

BELARUS ACTION PROGRAMME 2003

1. Identification

<i>Form of programme:</i>	National
<i>Beneficiary Country</i>	
<i>/Title:</i>	Belarus
<i>Budget year:</i>	2003
<i>Financial allocation</i>	€ 6 million, including € 2 million for Tempus to be implemented by DG Education and Culture
<i>Budget Line:</i>	€ 5 million from B7-520 and € 1 million from B7-524
<i>Legal basis:</i>	Council Regulation (EC, EURATOM) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner states in Eastern Europe and Central Asia. Council conclusions of 15 September 1997 on Belarus
<i>Duration:</i>	Contracts financed under this programme shall enter force no earlier than the signature of the Financing Memorandum in due form by the competent signatories, and no later than 36 months after the entry into force of the relevant budgetary commitment. The technical activities provided for under this programme and all contracts must end by 31.12.2007.
<i>Programming:</i>	RELEX E/2
<i>Implementation:</i>	Delegation of the European Commission in Ukraine, Moldova and Belarus
<i>Remarks:</i>	No administrative expenditure will be financed under this programme

2. Summary of the programme

Reflecting the September 15th 1997 Council Decision, in the Indicative Programme for Belarus 2000-2003, Tacis intervention is proposed only for one of the possible areas of co-operation as referred to in Annex II of the Tacis Regulation: "Institutional, Administrative and Legal Reforms". Based on the September 1997 Council Decision, support is suggested for civil society, education and training, and regional actions.

Assistance will be provided through Small Project Programmes: IBPP, Tempus, Statistics and Economic Trends.

Under the subtitle Support for the Civil Society, a new Chernobyl programme for Belarus is identified. This comprises a grant disbursing mechanism to finance actions in support of Civil Society and local initiatives as well as to the Chernobyl Committee in order assist in relieving the effects of the catastrophe.

3. Country update

Following political developments in Belarus in 1996-1997, the Council took the decision in **September 1997** to freeze the conclusion of a Partnership and Co-operation Agreement (PCA) and to limit EU and Member States' technical assistance programmes to humanitarian and regional projects and to those that directly support the democratisation process.

Based on September 1997 Council Decisions, bilateral ministerial contacts between the EU and Belarus can, in principle, be established solely through the EU-Presidency or the EU-Troika. Within these limits, the EU had made attempts to encourage Belarus' return to a reform path. Developments in Belarus since 1997 have been assessed regularly by the EU. However,

developments were rather going into the opposite direction, including disappearance of persons, harassment of opposition and critical intellectuals and journalists, etc. Parliamentary elections in 2000 and presidential elections in September 2001 were regarded by OSCE/ODIHR as neither free nor fair. EU subscribed to this assessment, but made another attempt in March 2002 to define a new approach with Belarus. No substantial answer has been given. Instead, Belarus had gone in confrontation with the OSCE over the OSCE AMG in Minsk, which had to be closed in October 2002 - a development that led to an EU visa ban on seven leading representatives of the regime. A new OSCE Office has opened in January 2003. The EU visa ban was lifted in April 2003.

In August 2002 Belarus unilaterally discontinued the application of Tacis General Rules in relation to taxation and import duties. This action was prompted by the request of the Russian Federation, in the framework of the Union between the two countries, to reduce tax and import duties privileges granted in Belarus. Other donors, notably the UNDP, have been similarly affected by the changes in legislation. The Ministry of Economy (responsible for co-ordination of foreign donations) has actively tackled the issue and put forward a draft text for a presidential decree to temporarily remove the problem for the implementation of Tacis. The draft decree has now been approved by the Council of Ministers, and put forward to the presidential administration for final endorsement. Nevertheless, contracting under Tacis is still, at this stage, impossible and the issue will have to be closely monitored before starting implementation.

4. Co-ordination with other donors

Donor co-ordination is a constant feature for the regular donor meetings taking place between all major donors active in Belarus.

Donor co-ordination for the projects identified below began during the Action Programme 2003 mission launched by the Commission in 2002. During that visit, the proposed projects were discussed with all the major donors active in Belarus. Particular attention was dedicated to co-ordination with current activities in fields related to Chernobyl catastrophe, in an effort to avoid duplications and identify areas in which COM can support activities developed by the Chernobyl State Committee (CSC) together with international experts and other donors. Continuous monitoring of the situation has been carried out during the intervening period in order to avoid duplication.

