

# Stop the wall at the Polish-Belarusian border

## Environmental and social negative impacts of the construction<sup>1</sup>

Warsaw, 25.06.2022

---

***On 25th of January, the Polish authorities began the construction of a concrete-steel fence on the Polish-Belarusian border which violates the environmental law and has many negative impacts on nature and society. Despite civil societies and scientific communities postulates to halt the construction, the wall have been almost finished with a silent approval of the European Commission.***

### Key takeaways

**The construction of the wall should be stopped immediately and the wall must be eventually dismantled** due to the following reasons:

- **The wall is causing irreversible damage to Europe's most valuable ecosystems and species**, because it collides with the best-preserved forest habitats in Europe included in the Natura 2000 network and it blocks the pan-European dispersion corridor of protected animal species, i.e. wolves and lynxes. This significant negative impact is not minimized or compensated in any way.
- **The construction of the wall violates EU environmental law** since it was not subject to any environmental impact assessment.
- The main emphasis here is on the **Białowieża Forest, which is a Natura2000 site, a UNESCO World Heritage Site and in part a national park**, but similar problems concern all Natura 2000 sites it is intended to pass through.
- **The wall will not be effective as a solution to the migration crisis and will in all likelihood spark a new set of challenges for local communities.**

### What is the wall

The wall is a permanent **structure of concrete, steel, and razor wire, 5.5m high and 186 km long**. The barrier in many sections interferes with protected and valuable areas, including six Natura 2000 sites: **Puszcza Białowieża, Ostoja Augustowska, Ostoja Knyszyńska, Biebrza Valley, Ostoja Nadbużańska and Poleska Valley of the Bug**. The wall is the Polish government's response to the migration crisis caused by the Lukashenko regime<sup>2</sup>.

The legal basis for the construction is an act<sup>3</sup> passed in a hurry by the Polish parliament in October 2021, which **suspended the functioning of European environmental law** and allowed the construction to proceed almost without any social and institutional control.

---

<sup>1</sup> *This brief is partially based on the Briefing on the ecological and societal impacts of wall construction at the Polish-Belarusian border prepared by the group of EU scientists and published 7th of March 2022.*

<sup>2</sup> <https://www.sejm.gov.pl/Sejm9.nsf/druk.xsp?nr=1657>

<sup>3</sup> <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210001992/O/D20211992.pdf> (in Polish)

It is **contested by the scientists<sup>4</sup>, environmental organizations<sup>5</sup>, local community<sup>6</sup> and almost 100.000 of Polish citizens** which signed the petition of Avaaz, Greenpeace and Pracownia na rzecz Wszystkich Istot<sup>7</sup>.

## The wall violates the EU environmental law

The habitats and species that are protected by Natura 2000 are the common heritage of the European Community. The Natura 2000 appropriate assessment is the central statutory instrument for the protection of the network, in addition to the general prohibition of deterioration. However, **the appropriate assessment<sup>8</sup> must take place prior to the authorisation and implementation of a project.**

The construction of the **wall at the Polish and Belarussian border has not been preceded by any environmental assessment.** The wall is colliding with the best-preserved forest habitats in Europe included in the Natura 2000 network, and it crosses the pan-European dispersion corridor of protected animal species, i.e. wolves and lynxes. This significant negative impact will not be minimized or compensated in any way.

The justification of building the wall directly refers to the public interest. However, the mere reference to it does not exempt the competent authorities from checking whether the planned project may adversely affect the Natura 2000 site. Additionally, "public interest" does not automatically meet the condition of the "imperative reasons of overriding public interest" as set out in the Habitat Directive. **Overriding public interest must be proven during the appropriate assessment,** which was not the case here.

Therefore, the construction **should be subject to appropriate assessment,** in line with provisions of Art. 6 of the Habitats Directive. Projects known to negatively affect the integrity of Natura 2000 sites cannot lawfully proceed unless there are no alternative ways of achieving the intended goals and unless they are justified by imperative reasons of overriding public interest. **Validity of both these conditions should however be demonstrated as a part of a proper impact assessment procedure,** rather than assumed *a priori*, as in this case. In addition, no effective mitigation or compensation measures as envisaged by Article 6 of the Habitats Directive are proposed.

