



## **COUNTRY REVIEW**

# **Capacity Building Needs Assessment for the Implementation of the UNECE Strategic Environmental Assessment Protocol**

**Belarus**

**2004 (Version 1)**

#### DISCLAIMER

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## Introduction

In 1998 Belarus signed and in 2000 ratified the Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters. In 1991 Belarus signed the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) but has not ratified it yet. At present, the Government of Belarus is considering signing the SEA Protocol to the Espoo Convention.

National legal framework relevant to environmental assessment is made up of a number of laws and normative acts. The most important are: the *Law on Environmental Protection* (1992, amended in 2002), the *Law on State Environmental Expert Review* (1993, amended in 2000), the *Instruction on the Procedure for Environmental Impact Assessment of Economic and Other Activities in the Republic of Belarus* (2001), and the *Instruction on the Procedure for State Environmental Expert Review* (2001).

Representatives of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (MoE) believe that it is necessary to build national capacity as a basis for an effective SEA application in Belarus. At the initial stage, it is important to analyze current SEA status in the country. This is the main objective of this paper. This analysis was carried out and the review was prepared by the group of national experts.

Chapter 1 lists and briefly describes the key plans and programs developed in Belarus, which may have significant impact on the environment, and thus should be the subjects to SEA. The Chapter 2 presents an analysis of environmental impact assessment procedures currently in operation in Belarus, as well as planned amendments to the legal and normative basis in the area of environmental assessment. Chapter 3 describes priority areas for successful introduction of the SEA Protocol, based on the views of experts acting in the field of environmental assessment. Chapter 4 identifies key stakeholders, which play or will play an important role in SEA implementation in the country. This chapter also lists key educational and training programs on State Environmental Expert Review (SEER) and 'Assessment of Environmental Impacts' (OVOS) conducted currently in Belarus.

Chapter 5 gives an overview of the past, present and planned initiatives aimed to build capacity in Belarus. Chapter 6 defines priority activities, which would facilitate introduction of the SEA Protocol principles in Belarus. And finally, Chapter 7 analyzes the relationship among the institutions in charge of programmes' elaboration, those dealing with environmental impact assessment, environmental and health authorities, and the public.

## **I. Identification of strategies, plans and programs that fall under the scope of the SEA Protocol**

The Chapter provides the lists of the key national strategies, programs, and plans in Belarus, which are developed and adopted officially by the Parliament or the Government in accordance with the established legislation, regulations or administrative instructions.

### ***1.1. The notion of program or plan in Belarusian legislation***

Belarusian legislation does not operate with terms ‘program’ or ‘plan’. The term ‘prognosis of socio-economic development’ is used instead, based on the *Law on State Prognosis* (1998). According to this Law prognosis of socio-economic development is “a system of scientifically based views of the directions, criteria, principles, objectives, and priorities for socio-economic development of the Republic of Belarus within the specified period, including the list of key prognosis indicators, targets, and activities for their achievement”.

### ***1.2. Strategies, programs, and plans that fall under the scope of the SEA Protocol***

National programs in Belarus can be divided into three groups. The first group includes programs, which should be elaborated with periodicity stated in the national legislation. These types of programs are usually adopted by the government or the president of Belarus. *National Sustainable Development Strategy* (NSDS), or programs for socio-economic development of Belarus for 10 and 5 years are examples of such documents. The second group includes the so-called *ad-hoc* programs, development of which is based on the order coming from the government or the president who officially adopt them. Finally, the third group includes programs initiated and developed by sectoral ministries. Such programs are adopted by the corresponding ministry, the government or the president.

#### *National Development Programmes and Strategies*

Elaboration of general national programmes, plans and strategies is regulated by the *Law on State Prognosis* (1998). Based on the law, *National Strategy for Sustainable Development of Belarus* is developed every 5 years for a period of 15 years, and is adopted by the Government of Belarus (Article 3). In 1997 the government adopted the first NSDS. Draft of the second NSDS has been elaborated in 2003 and is expected to be adopted in the middle of 2004.

