



Proposals of the Belarusian National Platform of the Eastern Partnership Civil Society Forum

to the 6th meeting of the EU-Belarus Coordination Group

(December 12-13, 2018, Brussels)

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INTRODUCTION

Holding of the 6th meeting of the EU-Belarus Coordination Group indicates that this framework is acceptable at least to the two official parties (the European Union and the Republic of Belarus), and also demonstrates certain stability of the dialogue process between Belarus and the European Union with some participation of the representatives of the expert community and civil society actors of Belarus, the role of which still remains to a greater extent symbolic rather than practical. The previously tested and regularly arranged formats of the Coordination Group and the Human Rights Dialogue complete the picture of ongoing sector dialogues and successful implementation of numerous projects sponsored by the European Union. The Belarusian National Platform of the Eastern Partnership Civil Society Forum highly appreciates the progress in the relations achieved in recent years and looks forward to their further development. We also note the gradual deepening and more specific nature of communication between representatives of different ministries of the Republic of Belarus and their counterparts from the EU directorates.

Among essential events in the EU-Belarus dialogue of the preceding period are the 5th round of Human Rights Dialogue between the European Union and the Republic of Belarus (July 17, 2018, Minsk), as well as the EaP multilateral meeting – the 10th Eastern Partnership Informal Partnership Dialogue with focus on issues of harmonisation of digital markets. With pleasure and gratitude, we welcome the invitation of EaP Civil Society Forum representatives and several representatives of civil society organisations to the partial participation in these meetings. For their part, realising a high degree of responsibility, the Belarusian civil society actors united under BNP EaP CSF prepared and presented at the above-mentioned meetings their proposals and assessment (in particular, the Stand on the matter of the execution of the Interagency plan on implementation of recommendations accepted by the Republic of Belarus following the second cycle of the United Nations Human Rights Council Universal Periodic Review and recommendations addressed to the Republic of Belarus by Human Rights Treaty Bodies for 2016-2019¹).

Belarusian EaP CSF National Platform's experts also consider the adoption of the Law on Organic Farming on November 16, 2018 as a positive aspect of public policy development with the participation of experts and representatives of civil society. On the other hand, there are adverse practices in the interaction of state structures and civil society on legislation improvement, including the recent precedent of the suspension of drafting the concept of the Law on Countering Domestic Violence.

Along with the above mentioned positive facts, we cannot but mention some disturbing features of the EU-Belarus cooperation, the most critical of which remains ***the lack of noticeable systemic changes*** in Belarus. In certain areas of the collaboration that are the subject matter of the dialogue, some intensification of the communication and the declaration of a number of intentions can be observed, whereas there haven't been made any effectively systemic and irreversible steps enabling not just to be part of the process but also assess the achievement of tangible results in any of the discussed areas. As mentioned above by the Belarusian National Platform, the resource of symbolic actions toward each other has been exhausted, and further lack of progress directed at specific changes in policies and practices can lead to a halt or even a rollback on the level of the interaction achieved.

A particular concern of civil society is the failure to finalise and ***sign the Partnership Priorities*** between the EU and the Republic of Belarus. This fact significantly hinders further steps towards cooperation and becomes a certain message for the civil society on the part of official parties. The Belarusian National Platform calls upon the parties to the early solution of this matter and to arriving at the official subscription of the partnership priorities in the next weeks. The subscription of the partnership priorities, as well as the

¹ http://eap-csf.eu/wp-content/uploads/Position-paper-BNP-17.07.2018_EN-final.pdf

completion of negotiations and the subscription of Agreements on visa facilitation and readmission are necessary steps for entering into negotiations of the new bilateral agreement between Belarus and the EU and restoring the legal framework of bilateral cooperation between Belarus and the EU.

Representatives of independent civil society in Belarus are as much concerned about a number of events and actions of various actors of legislative, executive and judicial authorities of the Republic of Belarus that have taken place since the last meeting of the EU-Belarus Coordination Group in April 2018. In particular, in May and November 2018, the authorities of Belarus have carried out four death sentences. Continued practice of death penalty in our country is one of the main points of criticism from human rights activists and the international community, and represents a serious obstacle to further improvement of relations between the Republic of Belarus and the EU.

