care for the natural environment.

By presenting the above, I hope that the information provided will be understood and accepted. It should be emphasized that the current situation on the Polish-Belarusian border is absolutely unique and requires taking extraordinary measures. At the same time, I assure you that, also in these circumstances, Poland approaches the protection of protected species and habitats with full seriousness and commitment, as well as with care to preserve their timeless values intact.

In conclusion, I appeal for special vigilance and resisting the disinformation spread by the services of the Belarusian regime, which for a long time have been carrying out activities that threaten also protected areas in border areas, and then alert about the defense activities of the Polish State as an alleged threat to these areas.

Yours sincerely

Z upoważnienia Generalnego Dyrektora Ochrony Środowiska

MAREK KAJS
Zastępca Generalnego Dyrektora
Zastępca Generalnego Dyrektora Ochrony
Środowiska
/ – podpisany cyfrowo/

Cc: Permanent Representation of Poland to the Council of Europe

Annex

GRAPHIC ANNEX

Photo 1. The appearance of the border strip before starting the construction of the barrier and securing the razor wire with a net on the Polish side of the border.



Photo 2. The appearance of the dam on the Polish side of the border with a crossing for large animals and culverts for small animals.



Photo 3. Systema in the vicinity of the border crossing Białowieża - Piererow,
source: <https://earth.google.com>



Photo 4. Exemplary location of the system in relation to the Polish-Belarusian border, consisting of several fences.

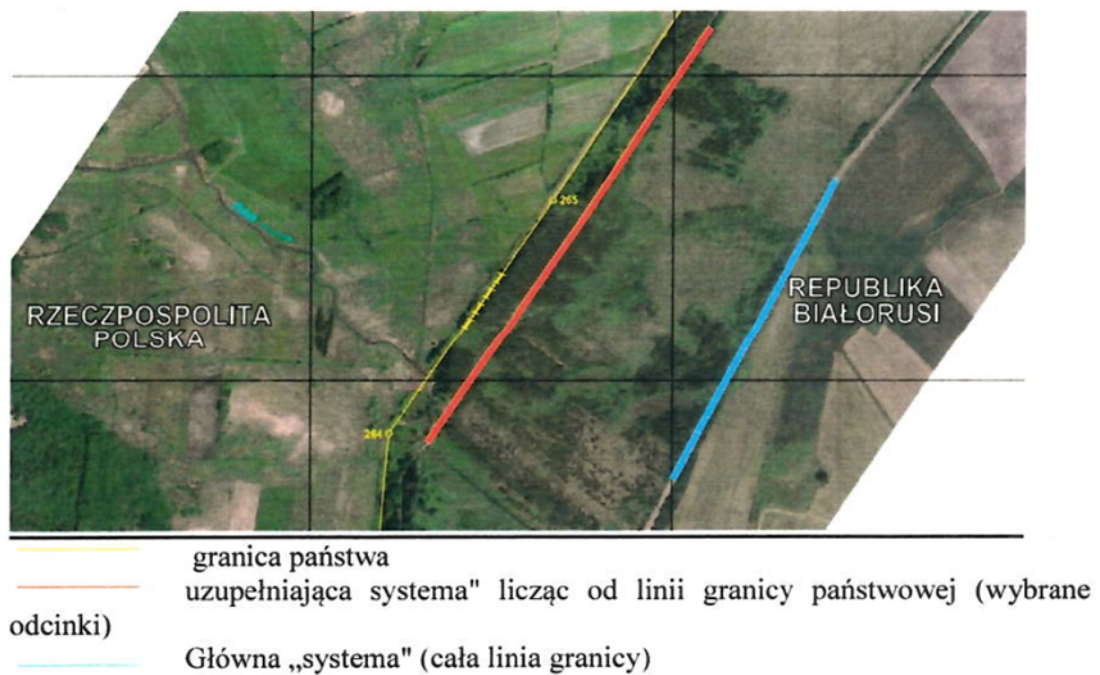


Photo 5. View of the Narew River, on the Polish side - no barrier, on the Belarusian side - a tight dam preventing the migration of animals.

