

**Verbal statement**  
**by Tatyana Novikova, representative of NGO Ecohome**  
**on the issue of Implementation by Belarus of the 6thMOP Decision VI/8c.**

60th ACCC session,  
12 March, 2018

Dear Chair! Thank you for the floor!

On behalf of NGO Ecohome and the other Belarusian NGO I'd like to make a brief statement on implementation by Belarus of Decision VI/8c of the 6th MOP to the Aarhus Convention. This month we would like to send to the ACCC a full version of the Statement, with detailed information on this issue. In this document we would include our independent assessment of any legislative, regulatory and administrative measures and practical arrangements, which Belarus has undertaken to implement Decision VI/8c.

Unfortunately, at the moment we have no information on such measures, more precisely, we are not informed whether such measures were undertaken at all. Moreover we are not informed whether Belarus has developed an appropriate plan of implementation. Some time ago we received word on the preparation of such a plan but we didn't get any further information about it. We also are not informed about the preparation of the National report on the implementation of Decision VI/8c.

Nevertheless, we would like to note a number of facts that are relevant to both the implementation of Decision VI/8c in this case, and to the implementation of the Aarhus Convention in general.

**1. Regarding any legislative and regulatory measures.**

Since adoption of the Decision VI/8c in Belarus a number of draft laws have been initiated, in particular:

- draft amendments to the Law on Environmental Protection and
- draft amendments to the Law on State environmental expertise, Strategic Environmental Impact Assessment and Environmental Impact Assessment.

These draft legislative acts are not accepted yet but still in process.

At the moment we are analyzing these legislative proposals for their compliance to Decision VI/8c. We would like to inform ACCC about our findings when we are finished - we plan to do it within this month. Now I would like to focus on procedural issues.

The interested public was not effectively informed about preparation of the proposed changes to legislation. We also do not know the purpose of these changes. We found initial information about the draft laws on the web-site of the Ministry of environment and natural resources, our organization commented on them and submitted the comments to the Ministry, during the time scheduled for the public comments. The deadlines were not reasonable - the timeframe for public discussion of each of the drafts was about one week. At the moment we can not tell whether these specific amendments to the legislation have been introduced to implement Decision VI/8c, but we have to study this issue more carefully, probably taking into account the information presented at this meeting by the representatives of Belarus.

But what we are sure of today is that the draft amendments to the Law on Environmental Protection contain provisions restricting citizens from exercising their rights under the Convention.

Such is the proposal for a change to article 100 of the Law. This article allowed citizens to sue to suspend an activity if it causes negative impact to the environment or has a risk of such an impact in the future. The proposed change to article 100 would restrict access to justice in environmental matters. Our representative called attention to this fact at the Task Force on Access to Justice in February 2018.

## **2. Regarding any administrative or practical measures.**

I would express our deep concern over the absence of any information on implementation by Belarus of provisions 6a), 6b) and 6c) of the Decision VI/8c, regarding the harassment of activists. We are also concerned that the Government and Ministry of Environment have not informed the public about Decision VI/8c itself. There is no official information published about findings by ACCC reflected in Decision VI/8c on the facts of the harassment of activists.

Moreover, we are deeply concerned about the continuing harassment of environmental activists in Belarus. For example, recently two activists were persecuted for criticizing the construction of the proposed "AyPower" LLC factory producing lead batteries, they both were fined about 500 EUR for "calling for an unsanctioned street action". All that these activists had done was to post in FB a note in which they said that they can take to the streets in case their voices were not taken into account.

We would also underline that Belarus has not undertaken any practical or administrative measures for implementation other provisions of the Decision VI/8c. Most notable example in this respect is Nuclear Power Plant (NPP) construction, which prompted opening a case for the Decision V/9c.

The Belarusian NPP construction falls under article 6 of the Convention. At the same time, a number of provisions of Decision VI/8c refer to article 6 of the Convention, for example, provision 3c), which states that the public participation can't be limited by the EIA procedure or EIA report but be extended to all the decisions involved in permitting the activity.

The Belarusian public is still excluded from the decision-making process related to the Belarusian NPP construction. We would also emphasize that the project documentation for the Belarusian NPP is still not public.

One more and last example is the non-transparent process of national stress-tests for the NPP, which Belarus started in 2016. The interested public has not been invited to discuss the National report on the stress-tests and public opinion has not been taken into account during preparation of the report, even though the EU specification prescribes carrying out the stress-test in a transparent way and involving interested members of the public in the preparation process.

Thank you for your attention!