Based on the NSDS, the document *Main Directions of Socio-Economic Development of Belarus* is prepared every 5 years, for a period of 10 years. Referring to that the government develops periodically *5-year Programs of Socio-Economic Development of Belarus*, adopted by the president. Within the course of their development, every ministry and institution develop sectoral development programs, which are then incorporated into the national one. Those 5-year programmes create the framework for national prognosis of socio-economic development prepared annually. Their key parameters are adopted by the president.

The list of the national and regional strategic initiatives developed during last 5 years, and the characteristics of their development are stated in the Table 1 below.

**Table 1. List of strategies, programs, and plans that fall under the scope of the SEA Protocol**

National Strategy for Sustainable Development and other programmatic documents		
1	National Strategy for Sustainable Development of the Republic of Belarus	Elaborated every 5 years for a 15-year period. Two strategies have been developed so far.
2	Main Directions for Socio-Economic Development of Belarus	Elaborated every 5 years for a 10-year period. One such program was developed over the last 5 years.
3	5-year Program of Socio-Economic Development of Belarus	Elaborated every 5 years for a 5-year period. One such program was developed over the last 5 years.
4	Yearly Prognosis of Socio-Economic Development of Belarus	Elaborated every year. 5 such programs were developed over the last 5 years.
5	Programme on Infection and Medical Biotechnologies, 2001-2005	Developed by the Ministry of Health and approved by the Government in 2001
6	State Programme on Establishment of a Genetic Bank of the Key Commercially Relevant Plants, 2001-2005	Developed by the National Academy of Sciences and approved by the Government in 1999
Agriculture		
1.	Program on Improvement of the Agro-Industrial Sector in Belarus, 2001-2005; approved in 2001	Developed by the Ministry of Agriculture and Food of Belarus; usually based on the ad hoc Presidential or government order; adopted by the President, government or by the ministry itself.
2.	Program for Development of the Agricultural Processing Industry, 2003-2004; approved in 2002	
3.	National Program on Conservation and Use of Drained Areas, 2000-2005; approved in 2000	
4.	Program on Water Engineering Activities to Protect Settlements and Agricultural Lands Against Floods in Polesie, 1999 – 2004; approved in 2000	
5.	Program for Development of Fur Farms and Fur Processing, 2002-2010; approved in 2002	
6.	Plan for Increasing the Sugar Production from Sugar Beet; approved in 2003	
7.	Program for Development of Canned Food Industry in Belarus, 2003-2005; approved in 2003	
8.	Program for Development of Beer-Brewing Industry in Belarus, 2003-2005; approved in 2002	
9.	Program for Development of Wine Industry, 2000-2005; approved in 2002	
10.	Program for Development of Alcoholic Drinks Industry, 2000-2005, approved in 2000	
11.	Program for Development of the Raw Materials and Processing of Medicinal and Aromatic Plants, 2001-2004; approved in 2000	
12.	Program for Introduction and Use of Genetic Biotechnologies in Agriculture and Health-Care, 2002-2006, approved in 2002	
13.	Program <i>Chemical Protection of Plants (Pesticides)</i> 2003-2006 and beyond; approved in 2002	
Forestry		