The so-called "BeITA case" started by the Investigative Committee of the Republic of Belarus in August 2018 under part 2 of Art. 349 of the Criminal code of the Republic of Belarus has caused numerous searches, detentions of journalists and seizure of computer equipment. As a result, after several months of investigation and constant summons for questioning of representatives of Belarusian media, 14 employees of various media were discharged from criminal liability and held administratively liable (fines from 3 to 17 thousand roubles), while the chief editor of TUT.BY Marina Zolotova remains under indictment in this case. Belarusian EaP CSF National Platform, along with a number of other civil society organisations, considers these events to be a form of pressure on representatives of independent media in Belarus, as we have previously expressed in the corresponding statement of 09.08.2018.

Separately, we should mention the conviction on August 24, 2018 by the Sovietsky District Court of Minsk of members of Belarusian REP Trade Union Gennady Fedynich and Igor Komlik under part 2 of Art. 243 of the Criminal Code of the Republic of Belarus.

The above-described events once again create a significant additional strain in the relations between the government and civil society in Belarus, demonstrating the absence of due willingness to search for common value-based foundations and opportunities for the consideration of the interests of the entire spectrum of public stakeholders.

Belarusian National Platform of the Eastern Partnership Civil Society Forum, being one of such stakeholders regularly prepares its assessments and proposals on the agenda of the sector dialogue for the meetings of the EU-Belarus Coordination Group. Drawing on the above analysis of the actual situation and proceeding from the problem points and proposals described in the previous BNP documents², we will focus on some proposals of the civil society for the development of cooperation under the agenda of the EU-Belarus Coordination Group:

Entrepreneurship and small and medium enterprise development

Members of the Belarusian National Platform from amongst business associations lay emphasis on a number of practical actions for the development of the small and medium enterprise of all forms of ownership, namely:

1. Ensuring an equal economic environment for enterprises of all forms of ownership, including a clear definition of the concept "equal economic environment" in laws and regulations, eliminating favourable treatment of state enterprises, the establishment and operation of legal, administrative, financial institutions that ensure a competitive environment for commercial activities;

² http://eap-csf.eu/wp-content/uploads/Memo_BNP_EU-Belarus_Coordination_meeting_EN.pdf

2. Working out, based on a broad dialogue with all stakeholders, the necessary for purposes of effective development of the economy criteria of reducing the level of tax, regulatory and transaction costs;
3. Elimination of existing gaps in the access of small and medium enterprises of all forms of ownership to finance and financial infrastructure: better communication about loan opportunities; improvement of the legislative regulation of leasing, mechanisms of export guarantees and insurance;
4. To identify regulatory legal acts which impose excessive administrative and other restrictions on business entities, the provision of the necessary regulatory framework for the implementation of regulatory impact assessment, including documents concerning the participation of business associations and other civil society organisations in the procedures of regulatory impact assessment;
5. Formation of the act on self-regulating organisations with the participation of all stakeholders;
6. Formation of the act on public-private partnership (PPP) with the participation of all stakeholders;
7. Assessment and review of the current status of business support infrastructure entities and formal mechanisms for the service quality and effectiveness assessment provided by certified entities;
8. Development of a roadmap of the implementation of the small and medium enterprise development strategy with the participation of all stakeholders;
9. Improvement of the criteria for monitoring and evaluation of the small and medium enterprise development strategy with due regard to the SME Policy Index in the Eastern Partnership countries);
10. Ensuring the availability of the results of the programmes' implementation monitoring (machine-readable format included) for later use by interested parties.

Power industry and energy efficiency

Over the years of existence of Belarus as an independent state, the energy system and the country's policy in the field of energy resources management have remarkably changed for the better. However, reform in this area is still far from complete. The critical factor for the energy system of Belarus is the dependency on external energy resources. Almost 90% of the fuel used in the power industry is imported from Russia; Belarus is virtually entirely dependent on natural gas supplies from Russia in electrical power generation. The adopted at the end of 2015 Concept of Energy Security of Belarus notes that the level of dependence on external suppliers remains critical, and specific goals are set to reduce dependence on supplies from abroad. A significant aspect of the Concept of Energy Security of Belarus is the scheduled phased reduction of cross-subsidies in energy tariffs and gas prices, as well as improving tariffs setting systems to stimulate consumers towards more efficient use of power. Raising energy efficiency also remains a key priority of energy policy in Belarus. The development of the renewable energy generation sector is an integral part of the national policy of Belarus in the field of energy security and reducing climate impact.

