

# ACTION FICHE FOR BELARUS - (ENPI AAP 2008)

## 1. IDENTIFICATION

Title	Support to the development of a comprehensive framework for international environmental co-operation in the Republic of Belarus		
Total cost	<i>EC Contribution - € 5 million</i>		
Aid method - Management mode	Project approach - Centralised management and joint management – CRIS 2007/19597		
DAC-code	<b>41010</b>	Sector	<b>Environmental policy and administrative management</b>

## 2. RATIONALE

### 2.1. Sector context

Since 1 May 2004, Belarus is a direct neighbour of the EU that can be affected by, but also cause, transboundary adverse impact on the environment resulting from human activities. At the same time, lack of compatibility of the national legislative framework with the EU body of environmental law and diverging institutional arrangements and practices in compliance and enforcement of environmental law do not ease integration of Belarus in the regional and international co-operation framework.

Environmental Protection has only progressively emerged as a major policy issue for the Government. Since 1999, significant progress has been achieved in introducing the principles of international environmental legal acts, leading to a revision of the national legislative framework<sup>1</sup>. A National Strategy for sustainable development was adopted in 2004. Despite this encouraging progress, primary legislation too often lacks clear and detailed direction in order to guide the preparation of secondary legislation; and much remains to be done to reach an adequate level of approximation to the EU acquis in this domain.

Technical co-operation is likely to bring about a much-needed “strategic shift” in the way Belarus harmonises its environmental law, paving the way from a textbook approach towards hands-on and operational co-operation and pilot projects. Besides, the citizens and their associations must be invited to accompany that strategic shift, in order to secure inclusion and ownership, and thereby improve awareness and enforcement.

### 2.2. Lessons learnt

- Past assistance projects in the field of environment have shown the high level of interest of the Belarusian authorities to make effective use of external assistance. Excellent Government support for instance has been received in preparing and implementing the project on global climate change completed in October 2006, whose results have been taken further by the Government<sup>2</sup>.
- Project approval and registration, however, are made difficult by cumbersome bureaucracy, which has led to a number of project failures. To prevent this inconvenience, all the relevant authorities have to be involved from the beginning of project design.
- The ‘better governance and local democracy’ objective of the National indicative programme 2007-2010 can be best achieved through involvement of officially registered NGOs and by working at grassroots level, with the citizens, in full co-operation with the

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<sup>1</sup> New laws adopted since then include a framework for integrated environmental licensing, environmental assessment (ecological expertise), norms for pollutant emissions (effluents) and environmental certification.

<sup>2</sup> Some European NGOs are also successfully working on Kyoto Protocol related projects, with the full support of the Belarusian national and local authorities.

local authorities. Under these conditions, effective citizen ownership of the Government decisions can be achieved. Besides, the concurrent demonstration of the EU's attention to the quality of life of the Belarusian citizens will be a visible and concrete project outcome in support of the Neighbourhood Policy.

### **2.3. Complementary actions**

The proposed measure will allow building up on the results of a series of Tacis projects in the areas of management of trans-boundary river basins; environmental policy making; ecological information systems; and global climate change.

The main objectives of the Tacis Regional action programme 2003 "Trans-boundary river basin management" project for Belarus and Ukraine were to improve integrated water management of the Prypiat river basin, based on the EU Water Framework Directive and the Helsinki Convention requirements. Reference to this successful experience has been a precious asset while preparing the proposed measure with the government and the environmental NGOs.

The ENPI Regional action programme 2008 may include (subject to approval to all parties involved) an "ENPI Waste Governance and Management of Environmental Data" project for seven NIS countries, including Belarus. The project aims to reduce environmental risk and pollution and promote sustainable use of natural resources.

The Tacis National Action Programme 2005 "Support to Environment and Sustainable Development in Belarus" project aims at supporting small-scale sustainable development programmes at the local level. The proposed measure will allow in particular to implement further such activities and reaching such results which will have been identified under this project as particularly viable and valuable in Belarus' context.

The World Bank and the EBRD have declared their interest in following up the "Kyoto implementation" part of the project (section 3.2, Component One) with project proposals backed by their respective Carbon Credit Funds.

### **2.4. Donor coordination**

Actually, co-ordination is done on the spot, at programming as well as implementing stages, by the donors themselves. Belarus has not signed the Paris Declaration on aid effectiveness and therefore has not set up a government-led donor co-ordination mechanism. However, in the formulation phase of this project, the main counterpart ministry in the Belarus Government has shown willingness to co-ordinate donor activities in the environmental sector. The project could therefore be the opportunity to introduce and develop, on a pilot basis, fully-fledged government-led co-ordination in Belarus.

## **3. DESCRIPTION**

### **3.1. Objectives**

#### *Overall objective*

The project aims at introducing effective sustainable development patterns in Belarus, full account being taken of environmental issues.

#### *Specific objectives*

- To revise Belarus' environmental policy framework in such a way as to bring the country closer to international or, where applicable, EU concepts and approaches (First NIP 2007-2010 priority area, 'Social and economic development')
- To empower the Belarusian citizens and their associations to play an active role in achieving environmental policy objectives at the local level, and in areas where social participation should be encouraged, notably via pilot projects (Second NIP 2007-2010 priority area, 'Democratic development and good governance').