1	Program of Socio-Economic Development of the Forest Sector for 5 Years; elaborated once every 5 years and is adopted by the government	According to the legislation, elaboration of programs and plans in the field of forestry is the responsibility of the State Committee on Forestry of the Republic of Belarus (Article 12, Forest Code 2000). Significant number of such programs is developed on <i>ad hoc</i> Presidential of government order. They are adopted by the government or by the State Committee on Forestry
2	Annual Prognosis of Socio-Economic Development of Forestry; approved by the government	
3	Concept of Sustainable Development of the Forest Sector of Belarus up to 2015, approved in 1996	
4	Strategic Plan for Development of the Forestry in Belarus up until 2015; approved in 1997	
5	Concept of Development of the Forestry Sector in Belarus up until 2015; approved in 1999	
6	Program for Rational Use of Forest Resources, 2002-2010; approved in 2002	
7	Action Program on Raising the Efficiency of the Forestry Sector in Belarus; approved in 2004	
8	Program for Forestation and Reforestation in Belarus up until 2015; approved in 1998	
9	State Program on the Multi-Focal Use of Forests up until 2015; approved in 1998	
10	State Program on Conservation and Protection of Forests up to 2015; approved in 1998	
11	Program for Development of Forestry, 2003-2005	
<b>Fishery</b>		
1	The State Program for Supplying the Population of Belarus with Fish and Marine Products, 1998-2005	Developed by the Ministry of Agriculture and Food Industry of Belarus and adopted by the Government in 1998
2	Program for the Fish Production Scale in Water Reservoirs and Rivers of Belarus, 2003-2005	Developed by the Ministry of Natural Resources and Environmental Protection, and adopted by the Government of Belarus in 2003
<b>Energy Sector</b>		
1	Key Directions of Energy Policy of the Republic of Belarus, 2001-2005 and up to 2015; approved in 2000	Programmes are developed by the Ministry of Energy of Belarus (Article 4.3, Provision on the Ministry of Energy of the Republic of Belarus 2001). The last in the table was developed by the Committee on Energy Efficiency under the Council of Ministers. They are usually adopted by the government or by the Ministry of Energy.
2	Concept for Electricity Networks Development of the Belarusian Energy System, 2001-2010; app. in 2001	
3	Program on 2001-2005 Priority Measures for Implementation of the Concept for Electricity Networks Development of the Belarusian Energy System; approved in 2001	
4	Plan for Commissioning Power-Producing Equipment on the Basis of Steam and Gas-Steam Engines, 2003-2005; approved in 2003	
5	Program for Use of Gas as Automobile Fuel, 2003-2005 and up until 2010; approved in 2003	
6	Program on Construction and Reconstruction of Belenergo Hydro-energy Facilities; approved in 2003	
7	Program for Gasification of Belarus up until 2005; approved in 2003	
8	Program on Financial and Economic Recovery of the Peat Industry, 2003-2005	

10	Energy Saving Program, 2001-2005; approved in 2001	
<b>Industry</b>		
1	Program for Development of the Industrial Sector in Belarus, 1998-2015	<p>The Ministry of Industry develops and coordinates implementation of programs in the industrial sectors. Apart from that number of other ministries and state agencies develop programs for specific sectors. For example, the Ministry of Construction and Architecture has developed the program for the glass-manufacturing industry. <i>Belbiofarm</i> concern develops and implements programs in the drug-production sector. The programmes are adopted by the government.</p>
2	State Program on Design and Production of Medical Equipment and Medical Goods, 2001-2010; approved in 2001	
3	State Program on Development and Improving the Effectiveness of the Microelectronics Industry of Belarus, 2001-2010; approved in 2001	
4	State Program on the Development of Tractor- and Harvester Manufacturing Industry, 2003-2005 and up until 2010; approved in 2003	
5	State Program on Development of the Radio electronics, Equipment Manufacturing, Information and Optical-Electronic Systems, Tools, and Technologies, 2003-2010; approved in 2003	
6	State Program for Development of the Pharmaceuticals Manufacturing Industry, 1999-2005; approved in 1999	
7	Program for Development of Glass Manufacturing Industry in Belarus, up until 2010; approved in 2002	
8	Program for Modernization and Reconstruction of the Naftan Oil-Processing Plant, 2004-2008; app. in 2003	
<b>Mining Industry</b>		
	Development Program for <i>BelarusKaliy</i> Manufacturing Enterprise, 2002-2010; approved by the government in 2002	<p>Mining industry of Belarus includes exploitation of potassium salts, construction materials in open mines, and small oil mining in a smaller scale.</p> <p>Elaboration of programs addressing construction materials is in the competency of the Ministry of Construction and Architecture. As for the potassium and oil mining, this is the responsibility of “Belbiofarm” Concern.</p>
<b>Transport</b>		
1	State Program on Development of International Trade and Passenger Vehicle Transport, 2003-2008; approved in 2002	<p>The Ministry of Transport and Communications is in charge of elaboration and implementation of key programs in the transport sector. The State Committee on Aviation develops programs for civil aviation. Railways development programs are elaborated by the Belarusian Railways Concern. The main programs in the transport sector are adopted by the Government.</p>
2	State Program Roads of Belarus, 1997-2005; approved in 1997	
3	Program for Development of Internal Air and Water Transport, up until 2010; approved in 2003	
4	Program for Development of Transit Cargo and Passenger Rail- and Motor-Road Transport through Belarus, up to 2005; approved in 2001	
5	State Program on Modernization of the Air Traffic Organization System in Belarus, 1999-2004; approved in 1999	
6	Program for Development of Civil Aviation in Belarus, 2001-2005; approved in 2001	