5. Lessons learnt from Past EC Assistance

Twinning

During the period 1996-1999 whilst funding was still available the twinning programmes of Tempus Lien and City Twinning delivered sustainable results. Many relationships created during such twinning projects have grown well beyond their originally envisaged temporal, financial and sector specific constraints and have demonstrated the appropriateness of this type of technical assistance instrument¹.

Civil Society Development Programme (CSDP) (budget 1997, implementation 2000 – ongoing)

The programme has three components, Media (5 projects), NGO – Civil Society (22 projects), and the Institutional Twinning component (1 project). In addition to the Macro grant scheme, there is a

¹ This point is particularly well illustrated by the Project Mendip / Svetlagorsk Local Agenda 21 in which the city twinning project has led to continued contact at all levels, bilateral activities and further project applications after the end of the project. The EU partner has also become actively involved with the region as a result of the contacts established within the project.

build-in micro grant scheme for the section on NGO – Civil Society managed by the TBO and Kiev Delegation.

In April 2002 EuropeAid conducted a monitoring mission on the result of implementation of the CSDP in Belarus. The overall conclusion was that in spite of presidential elections and some difficulties, it has been possible to obtain good results in the implementation of the CSDP. The Programme has proved to be interesting for NGOs and media, as a tool to promote dialogue inside the highly divided Belarussian society. NGOs and independent media can use this difficult dialogue with governmental bodies and media to promote their own values and views, and to improve their effectiveness. They are also increasingly winning government recognition for the importance of their work in a number of areas, including Human Rights (HR). The Tacis logo is providing effective protection for their members and activities, and allows them to implement openly activities and projects that would otherwise be impossible inside Belarus.

Communication with the authorities has in general been good. During the preparatory mission of this programme in 2002, Belarussian authorities (Ministry of Foreign Affairs and Ministry of Economy) stressed in two separate meetings their appreciation of the programme and requested a continuation.

Institution Building Partnership Programme (IBPP)

The first call for proposals in Belarus was very successful both in terms of number and of quality of applications. The IBPP will build up on the work done for the Civil Society Development Programme and will constitute the base for a long-term support by the EU for the Belarussian Civil Society. The IBPP, however, is somewhat narrower in scope than the CSDP, thus, leaving room for future actions when more funds may become available.

Lessons learned in conclusion

The experience gathered from all those small civil society related projects mentioned above supports the continuing of such activities. It shows that it is possible to work on a grass root level with NGOs, independent media and local authorities. For the AP 2003 the SPP approach will continue and the selection of the IBPP instrument has been done as a direct result of the relatively positive results. This past experience has also influenced the Chernobyl project, which will base itself on an integrated approach, which includes NGOs and local authorities.

6. Programme Components

Considering the current framework of co-operation with Belarus and the limited budget for the Action Programme 2003 for Belarus (€ 5 M), it is proposed that the content of the Action Programme be based entirely on Small Project Programmes (SPP) and Support to reduce the social consequences of the Chernobyl Catastrophe.

Small Projects Programmes

The Institution Building Partnership Programme (IBPP) will support, in the medium-term, the development of civil society and local initiatives, building on previous work done by the Civil Society Development Programme, and in close co-operation with the Cross Border Co-operation Small Project Facility, as well as with the new EU Chernobyl Programme.

Tempus is a key instrument of co-operation in the field of higher education and projects that will be selected after the call in 2003 will focus on the integration of the Belarussian higher education system into the European higher education area (Bologna process), on the academic subject areas economics, law and social work as well as on the development of training courses for the public

service) in support of Tacis's wider project portfolio. DG Education and Culture implements Tempus.

Economic Trends, will build on previous Tacis projects and help develop reliable economic data for Belarus.

Statistics, to be run together with Eurostat. The purpose is to be able to allow Eurostat to prepare for working with Belarussian statistics.

Support to reduce the social consequences of the Chernobyl catastrophe

This project is developed in close co-operation with other donors in Belarus. The objectives of this project are mainly to enable local communities to deal with the day-to-day consequences of the catastrophe. This will be done by providing support to improving their ability to respond independently to the challenge of environmental contamination, to enhance their ability to develop social and economic initiatives designed to effectively improve the situation, including education of the population in ways to reduce harm and risks linked to radiation in the contaminated areas and develop a cost effective healthcare system.