### **3.2. Expected results and main activities**

The proposed measure combines the two priorities of the National Indicative Programme 2007-2010.

### Component One: Legal and procedural approximation, and capacity building

The main activities to be implemented under this component will be:

- Harmonisation of environmental legislation, development of secondary legislation and alignment of institutional infrastructure<sup>3</sup> with the EU body of environmental law and best practices, with particular focus on priorities identified during the project's formulation (management of trans-boundary river basins; protection of biodiversity; ecological certification of products; and implementation measures for using the Kyoto Protocol mechanisms).
- Development of a strategy for managing hazardous stockpiles and municipal waste, both at the national and the local levels
- Development of a comprehensive environmental framework for urban development
- Alignment of the environmental policy-making and policy-implementing processes with EU legal requirements and best practice ('legislative and implementation due process'), with a view to creating civil society inclusion and ownership of the country's environmental policies. At least one practical test case will be envisaged under this activity; it could consist in conducting the feasibility study for the extension of an existing, government-owned, waste management project in full accordance with EU requirements, including extensive consultation of the concerned population<sup>4</sup>.

Particular attention will be paid here to the enforcement issue, with the involvement of the law enforcement agencies and the judiciary, to which specific training will be delivered. A test case will be developed on environmental law enforcement with respect to natural parks.

This component will support the Belarusian authorities in reaching their objective of bringing the country closer to the EU's framework environmental policy. It will seek the strengthening of the relevant policy-making and regulatory bodies. During the practical test case on policy implementation, support will be offered to the citizens and their associations to reach effective inclusion and participation in the decision-making procedure.

### Component Two: Pilot projects

This component will implement pilot projects:

- A maximum of four pilot projects in the area of municipal waste management in medium-sized cities, with a view to install full-cycle waste treatment / recycling units.

As agreed during the formulation phase, these pilot projects will replicate the pattern developed for the Ukrainian city of Ivano-Frankivsk under a previous Tacis project, pulling into one project the efforts of the municipality, the local communities (acting as the main driving forces for implementing the project in line with their needs) and the local entrepreneurs (included as participants in the waste treatment cycle).<sup>5</sup> The pilot municipalities will be chosen together with the authorities during the project's inception phase.

- One pilot project, jointly with the [Ministry of Natural Resources and Environment Protection](#) (MNREP) and specialised NGOs, in the area of biodiversity protection. The occasion of the 600<sup>th</sup> anniversary of the Belovezhska Puscha on the Belarusian-Polish border will be the opportunity to (i) launch a pilot project to rehabilitate this UNESCO-classified multi-secular forest; (ii) deepen co-operation with the State Border Committee to remove existing obstacles in animal migration paths; (iii) create an information centre and a "Green path" for eco-tourism to offer a sustainable development perspective to the natural reserve; and (iv) train the local population. Discussions of UNESCO's possible involvement in this pilot project were launched during the project formulation phase.

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<sup>3</sup> Targeting in particular the institutional separation of the regulatory and inspection functions, and the streamlining of the licensing function.

<sup>4</sup> The formulation phase has allowed to identify together with the MHCS and interested NGOs, at least one such test case for implementation, in the city of Brest.

<sup>5</sup> A successful, similar project took place in 2006 in Soligorsk, under the auspices of the Belarusian National Technical University.

The pilot projects shall have a maximum dissemination and replication potential in the priority fields dealt with under Component One. As agreed with the MNREP, they will involve systematically the civil society in project design and implementation. This component will include capacity-building measures for the various parties to the pilot projects, as appropriate to ensure the latter successful implementation.

### Component 3: Education, awareness-raising and dissemination activities

This component will ensure adequate awareness of environmental issues, both theoretical and practical, among the population. It will target both the general population and scholars / students, by providing notably :

- Dissemination of information on the concepts relevant to comprehend, support and originate initiatives to replicate dissemination of such information.<sup>6</sup>
- On-the-ground assistance to the citizens and their organisations to implement such concepts and develop local initiatives
- Maintenance, improvement and publication of “Green educational packages” developed by Belarusian NGOs, for dissemination in primary and secondary schools
- Development of curricula for university students on environmental law and on the management of environmental issues in business / industrial activities
- Set-up and maintenance of an on-line information centre on environmental law in Belarus and on international law and best practice (or EU law and best practice, where relevant)<sup>7</sup>.

### Expected results

- Comprehensive, socially-responsible and cost-effective environment policy framework, particularly in the selected priority sub-sectors, approximated to EU / international law, maintained as appropriate, and effectively enforced
- Realistic strategy and medium-term investment needs assessment framework for Belarus’ urban development fully integrating the environmental dimension
- Realistic strategy and medium-term investment needs assessment framework for EU-compatible waste management at the national and local levels, and partially implemented via replicable pilot projects in medium-sized cities
- Appropriate legal, human and technical capabilities of all project stakeholders to effectively fulfil their roles and responsibilities under the environmental policy
- Pilot projects put in operation to provide benchmarks on the practical use of EU-compatible environmental policies, with a high demonstration and replication potential.

