



The Eastern Partnership Roadmap to the Vilnius Summit

An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013

Dialogue limited to technical and diplomatic level

BELARUS: Assessment May 2012 – October 2013

by Andrei Yahorau, Center for European Transformation, and Yury Chavusau, The Assembly of Pro-Democratic NGOs of Belarus

Does the government engage with civil society on policymaking?	No
Is policymaking participatory, e.g. public consultations on draft legislation?	No
Does the government actively engage in dialogue with EU and civil society?	No
Is the process of drafting agreements between Belarus and the EU transparent with public consultations?	No
Does the EU delegation actively engage in dialogue with government and civil society?	Partially
Does the EU delegation promote dialogue talks with government and civil society?	Partially

Government engagement with civil society

Except for a few isolated examples, requests from the government for the opinions of civil society on policies are scarce.

The exceptions have included:

- an appeal in September 2012 to one of the human rights defence organisations from the governmental Center of Legislative Activity, and dialogue via mails between the National Center of Legislation and Legal Research at the Administration of the President and some human rights defence organisations on the introduction of a Commissioner on Human Rights (ombudsman) in Belarus
- proposals for amendments to the Law on Mass Media by the Belarusian Association of Journalists (BAJ) to parliament in January 2013
- participation of representatives of authorities together with civil society representatives in seminars within EU

initiatives (e.g. May 2013 seminar on Bologna process)

- individual meetings of some civil society leaders with representatives of central and local authorities.

As a rule, attempts by civil society organisations to participate in either the stage of formation of policies or in control of policy implementation have been rebuffed by the authorities, for instance:

- Stakeholders were denied access to drafts of amendments to the Electoral Code.
- The Tell the Truth! campaign could not access the budgets of local authorities.
- Comments prepared by the Center of Legal Transformation to the draft of the Law on Public Associations were not even considered.
- The proposals of business associations in response to the draft Law on Introduction of Ownership Supervision in joint stock companies was not considered by



This project is funded by the European Union.
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lawmakers, and the law was adopted at the first reading without taking their comments into consideration (although parliamentarians stated their willingness to continue consultations before the second reading).

One of the few examples of fruitful co-operation between authorities and civil society organisations was the activity of the Community for Saving Historical and Cultural Memorials in the sphere of protection of architectural legacy.

Developments in participatory policymaking

On 31 July 2012, a bill on the introduction of alterations and addenda to certain laws “on the issues of functioning of political parties and other public associations” was submitted to the House of Representatives of the National Assembly without any prior consultation with non-governmental organisations.

At the beginning of 2013, human rights defenders (Lawtrend experts) sent proposals to the Commission on Human Rights of the House of Representatives on the draft law amending the Law “On Public Associations” (the draft law “On the issues of functioning of political parties and other public associations”). In March, 2013 they received a response that the parliament working group decided that the recommendations were “inadvisable”.¹

Public hearings or the participation of civil society organisations in consultations on legislative changes, when held, involve predominantly civil society organisations loyal to the government. Independent civil society organisations are usually not invited or their opinion is ignored.

Civil councils do exist at some ministries and governmental institutions (Ministry of Culture, Ministry of Environment, Ministry of Internal Affairs), but their influence on decision-making is very low.

Initiatives from the side of civil society to hold wider, public consultations are rebuffed by the government, or do not go beyond one-way communication (the authorities receive written submissions, but the level of dialogue or

consideration of such submissions remains low).

Moreover, at the stage of preparation before they are proposed to parliament - when the wider public and civil society would be interested in providing their input – access is restricted in the case of many laws. Most draft laws are subsequently published online in the form proposed to parliament.

In response to the communication with some human rights groups from the governmental Center of Legislative Activity on the introduction of the Commissioner for Human Rights (an ombudsman), on 16 October 2013 the Center for Legal Transformation (Lawtrend) organised a working meeting of representatives of human rights organisations (most of whom had not been invited to discuss the issue (among them Lawtrend, “Viasna”, “Legal Assistance to Population”, IEI “Platform”, Office for the Rights of People with Disabilities, Committee “Solidarity”, Belarusian Human Rights House and human rights defender Raisa Mikhailouskaya).

In an open statement issued after the meeting, the participants indicated that they considered it necessary to create the institution of an ombudsman in line with the recommendations of the Universal Periodic Review of Human Rights (UPR), adopted by Belarus in 2010. The statement set out preconditions for the launch of a dialogue between human rights defenders and government agencies, namely:

- release of all the political prisoners, including human rights activist Ales Bialiatski;
- termination of all kinds of pressure on human rights activists, for example, the judgment on the elimination of the IEI “Platform” and the failure of the recommendations of the UN Committee on Human Rights on the restoration of the registered status of the Human Rights Center “Viasna”.