In order to facilitate the resolution of existing problems in the energy policy, to ensure energy security and reduce climate impact, Public Association "Ecohome" supported by the Heinrich Böll Foundation, in collaboration with civil society organisations, academics and independent experts in Belarus prepared and presented the research "The Energy [R]Evolution: Prospects of the Sustainable Development of the Power Industry in Belarus" in October 2018³. The research presents the results of modelling of the scenario of transition of Belarus to the energy system with high shares of renewable energy, and briefly describes policy solutions and technologies that can be used today for the implementation of the Energy [R]Evolution scenario based on renewable energy sources by 2050.

³ http://energy2050.by/wp-content/uploads/2018/10/Energeticheskaya-revolyutsiya_Rus_15-10_web.pdf

Scenario planning is a tool to describe possible development options providing decision-makers with the understanding of future energy system transformations. On the basis of the materials in this study, we offer to compare two scenarios of possible development options of the Belarusian power engineering system with the purpose of demonstration of its potential and assessment of its limitations, namely:

- The baseline scenario reflecting the persistence of the current trends and policies, and
- The Energy [R]Evolution scenario developed to achieve a set of environmental policy objectives. This scenario provides an optimistic, though realistic transition to a decarbonised energy system by 2050.

The Energy [R]Evolution scenario was developed by the German aerospace agency (DLR, Stuttgart) for more than 30 countries and represents one of the leading tools in this area at the moment. This methodology incorporates the most advanced models, and its reputation is proven by its mentioning in the report of the Intergovernmental Panel (IPCC) for the Paris Climate Change Conference (COP21).

The Energy [R]evolution scenario demonstrates to the government and the public of Belarus possible ways of energy sector development with ultimate use of renewable energy and their technical feasibility assuming the political will. The scenario does not claim to predict the future; it describes and compares possible development options out of a wide range of potential alternatives.

Higher education reform

In 2015, at the Yerevan Conference of the European Higher Education Area (EHEA) Belarus joined the Bologna process on the condition of the implementation of the Belarus Roadmap for Higher Education Reform by 2018).

On May 25, 2018, a two-day Ministerial Conference of the countries of the European Higher Education Area ended in Paris. At the conference, among other questions, the parties also discussed the quality of the implementation by Belarus of the requirements of the Roadmap for Higher Education Reform for 2015-2018.

Following the implementation schedule of the Roadmap, Belarus should have performed all its obligations by 2018; however, it implemented only a small part of the commitments. The report of the BFUG monitoring group particularly specifies that "The Roadmap will not be fulfilled by 2018. Some limited progress has been made in individual areas of the Roadmap, but the overall understanding of the interplay and interdependence of Bologna tools [...] still needs to be developed"⁴. The co-chairs of the BFUG monitoring group called for the introduction of a specific support procedure for Belarus, which includes the mandate to perform all outstanding obligations under the Belarusian Roadmap by 2020, in particular, the adoption of the National Qualifications Framework, the establishment of an independent agency for quality control, automatic support of academic freedoms and institutional autonomy, etc.

In the light of EHEA Ministerial Conference outcomes and the recently developed by the Ministry of Education Draft Strategic Action Plan on Implementation of the Major Objectives of the Education System Development in Line with the EHEA Principles and Tools, the special ad hoc BNP commission on higher education reform proposes:

1. To grant the Strategic Action Plan the legal status of the obligations of the Government of the Republic of Belarus.

⁴ http://www.ehea.info/media.ehea.info/file/2018_Paris/72/3/MEN_conf-EHEA_AG2_03_950723.pdf

2. To entirely retain in the Strategic Action Plan the obligations to implement all the provisions of the Roadmap, including references to the implementation of the respective standards and guidelines of EHEA.
3. Within BFUG, to provide a special procedure for monitoring the implementation of the obligations and the mission of the Advisory Group.
4. At the summit in 2020, to consider a report on the compliance by Belarus with the obligations of the implementation of the Strategic Action Plan and decide its future status in the EHEA.
5. To include the BNP on the list of stakeholders in higher education for assistance to the Ministry of Education and BFUG experts in the implementation of the Strategic Action Plan.