A further element will be to help to strengthen local institutional capacity and to provide the CSC with assistance designed to improve its ability to support and co-ordinate local initiative within the framework of the national plan to reduce the effects of the catastrophe.

Projects will be selected by the relevant Commission services from projects proposed by the CSC and/or by the international donor community. The main part of the funding will be allocated using a grant disbursing mechanism for small to medium size grants designed for local authorities, communities, and NGOs, to strengthen their capacity to deal with issues identified in project objectives. This includes supporting partnerships with EU authorities, institutions and NGOs.

7. Complementary EC Assistance

7.1 Tacis Regional programmes

Currently the bulk of Tacis activity in Belarus is in **Cross Border Co-operation and Regional environment projects** related to river water quality management. The projects on the West Dvina and Bug rivers ended in December 2002. The new project on the Nieman River is in full swing. In addition, the National Environment Action Plans Phase II project is assisting the Ministry of Environment, while the Pripiat River basin and accident and emergency warning system, (part of the Joint Rivers Management Project which covers four trans-boundary river basins) is currently ongoing.

An important programme for Belarus is **CBC Border Demarcation and Border Crossings** launched in 1996. After an initial phase mainly dedicated to feasibility studies, projects in Belarus started the implementation phase. In particular the border demarcation project on the border with Lithuania, a high profile project which received commendation from Belarus as well as the Baltic States. The first project on the construction of a building in Kammeny Log is now completed. The new project for the construction of a new terminal in Kaslovitchy II in Brest is currently being prepared for tender.

Nuclear Safety: Two Tacis projects are active in Belarus in the field related to the Chernobyl catastrophe. They mark a new view on Chernobyl related issues with increased emphasis on the human dimension. The project "Addressing clean up and secondary medical effects of Chernobyl disaster" is largely devoted to research. The project consists of a number of small pilot projects on

subjects like dissemination of practical information on radiation, disseminating results of scientific research, reducing risk in products growing, promoting safer eating habits in contaminated areas, radiological mapping of villages in the Chernobyl area..

The project “Sustainable developments in Chernobyl affected areas” concentrates on local economic development as a mean to break the downward spiral caused by the catastrophe, its real and psychological effects, and the overall negative economic impact on the affected areas. The *Gamma* early warning system is appreciated due to the concrete results and high proportion of investment.

Belarus, as one of three beneficiaries (Belarus, Ukraine, Moldova) is also receiving assistance from the **Inogate** programme in the form of a project on the construction and supply of equipment for gasmetrology.

Justice and Home Affairs: The feasibility studies on projects against trafficking in women and human beings, drug trafficking and money laundering have been completed with success. The first project on the Ukrainian – Belorussian border to assist these countries to fight illegal immigration has been speedily completed together with UNDP. Projects against drug trafficking and traffic in human beings are currently being launched, while the issue of money laundering appears to require still some assessment.

7.2 European Initiative for Democracy and Human Rights (EIDHR)

Among the projects of the EIDHR active in Belarus, the one with the highest profile was the project about “independent election monitoring” with the Belorussian Helsinki Committee, and co-ordinated with the OSCE. Other EIDHR projects in Belarus are dedicated to the media and implemented by the Belorussian Association of Journalists together with the Lithuanian association of Journalist, in one case, and by the European institute for the media together with BAJ in another. The former project came under focused from the authorities for comply with the new presidential decree n.8. Visas were also refused to LAJ participants to seminars. As a result the project shifted many activities to Lithuania.

Belarus is not among the 31 focus countries that have been selected worldwide. Although this will limit EIDHR activity in this country for the time being, certain thematic as well as regional activities can be envisaged. Following a recent call for proposals in support of abolition of the death penalty, a project to be implemented in Belarus was selected. This regional project focussed on information and support strategies for replacing the death penalty and will be implemented during 2003. In addition, the Delegation also has remaining funds for EIDHR micro projects .

7.3 Joint programmes with other donors

Working closely with other donors has produced synergies and allowed projects to proceed that would not otherwise have been practicable. Recent co-operation with the German bilateral programme Transform has resulted in an important project coming to fruition in the insurance training field. In the past, preparatory work by Tacis experts has enabled the EBRD to carry out loan activities more effectively. A positive collaboration started recently with the UN family in Belarus, which resulted in the first JHA project on the Ukrainian border and in a joint design of the Traffic in Women and BUMAD projects.