Role of EU as catalyst to foster policy dialogue

In March 2012, the European Dialogue on Modernisation was launched. In spite of several attempts by the EU delegation to involve government officials in the Dialogue and its events, the Belarusian government has declined to take part. Moreover, central authorities issued a special letter to ministries and their local offices with an instruction

¹ <http://www.lawtrend.org/ru/content/about/news/uchitivat-mnenie-zainteresovannih-nko-neceslesobrazno/>

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forbidding civil servants from any involvement in the Dialogue on Modernisation (DoM).

In spring 2013, the Belarusian Ministry of Foreign Affairs sent a letter to EU member states with a proposal to reorganise the Dialogue's structure along the lines of the EU Partnership for Modernisation with Russia. This proposal also recommended the exclusion of civil society and political opposition from the Dialogue.²

There have been examples of non-public contacts of non-governmental experts with governmental experts within the Dialogue (e.g. a video conference on economical issues organised by the EU). Moreover, the EU has performed a mediating role, bringing together participants from both government and civil society (e.g. conference "Belarus at the crossroads of integrations, 14 November 2012; informational and educational seminar on the Bologna process, May, 2013).

ROADMAP IMPLEMENTATION BY POLICY AREA

POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION

There has been no visible progress at the political level in relations between the EU and Belarus, and political developments (including the release of political prisoners) are a prerequisite for agreement.

At the same time, regular contacts have continued at the technical level of co-operation. Sectoral dialogue continues in macroeconomic policy, energy, environment, and customs.

However, the Belarusian government has not participated in the European Dialogue on Modernisation even at the technical level.³

² Source: communication with coordinators of the thematic expert groups of the DoM; communication with EU Delegation and EEAS officials during DoM coordinators' visit in Brussels (February 2013)

³ ENP Package – Belarus. European Commission Memo, Brussels, 20 March 2013, http://www.enpi-info.eu/maineast.php?id_type=3&id=381

POLICY OBJECTIVES

**Enhance Mobility
in a Secure and
Well-managed Environment**

Visa facilitation and readmission agreements

Dialogue on visa facilitation and readmission agreements has not been launched since there has been no response from the side of the Belarusian government to an invitation by the European Commission to open talks.

Energy

POLICY OBJECTIVES

**Promote energy
security and**

**sustainability, notably through
infrastructure, energy efficiency and
renewables**

EU-Belarus sectoral dialogue on energy is underway. In 2012-2013, Belarus and the EU negotiated a Memorandum on Early Warning Mechanism in the Energy Sector, and a draft Agreement between the Russian Federation, the Republic of Belarus and the European Union on Co-ordinated Operation of the Unified Power System of the Russian Federation and the Power Systems of the Republic of Belarus, the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia.⁴

POLICY OBJECTIVES

**Enhance levels of
nuclear safety**

On 24 May 2011 Belarus acceded to the joint declaration on comprehensive risk and safety assessments of nuclear plants ('stress tests'). The government has co-ordinated the regulatory and legal system in the sphere of nuclear safety, including renovation of safety standards for currently operational nuclear power stations with participation of international financial institutions, in particular the European Bank for Reconstruction and Development (EBRD).

In October 2012 Belarus submitted to the European Commission answers to the Report

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http://belgium.mfa.gov.by/en/belarus_eu/sect_dialogues

on Evaluation of the Environmental Impact of the Belarusian Nuclear Power Plant.⁵

POLICY OBJECTIVES

Customs co-operation and trade facilitation

In June 2011, the Strategic Framework on Customs Co-operation was proposed to Belarus, but it has still not been finalised. Once it has been agreed, a Working Group on Customs Co-operation will be established between the EU and Belarus with the participation of EU member states on a voluntary basis.

Several customs-related activities have been carried out with Belarus with TAIEX support. In particular: a workshop on transport control (May 2013), a workshop on integrity in public institutions (April 2012), and a workshop on Pre-Entry Classification (March 2012).

⁵ Belarus joins declaration on risk and safety assessments of nuclear plants. BelTA, 27.06.2011, <http://news.belta.by/en/news/society?id=640170>,

- Joint Declaration/Press Statement. On comprehensive risk and safety assessments of nuclear plants ('stress tests'), http://ec.europa.eu/energy/nuclear/safety/doc/20110623_stress_test_joint_declaration_eu_neighbouring_countries.pdf