**Every necessary step in the procedure that has been put in place to minimize the destruction of Europe's most precious nature has been omitted.** The reference to ensuring national security does not exempt from compliance with these provisions.

For that reason **several Polish environmental organizations filed a complaint with the European Commission<sup>9</sup> which since over half a year has been without any response.**

Besides the EU Habitat Directive, **the construction is in conflict with EU Biodiversity Strategy, Bern Convention, the Convention on Biological Diversity and UNESCO World Heritage Convention.** The

---

<sup>4</sup> <https://naukadlaprzyrody.pl/2022/01/31/list-srodowiska-naukowego-do-ke-ws-budowy-muru-na-granicy-polsko-bialoruskiej/>

<sup>5</sup> <https://pracownia.org.pl/upload/filemanager/pracownia.org.pl/Dokumenty/Appeal-of-NGO-to-the-European-Commission.pdf>

<sup>6</sup> <https://naszademokracja.pl/petitions/nie-dla-niszczzenia-puszczy-bialowieskiej-przez-budowe-muru-na-granicy>

<sup>7</sup> <https://petycja.pracownia.org.pl/petycja/nie-dla-muru>

<sup>8</sup> In general, the assessment procedure contains two main steps. The first step is the compulsory examination of whether an appropriate assessment is actually required for a project or a plan. This process must involve the examination of whether significant adverse impacts on a Natura 2000 site are to be expected. If this is the case, the authorities must assess the compatibility of the project or plan in a second step. Compatibility can only be ascertained if the significant adverse impacts on the site can be ruled out without any reasonable scientific doubts. If this cannot be demonstrated, then the national authorities shall not approve the plan or project. They can only permit the proposed development through a derogating approval pursuant to the Habitats Directive.

<sup>9</sup> <https://www.greenpeace.org/poland/aktualnosci/31468/polish-citizens-file-a-complaint-with-the-european-commission-against-the-border-wall-that-would-cut-the-bialowieza-forest/>

wall bisects 50 km of the Białowieża Forest, Europe's last primeval lowland forest and the **UNESCO transboundary World Heritage Site**. The construction is not only threatening the nature of this forest, but also its international status of World Heritage Site.

## The wall fragments habitats of protected species

The Natura 2000 sites and other **natural habitats affected by the wall construction are critical to maintaining ecological connectivity, as well as biodiversity, ecological processes and ecosystem resilience in Central and Eastern Europe**. The area is home to important populations of large, protected mammals such as wolf, Eurasian lynx and European bison.

Habitat fragmentation is one of the main threats for the conservation of wildlife and ecosystems worldwide. Loss of trees and vegetation cover associated with wall construction exacerbate ecosystem fragmentation. The existing and new roads **being used for construction work (and later for maintenance of the barrier) affect until recently undisturbed natural areas**.

**The wall is an impenetrable barrier to animal movement and gene flow**, particularly of large mammals, which require expansive and connected habitats. Fragmented populations are proven to experience stronger genetic drift and inbreeding, leading to the loss of genetic diversity and increasing the risk of local extinction over time, while being less resilient to disease and environmental change<sup>10</sup>. Particularly, the wall will block the lynx gene flow completely, resulting in **a serious threat for the Polish lowland lynx population**. It will also affect the wolf recolonization in Central Europe<sup>11</sup>.

The government declares that animal passages are designed in the fence to enable migrations. However, as scientists emphasized, **the structure in its present form doesn't meet the standards for animal passages**. The holes intended for small species are very narrow (approx. 10 cm wide) and can quickly and easily become clogged with leaves or soil. The gates for larger species are too few in number (about 25) and animals won't be allowed to pass freely<sup>12</sup>.

Additionally, those animal passages were not planned in accordance with the legal requirements. These measures are not based on the results of the impact assessment. Mitigation measures can only be designed when the impact is examined - then the measures are selected according to the type and scale of impact. Designing mitigation measures - without relying on an analysis of the effects on Natura 2000 sites - deprives any possibility of examining their effectiveness.