7	Program for Development of Belarusian Railroads, up until 2010; approved in 1999	
<b>Regional Development</b>		
1	Regional Programs of Socio-Economic Development for 5 years; 6 such programs developed over the last 5 years	Regional - 'oblast' and district - 'rayon' executive committees are in charge of elaboration of local/regional socio-development programs (Article 9 Law on Local Self-Governance in Belarus 1991, amended in 2000). These programs are then adopted by the Councils of Representatives at the corresponding level (Article 16, Law on Local Self-Governance in Belarus 1991, amended in 2000). Belarus is divided into 6 regions. Each region elaborates its own program of socio-economic development. The State Committee on the Minimization of Consequences of the Chernobyl Nuclear Power Station Disaster develops programs for areas contaminated with radionuclides.
2	State Program on Overcoming the Consequences of the Chernobyl Nuclear Power Station Disaster, 2001-2005 and up until 2010; approved in 2000	
<b>Waste management</b>		
1	Program on Municipal Waste Disposal up to 2007; approved in 2000;	Elaborated and implemented usually by the Ministry of Housing and Communal Services. The National Academy of Sciences has developed the national <i>program Resource Saving 2005</i> , dealing mainly with waste management. The <i>State Belresursy</i> concern developed the <i>Program on Industrial Waste Utilization</i> , currently is in the stage of consultations.
2	National program Resource Saving 2005; approved in 2001	
<b>Water sector</b>		
1	State Program on Water Supply and Domestic Waste-Water Drainage; approved by the government in 2002, will be revised in 2005	Programs developed and implemented by the Ministry of Housing and Communal Services of Belarus (Article 9, Law on Drinking Water Supply 1999); adopted by the
<b>Telecommunications</b>		
1	Program for Development of Telecommunications, 2001-2005	Developed by the Ministry of Telecommunications and approved by the Government in 2001
<b>Tourism</b>		
1	National Program on Tourism Development in the Republic of Belarus, 2001-2005; approved in 2000	The Ministry of Sports and Tourism defines the national tourism policy (Article 4, Law on Tourism 1999, amended in 2003). Regional authorities of Minsk, Mogiliov, Gomel, and Brest regions developed programmes for their regions. Programmes are approved by the government.
2	2003-2005 Measures to Implement the National Program on Tourism Development in the Republic of Belarus; approved in 2002	
3	Program for Tourism Development at the Regional Level in Belarus	
<b>Physical and land-use plans</b>		
1	State Scheme of Integrated Territorial Planning of Belarus up to 2015; approved in 2000	Physical planning at national level is the responsibility of the Ministry of Construction and Architecture (Article 22, Law on the Basics of Architecture and Urban Construction in Belarus 1993, amended in 2000). At regional and district level it is done by the specialized architecture and
2	Regional Scheme of Integrated Territorial Planning; three schemes have been developed or are under development;	
3	Physical Plans of Districts	

	Master Plan of Cities	<p>physical planning local authorities, which report to regional or district executive authorities (Article 23, Law on the Basics of Architecture and Urban Construction in Belarus 1993, amended in 2000).</p> <p>Majority of physical development programs are elaborated in cooperation with the Scientific and Research Institute of Urban Planning.</p> <p>Plans are approved by the government, or by the regional and local authorities.</p>
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## II. Analysis of current environmental assessment provisions in Belarus

### II.1. Overview of existing environmental assessment procedures in the country

The overview is based on the analysis of the legal and normative provisions in the area of environmental assessment, as well as on the outcomes of consultations with the officials from the State Environmental Expert Review department of the Ministry of Natural Resources and Environmental Protection.