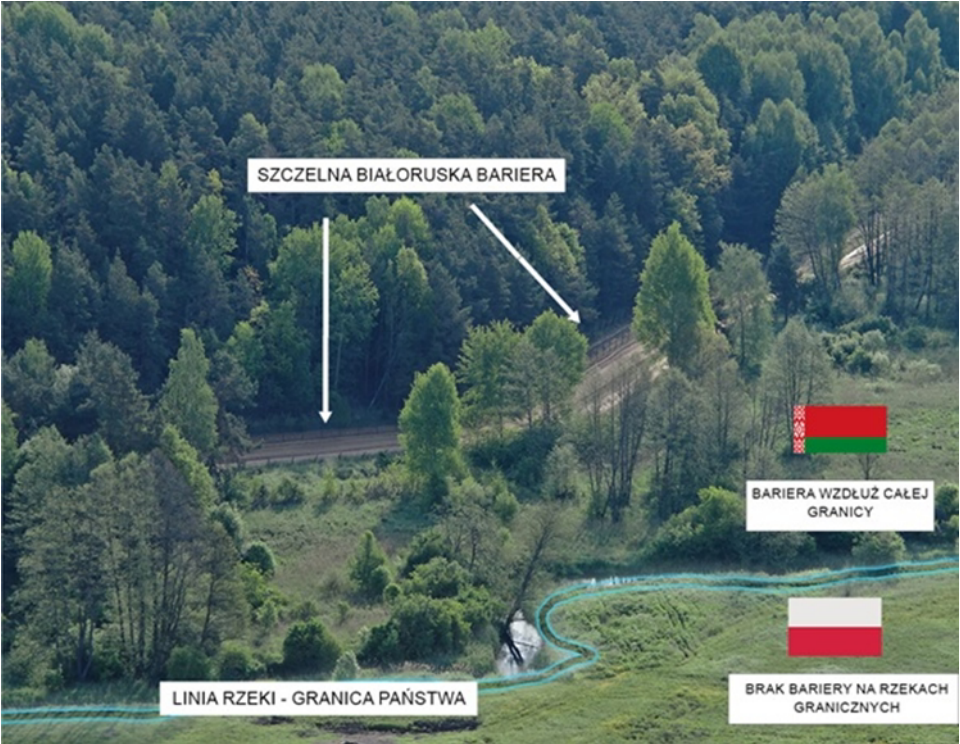


Photo 6. The appearance of the system consisting of several fences in the section of the Białowieża Primeval Forest in the immediate vicinity of the Polish-Belarusian border.



Photo 7. The appearance of the system consisting of several fences.



Photo 8. Camera system on the Belarusian side.



Photo 9. Sensor system on the Belarusian side.



Photo 10. The gate in the system for border services.



Photo 11. Wicket in the modernized fence used by border services, near Włodawa.



Photo 12. The characteristic shape of a wooden fence in the systema (letter T), near Terespol.



Photo 13. Visible horizontal protection of the fence with barbed wire lines, near Terespol.



Photo 14. A tight dam on the river, near Włodawa.



Photo 15. A tight dam on the river, near Włodawa.



Photo 16. A fence built along the river.



Photo 17. A fence built along the river.



Photo 18. The fence is built along the flood embankment, near Włodawa.



Photo 19. Ploughed wide stripes along the systema, near Włodawa.



Fig. 1. Lynx territories in the Białowieża Primeval Forest from 2008-2012 on the basis of research by the Mammal Research Institute Polish Academy of Sciences in Białowieża.