For several decades, there has also been a **fence on the Belarusian side of the border**. This fact is used by the Polish government as an argument to show that the new structure will not have any additional negative impact on the environment. However, these two constructions have vastly different parameters. The Belarusian fence is half the height of the Polish wall (approx. 2 m vs 5,5 m) and it is devoid of concrete foundations. As a result, it is relatively penetrable - GPS-telemetry data show that **the Belarusian fence is not an obstacle to a fairly free migration of lynx and wolves**. Unlike its Polish counterpart, the fence does not pose a threat to low-flying birds. There is also evidence that in recent years even a bear recolonizing the Białowieża Forest has found its way through the existing fence<sup>13</sup>. In conclusion, all available data proves that the Belarusian fence is not a significant barrier to the migration

---

<sup>10</sup> Schlaepfer, D. R., Braschler, B., Rusterholz, H.-P., and Baur, B.. 2018. Genetic effects of anthropogenic habitat fragmentation on remnant animal and plant populations: a meta-analysis. *Ecosphere* 9( 10):e02488. 10.1002/ecs2.2488

<sup>11</sup> <https://ibs.bialowieza.pl/publications/1714.pdf>; <https://ibs.bialowieza.pl/publications/2791.pdf>

<sup>12</sup> <https://wyborcza.pl/7,177851,28230671,znamy-wielkosci-przejsc-dla-zwierzat-w-murze-w-puszczy-bialowieskiej.html>

<sup>13</sup> <https://ibs.bialowieza.pl/niedzwiedz-w-puszczy-bialowieskiej/>

of protected species. In contrast, the Polish wall will eventually lead to a permanent fragmentation of the Białowieża Forest.

## The wall will create lasting human disturbance in unique ecosystems

**The construction process and the following exploitation of the wall will cause violent human interference with protected ecosystems**, including sensitive habitats and species listed under the EU Birds and Habitats Directives.

In the most valuable parts of **Białowieża Forest, strictly protected as a national park**, trees are being cut, forest roads widened, and a maintenance road along the border belt has been constructed. The construction works have been carried out non-stop for 150 days, causing a non-stop, intensive disturbance in vulnerable ecosystems due to an exponential increase of traffic, which is known to cause **soil erosion and compaction; chemical, noise and light pollution; risk of potential spills from vehicles; fire risk; and road mortality** of amphibians, reptiles, arthropods, birds, and mammals<sup>14</sup>. These impacts will continue during the wall's exploitation and maintenance.

Fragmented and human-disturbed **areas are more prone to invasions by nonnative plant species**, seeds of which are carried on shoes, vehicle tires or construction materials. Species invasions are extremely difficult to control once they have entered an ecosystem. This is of special concern in Białowieża Forest, which has mostly evaded such invasions. There is therefore a risk of causing considerable damage and of causing lasting effects that will be difficult to reverse.

## The wall will increase not decrease social problems

Studies related to previously built fences on state borders prove that **such constructions, while limiting migration of animals, are not a barrier for humans**, who find ways to get to the other side of the border<sup>15</sup>. This is true also for the wall on Polish-Belarusian border which have already been crossed by people on multiple occasions.

Moreover, **border fences are a breeding ground for criminal groups** that specialize in organizing human smuggling across the border. This is associated with the exploitation of migrants, escalation of violence and crime, and a possible decrease in the sense of security of the inhabitants of the areas where these procedures take place<sup>16</sup>.

The fence and the consequences of its construction (environmental degradation, humanitarian crises) reduce the level of attractiveness of the area and decrease income from tourism. This is particularly acute in the Białowieża Forest, which until now has been one of the most well-known natural areas in Poland to foreign tourists and a showpiece of the country. **Local communities and local economies based mostly on tourism will suffer**<sup>17</sup>.

---

<sup>14</sup> <https://academic.oup.com/bioscience/article/68/10/740/5057517>

<sup>15</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0093679>

<sup>16</sup> <https://www.cbsnews.com/news/border-business-immigration-smuggler-mexico-cbsn-originals/>

<sup>17</sup> <https://bip.brpo.gov.pl/pl/content/rpo-premier-zapasc-turystyczna-podlasia-mur-granica>