### **3.3. Stakeholders**

At the national level, the MNREP is the main partner for this project, together with nationwide citizens’ associations. Other targeted partners include the Ministry for Housing and Communal Services, responsible for municipal solid waste management, the Committee for Statistics, responsible for energy savings and the promotion of renewable energy, or the Presidential Administration, involved in licensing activities. As of today, only the MNREP has the proper capacity to supervise the project on the Belarusian side. Other ministries and agencies (Ministry of Education, the State Border Committee, the Ministry of Interior, the Judiciary) will require intensive training and limited restructuring (‘streamlining’) to enhance the place and comprehension of environmental issues in their internal policies.

Other stakeholders include local governments and municipalities; local businesses; citizens and their associations able and willing to participate in defining and implementing the environmental strategy, monitoring the enforcement of environmental rules, and participating

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<sup>6</sup> In particular, replication of the information and training centre on the environment set up in 2006 in the Pervomayskiy district of the Minsk city (with assistance from the German government)

<sup>7</sup> Several NGOs suggested that this web resource should be placed on the website of the MNREP. The proposed project, however, envisages the creation of an independent resource, and the conduct of a feasibility study of the options to ensure its long-term sustainability.

in the pilot projects. This category of stakeholders will require less and more focused capacity-building efforts, the primary concern being to improve their capacity to bear on environmental decision-making.

### 3.4. Risks and assumptions

#### Risks:

- low political support for economic reforms and elimination of administrative obstacles
- lack of interest of the concerned governmental agencies to financially support those components of the project that will need post-project funding
- lack of activism of local communities and/or the lack of local leaders and/or frequent changes of representatives of local organisations.

These risks are to be mitigated via involvement of the concerned stakeholders at all stages of the measure.

#### Assumptions:

Government is vital to ensure project success and subsequent sustainability. It is assumed that all project partners will actively contribute to the implementation of the project, appointing dedicated personal and providing required inputs to the work of consultants, whose role will be to facilitate co-operation between the stakeholders.

### 3.5. Cross-cutting Issues

Good governance and human rights: Improving administrative capacity and disseminating EU policies and decision-making procedures will raise the democratic standards of governance in environmental issues; implementation of the pilot projects in co-operation with the civil society organisations will also be a step towards improved local democracy.

Gender balance: The proposed measure has no direct impact per se on gender balance. However, certain activities funded by the measure may have an impact on this issue, given for instance the high rate of involvement of women in local citizens' organisations.

Environment: The measure specifically focuses on this sector.

## 4. IMPLEMENTATION ISSUES

### 4.1. Implementation method

Centralised management and joint management through the signature of an agreement with an international organisation.

### 4.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. Full financing may only be applied in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulation where financing in full is essential to carry out the action in question.

### 4.3. Budget and calendar

The indicative breakdown of the budget is as follows: Component One: Legal and procedural approximation, and capacity building, 2M€; Component Two: Pilot projects, 3M€; Component 3: Education, awareness-raising and dissemination activities, 0.85M€ and a provision for visibility, evaluation and audit of 0.15M€.

The measure may be implemented as appropriate via service contracts, supply contracts, or grant contracts with NGOs, following the procedures of centralised management and through joint management with an International Organisation (IO). The IO will satisfy the criteria

laid down in article 53 quinquies, paragraph 1 of the Financial Regulation and will be chosen in an objective and transparent manner - considering the delegated tasks - among the IO active in Belarus (United Nations agencies; World Bank...). The agreement to be signed with the IO will fully respect the requirements laid down in article 43 of the Implementing Rules to the Financial Regulation.

The Belarusian beneficiaries will be requested to contribute the logistical arrangements (contribution in kind).

It is foreseen that all the operational duration of the project will be of 36 months after the signature of the Financing Agreement.

#### **4.4. Performance monitoring**

The monitoring of the measure will follow standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

Key indicators<sup>8</sup> measuring progress on the measure will focus on the percentage of approximated EU legal acts in the selected priority areas; the number of civil servants involved / trained under the measure; the number of NGOs and citizens involved / trained under the measure; the number of replications of the pilot projects and dissemination activities; the depth of environmental awareness in the student population; in terms of law enforcement, the elasticity of air pollution to GDP growth before (0.15) and after the project.

#### **4.5. Evaluation and audit**

There will be two evaluations: a mid-term one, which will allow adjusting the project activities, and an ex-post evaluation, which will focus in particular on the long-run impact of the action. Besides the mandatory financial audit, audits will be conducted on the systems and procedures used, if need be. Audit and evaluation contracts will be concluded by the Commission.

#### **4.6. Communication and visibility**

The project will work out a specific communication strategy and develop specific communication activities in order to inform Partner Countries and potential stakeholders of the opportunities that it offers, to raise awareness of the approximated legislation and regulations, and to generate active support from stakeholders. A specific budget is set apart for this purpose.

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<sup>8</sup> There is no standard indicator applicable to the DAC Sector code of the proposed measure.