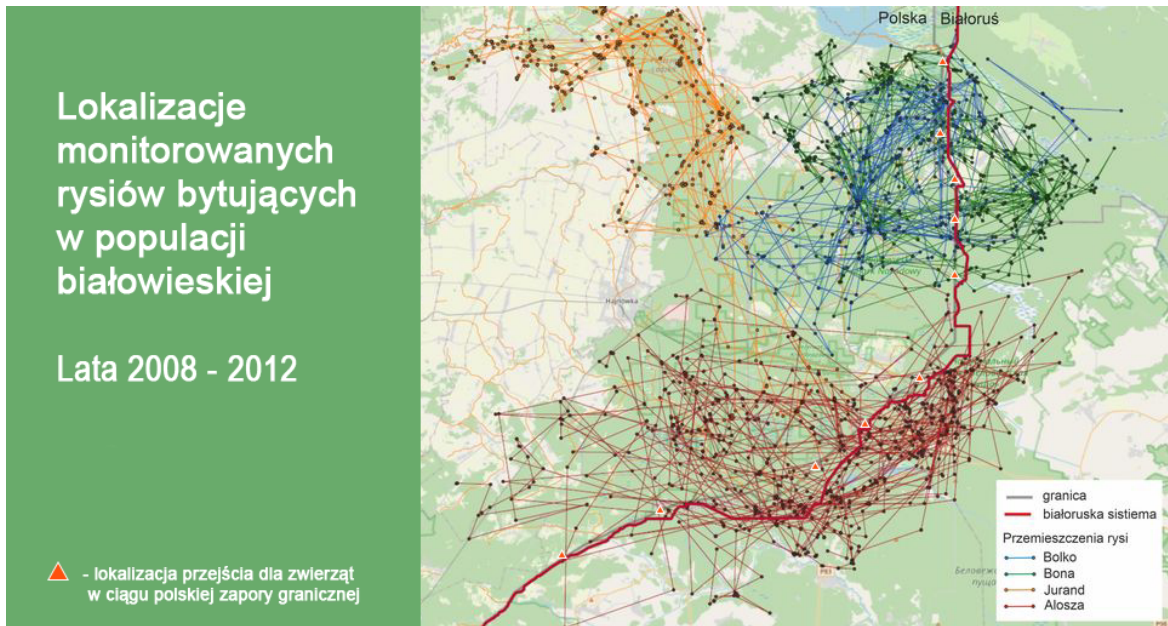


Fig. 2. Territories of wolf packs in the Białowieża Forest in 1997 and 1998.

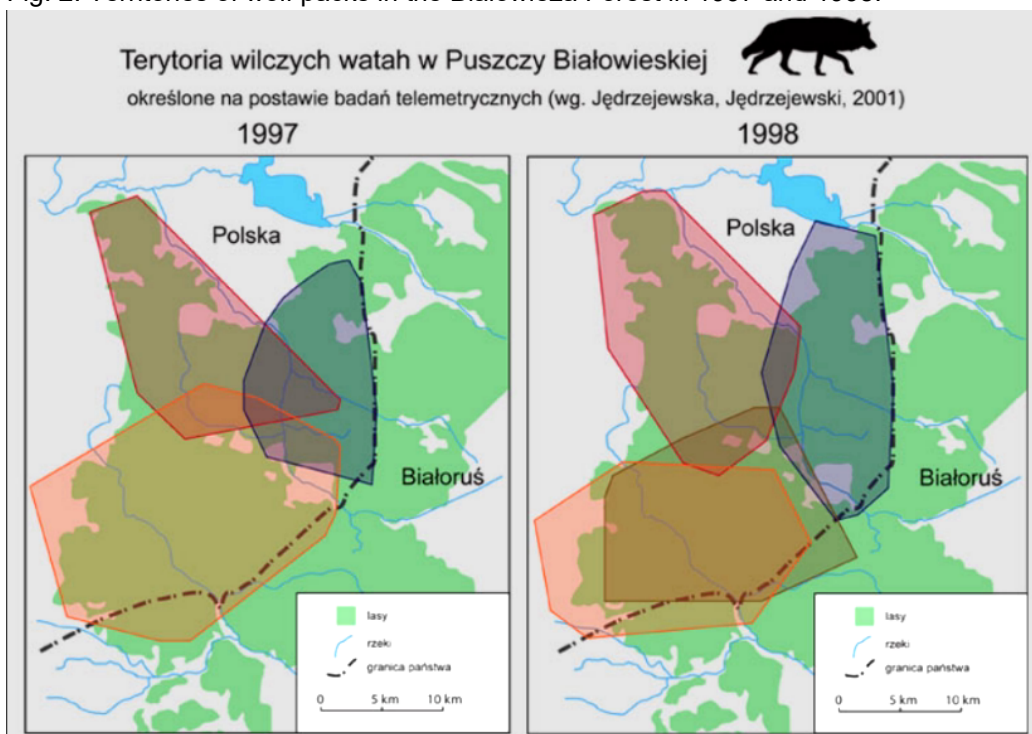


Fig. 3-5. Bison locations in the border area of the Białowieża Primeval Forest on the basis of research of the Warsaw University of Life Sciences.