Enabling environment for Civil Society

The issue of enabling environment for Civil Society is one of the main priorities/objectives stated in the Document "20 Deliverables for 2020" adopted by the Eastern Partnership Summit in 2017. Contributing to the implementation of this objective, the Belarusian National Platform of the EaP CSF initiated in 2018 the study "The Civil Society of Belarus: Current State and Conditions of Development (2015-2017)"⁵. The study seeks, to the extent possible, to substantially fill the existing gap in the comprehensive documentation of civil society in Belarus, covering the status quo and the trends of its development in the last three years. It also allows for singling out the civil society organisations that are most qualified for multisector dialogue with national and international stakeholders in at least 15 issue-related activity sectors. We hope that this work will be welcomed with a practical interest by the representatives of Belarusian ministries, as well as international and diplomatic structures, that on the basis of the study will be able to identify the most promising entry points into a dialogue with experts of civil society in Belarus.

Based on the methodology and structure of this study the BNP EaP CSF conducted a survey among civil society organisations on the question: "What should become the main priorities for the development of a favourable environment for civil society in Belarus by 2020?". Fifty-five representatives of the public sector, leaders and managers of non-governmental organisations in our country took part in the survey. The results presented below both represent the critical assessment frame of the progress in improving the environment for civil society activities in Belarus and the BNP recommendations on the implementation of one of the 20 EaP deliverables for 2020:

Aspects	Indicators
1. Political conditions	<ul style="list-style-type: none"> • CSOs of Belarus shall be established and operate in any of the subject areas and fields without having to obtain permission and without interference and/or control of the state • The drafting of legal acts in the country involves a required procedure of public hearings open for the participation of any CSO
2. Economic and financial conditions	<ul style="list-style-type: none"> • CSOs can obtain and use material and financial resources from any private persons and organisations of Belarus without additional restrictions and procedures

⁵ <http://npbelarus.info/tekst-issledovaniya-grazhdanskoe-obshhestvo-belarusi-aktualnoe-sostoyanie-i-usloviya-razvitiya/>

	<ul style="list-style-type: none"> • CSOs notify the authorities about receiving funds and resources from foreign and international sources, they are not subject for the procedure of registration and obtaining permits (ITA, Department for Humanitarian Activities) • Business entities and private persons of the Republic of Belarus receive tax benefits if they provide financial support to CSOs in the form of donations
3. Legal conditions	<ul style="list-style-type: none"> • Both registered CSOs and informal initiatives of citizens legally operate in Belarus • The registration of all forms of CSOs (public associations, agencies, funds, etc.) as a legal entity is implemented with the notification procedure involving a minimal set of requirements
4. Institutional conditions	<ul style="list-style-type: none"> • In their actions and strategies, all actors and sectors (government, business, civil society) draw on the values and principles of the independence and sovereignty of the Republic of Belarus • Pluralism and meaningful criticism are perceived and practised by all parties as a standard and mandatory process of a public dialogue
5. Information and media environment	<ul style="list-style-type: none"> • Activities of CSOs and their representatives are covered in both public and private media without restriction and censorship • The media do not use hate speech and negative stereotypes about CSOs. When these precedents appear, the persons responsible for them are penalised according to the law
6. Civil society participation in specific stages of policy decision-making	<ul style="list-style-type: none"> • Equal for all, transparent and straightforward mechanisms and procedures are designed and put in place for CSOs' involvement in the process of political decision-making
7. The quality of civil society involvement in interaction with governmental agencies	<ul style="list-style-type: none"> • CSOs have free access to information on all aspects of good governance, essential for their effective participation and engagement

As repeatedly stated previously, civil society organisations in Belarus are also open, if there is political will on the part of Belarusian authorities, to promoting reforms in the areas of:

- improving the sustainability of agriculture, including matters of climatic optimisation of agriculture, development of measures to protect soils from degradation, conserve and enhance biodiversity, improve population food patterns, create new jobs and improve working and social conditions in agriculture;
- the solution to the issues of improvement of the conditions of civil society activity, including issues of freedom of association and changing the terms of foreign assistance registration;
- improving the situation with human rights, including the provision of the Interagency Action Plan on human rights with the mechanisms for its implementation;
- ensuring the conditions and the development of practices of citizens' access to information of public importance and decision-making mechanisms to solve problems at the local level;
- the participation of citizens and civil society organisations in the further implementation of the previously adopted national plans (National Action Plan for the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Belarus, National Action Plan for Gender Equality, etc.).