8. Programme Implementation

The Action Programme will be implemented in accordance with the following elements:

8.1 Implementation & Management

The Financing Memorandum shall be concluded by 31 December of the year following that of the budgetary commitment.

Contracts financed under this programme shall enter into force no earlier than the signature of the Financing Memorandum in due form by the competent signatories, and no later than **36 months after the entry into force** of the relevant budgetary commitment. Therefore:

- Any relevant contract or grant must have entered into force, having been signed by all the relevant parties, by this expiry date.
- Any contracts or grants that have not been entered into force, having been signed by the signature of all the relevant parties by this expiry date will not be finalised but will be cancelled and considered null and void.
- Any balance of funds remaining available under this programme that have not been used to fund contracts or grants that are in force by this expiry date shall be automatically cancelled 18 months after the end of the implementation period of the Financing Memorandum.
- An appropriate extension of the implementation period of the Financing Memorandum may be accepted when properly justified. The extension must be requested and accepted before the end of the implementation period of the Financing Memorandum.

The deadline by which all contractual activities under this programme must cease is 31.12.2007. Therefore:

- No addenda to any contract or grant funded by this programme shall be entered into after the implementation deadline¹.

The Programme will be implemented by the Commission in conjunction with the Belarussian authorities based on financing memoranda (see Article 3(5) of Regulation 99/2000), project counterparts and contracting firms and institutions. For the government of Belarus, the general co-ordinating responsibility will be with the Tacis National Co-ordinator, supported by the Tacis National Co-ordinating Unit.

The Programme will be managed by EuropeAid Co-operation Office with deconcentration of management responsibility for project implementation to the Commission Delegation in Ukraine, Moldova and Belarus (Kiev Delegation). The procedures laid down in Art 13 of the Council Regulation (EC, Euratom) No. 99/2000 are applicable to this Programme.

8.2 Monitoring, Evaluation and Audit

Monitoring

In addition to regular follow-up and controls carried out on the spot, if necessary by the Commission services and the Court of Auditors, a contract has been concluded with independent consultants to monitor the programme. This contract covers the whole Tacis programme, and will work upon requirements for periodic assessments of project progress against objectives. These will include on-the-spot visits to projects and interviews with stakeholders. Reporting will be in standardised formats giving scores to aspects of project performance.

Evaluation

Evaluations at programme, country or policy level will be carried out in line with the evaluation work programme of EuropeAid's Evaluation Unit H6 which is working under the direct authority of the Board. Furthermore, Directorate EuropeAid/A is in the process of establishing an additional evaluation capacity at sector/subsector level to support its planning and project identification activities in the Tacis area. Priority areas for such sector evaluations will be selected on the basis of

¹ Note that the end date for contractual activities refers to project implementation activities, and not the date for submission of final report or final invoice.

political priorities and significance of spending. As appropriate these might also include evaluations related to the programme under reference."

Audit

Operations financed under this programme will be subject to supervision by the relevant Commission services and the Court of Auditors to be carried out on the spot if necessary. The accounts and records of expenditure under the present Programme may be checked at regular intervals by an external auditor contracted by the Commission, without prejudice to the responsibilities of the Commission, including the European Antifraud Office (OLAF), and the Court of Auditors.

8.3 Tendering Procedures

The contracts for services, works and supplies shall be concluded in accordance with the tendering and contract award procedures laid down in the Financial Regulation and other relevant instructions.

9. Cost and financing

The Programme will be financed through a Community grant of € 6 million, allocated as follows among the different actions:

<u>Area/Project</u>	<u>Total Area (€ million)</u>
A. <i>Support to reduce the consequences of the Chernobyl catastrophe.</i>	2
Tacis National Belarus € 1 million	
Tacis Nuclear Safety € 1 million	
B. <i>Small Project Programmes</i>	4
Institution building partnership Programme	
Statistics	
Higher Education Programme (Tempus)	
Belarus Economic Trends	
Total	6.00

10. Government Commitment. Conditionality.

Assistance is provided based on the existence of the necessary elements for the continuation of co-operation through assistance, in particular respect of democratic principles and human rights. Provision of assistance is conditioned to the endorsement and respect by Belarus of the Tacis General Rules, and in particular to the approval of a Presidential decree on Taxation, as well as to legislative steps designed to tackle the overall problem of foreign donors assistance.

LIST OF ANNEXES

Project fiches with log-frames.