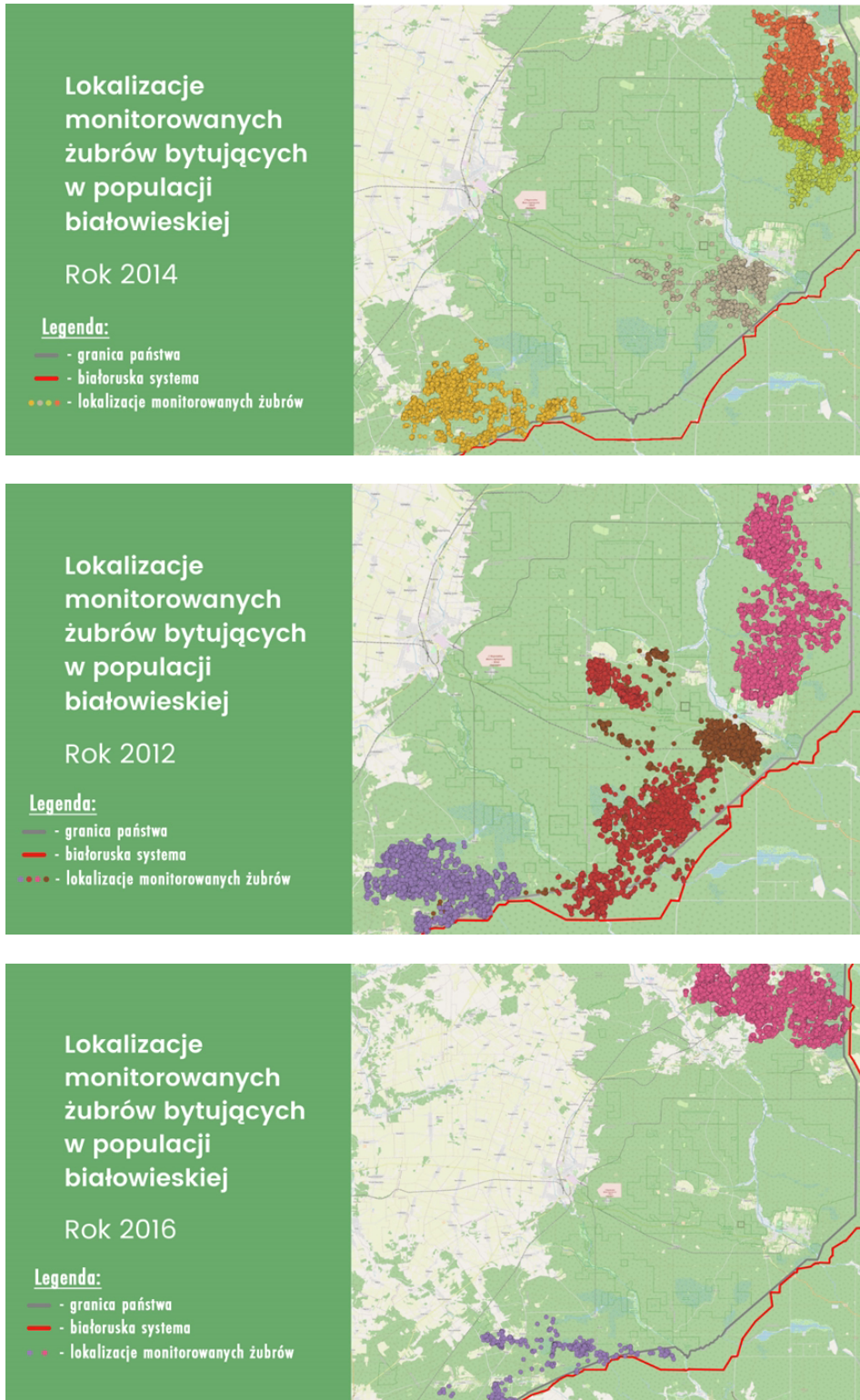


Fig. 6. Wolf's locations in the Białowieża Primeval Forest on the territory of Belarus based on research conducted since 2013 (<https://naviny.belsat.eu/pl/news/bialoruskie-wilki-z-gps-zwiedzaja-polske-mapal/>)