Assessment of Environmental Impacts (OVOS) and the State Environmental Expert Review (SEER) are the two phases of the current national environmental assessment system. The system is supported by the *Law on Environmental Protection* (1992, amended in 2002), the *Law on State Environmental Expert Review* (1993, amended in 2000), the *Guidelines on the Procedure for Environmental Impact Assessment of Economic and Other Activity in the Republic of Belarus* (2001), and the *Guidelines on the Procedure of State Environmental Expert Review* (2001).

As already mentioned above Belarusian legislation has no special legal or normative instruments requiring strategic environmental assessment in line with the requirements of the SEA Protocol. Some elements of SEA are present in both legal base and the procedures of the State Environmental Expert Review (SEER). For example, the legislation states that concepts, sectoral and socio-economic development programs, and spatial plans are subject to environmental expertise (Article 6 of the *Law on State Environmental Expert Review*). However, due to the absence of mechanisms and methodologies for applying SEER for strategic initiatives, in practice, only spatial plans are subject to the SEER on the regular basis.

The objective of environmental impact assessment is to “identify types of impact of the proposed economic or other activity on environment, to identify the corresponding changes in the environment and to produce prognosis of its status” (the *Law on State Environmental Expert Review*). OVOS is arranged for and funded by the proponent of proposed activity and it is carried out by technical or research institute (Articles 4 and 14.1, *Guidelines on EIA*, 2001). OVOS outcomes are summarized in report, which becomes the part of the project proposal. Chapter 2 of the *Guidelines on OVOS* contains the content requirements of such a report (See also the section ‘Content of the Environmental Report’).

State Environmental Expert Review the process of validating compliance of the proposed initiative with the established nature-protection requirements. Subjects of SEER are: project proposals for

constructions, modernization or demolition/closure of buildings and complexes, and concepts and programs of sectoral and socio-economic development, including spatial planning documentation. SEER is organized and carried out by the MoE and is funded from the state budget.

The result of the SEER is a decision, which has to be respected by proponent. The MoE either approves the implementation of the initiative, requires further documentation elaboration (considering expert recommendations) and its re-submission, or does not approve the implementation at all. Based on the *Law on State Environmental Expert Review*, any initiative subject to SEER cannot be implemented without positive SEER conclusion.

### **II.1.1. Screening**

The Ministry of Natural Resources and Environmental Protection has approved the list of the types of economic activities that should be subjects of OVOS (*OVOS Guidelines*, 2001). The list serves as a screening reference document. As for the activities not included in the list, it is up to local environmental authorities to decide whether they should undergo OVOS. Applying only the list as a reference makes it also possible for activities not included in the list, but possibly having negative environmental impact, to avoid environmental impact assessment.

The SEER screening procedure also applies the list of initiatives. This list is much broader than one for OVOS (*SEER Guidelines*, 2001). Many activities that do not require OVOS are subject to SEER. The SEER Guidelines also contain the list of activities, which do not require environmental expertise. This list includes economic activities that are not envisaged to have a significant negative impact on the environment.

State departments in charge of environmental assessments do not keep records of the number of projects that were subject to screening. 6,140 projects went through environmental expertise, out of which 294 (approximately 5%) were disapproved and rejected (MoE, 2003).

As for the national development and sectoral programmes, their large number and lack of screening mechanisms make it difficult to select programs, which should be the subject of SEA. Only some programs (such as the *Program for Development of Construction Industry*) went through environmental expertise, and only because it was initiated by the proponent. Therefore, one of the key objectives related to introducing SEA in Belarus should be development of an effective screening system for strategic initiatives. It is necessary to set the list of concepts, strategies, and programs that should be the subject of SEA.

### **II.1.2. Environmental report content**

As already mentioned outcomes of OVOS are summarized in an OVOS report, which is the part of project documentation package. The *OVOS Guidelines* prescribe the content of such a report, as well as the key stages of OVOS procedure. It is important to mention that many relevant aspects are currently missing in the requirements for the OVOS report content. For example, it is not required to describe the actual state of the environment before the project realization or to identify the key impact sources.

SEER results in an expert statement, summarizing the outcomes of assessment in terms of environmental safety, respectively environmental risk level related to proposed activity, and stating conclusion supporting or not supporting its implementation. *SEER Guidelines* defines also certain aspects that require special attention during the SEER process.

