Protection of the Bialowieza Forest as a Challenge to Cross-border Cooperation

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Abstract

The Bialowieza Forest has – for various reasons – long aroused international interest. Following the Second World War the forest was divided by state borders, and its resources are now subject to the sovereign powers of Poland and Belarus. Both states provide protection to the Bialowieza Forest – each to its part and together to the entirety. From the perspective of international law researchers, the latter is particularly interesting, involving as it does both classical cross-border cooperation, including a wide range of entities (local and regional self-government, forest administration, etc.), as well as inter-state cooperation (in bilateral and multilateral forms, e.g. UNESCO). The analysis of these forms of individual cooperation permits a better understanding of the protection issues of the Bialowieza Forest and enhancement of international cooperation.

Keywords

1 Introduction

The border separating the present territory of Poland from the territory of the Republic of Belarus has shifted over the centuries. Consequently, the inhabitants of the border towns of both countries are often linked by family ties but also by a community of (not always pleasant) historical memories. Since the accession of Poland to the North Atlantic Treaty Organisation (NATO) in 1999, and even more since Poland joined the European Union (EU) in 2004 and the Schengen area in 2007, the Polish-Belarusian border has become more ‘sealed up’ and is a serious barrier to mutual contacts. The border also separates the invaluable natural property of the Bialowieza Forest, the protection of which is, as a result, currently regulated by two internal legal orders: those of Belarus and Poland. Furthermore, the latter is subject to the necessity of adapting national legislation to EU regulations. From this situation various legal problems stem, as it is not easy to create and implement mutually acceptable rules in line with domestic law, not to mention effective enforcement. The question of the responsibility to establish, unify and enforce legislation also arises. To all these challenges, cross-border cooperation may be a viable answer.

2 The Microcosm of the Bialowieza Forest

A lot has been written about the Bialowieza Forest in various fields of science and journalism.¹ The Bialowieza Forest, located in the Polish-Belarussian borderland, is a forest complex containing the last fragment of primary lowland and mixed lowland forests that once covered the area from the Atlantic Ocean to the Ural Mountains. For thousands of years, under the influence of human activity, these forests were gradually cleared – initially for the needs of agriculture only, and later for the advancing industry.² The contemporary uniqueness of the Bialowieza Forest probably derives its genesis from the fact that until the beginning of the 20th century it remained in almost unchanged form.³

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