### II.1.3. Review requirements

OVOS report being a part of the project documentation should be submitted to the body authorized to conduct SEER (Article 6, the *EIA Guidelines*). Public concerned should be informed on OVOS outcomes based on its right on access to information (*Law on Environmental Protection*). OVOS materials need to be consulted also with and agreed by local authorities (*Law on State Environmental Expert Review* and *EIA Guidelines*). There is no requirement to consult health authorities in the current environmental legislation. Taking this into account, the planned new EIA Guidelines should specify institutions to be consulted, and describe objectives and procedure of such consultations.

Belarusian legislation on environmental expertise does not require from the author of the SEER statement to consult it with any other state authority.

### II.1.4. Public participation provisions

The *Law on Environmental Protection* states that citizens and environmental non-governmental organizations have the right to participate in the OVOS documentation preparation and review process, and requires to arrange public environmental review and to provide public with opportunity to participate in it. It is the responsibility of a proponent to make available all the necessary documentation and ensure participation of the concerned public in an OVOS documentation preparation and review (*Law on State Environmental Expert Review*). Proponent is in charge of organizing public hearings over the activity proposal. Public hearings are arranged at national or local level and may be organized through publishing project proposal in mass media (*OVOS Guidelines*). However, there are no mechanisms for public participation in OVOS process, as well as for public hearings in the country. Moreover, there are no mechanisms for taking into account results of public hearings.

Belarusian legislation does not provide public with a right to obtain information on SEER statement. SEER statement does not have to be consulted with public. Statement is only sent to proponent and to regional or local environmental authorities (*SEER Guidelines*). It is inevitable that the *Law on State Environmental Expert Review* is amended in a way it includes provisions providing the public with the right to access information on SEER outcomes.

As mentioned, the *Law on Environmental Protection* provides citizens and non-government organizations with the right to initiate and carry out public environmental expert review (PEER) involving independent experts. Proponent is obliged to make available all information required for public environmental expert review, OVOS report including. PEER report may be submitted to the authorized body responsible for SEER, and the expert committee, conducting SEER shall consider its results (*Law on State Environmental Examination*).

However, there are no procedures and mechanisms developed for conducting public environmental expert review in practice. There is no mechanism for taking outcomes of such a review into account within the SEER process. Officials of the State Environmental Expert Review Department of the MoE could not recall a single case of PEER. Financing is another problem for PEER. Environmental expertise with involvement of qualified independent experts is an expensive exercise, and hence the public frequently lack the necessary financial resources.

Elaboration of effective mechanisms and procedures for PEER, procedures for taking into account PEER outcomes during SEER, and finding a solution to co-financing of PEER by the state, would promote the use of PEER.

## **2.2. Planned future changes in the existing legal framework**

It is necessary to note that Belarus plans to ratify the Espoo Convention, signed in 1991, and the government is seriously considering signing of the SEA Protocol.

The State Environmental Expert Review Department of the MoE has developed the new EIA Guidelines, which are currently the subject of consultations. It is expected the MoE will approve the new guidelines in July-August 2004. The new guidelines will include new terms and definitions, for example, the term '*public*', absent in the current guidelines, will be introduced.

Several new sections were introduced into the new guidelines. The new chapters deal with EIA objectives, principles and methods. They include detailed description of the stages of EIA procedure, as well as of actors of EIA process - their rights and obligations. The chapter devoted to the content of an EIA report has been substantially expanded. In addition to EIA report, the new guidelines oblige an EIA executing agency to prepare an EIA statement and provide for the content of such a statement. Finally, the list of activities subject to obligatory EIA has been significantly expanded. The new guidelines contain a number of other important amendments, which if approved, will significantly strengthen the EIA procedure.

In early 2004 the MoE initiated elaboration of a normative instrument to regulate procedure of public hearings over OVOS outcomes, in terms of their organization mechanism. The draft instrument should be submitted to the MoE for consultations in late 2004. The Administrative Code of Belarus will also be amended. The new amendment will significantly strengthen the position of SEER and will make it possible, for example, to stop construction or operation of installations that are being carried out while violating environmental legislation.

## **III. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol**

This chapter is elaborated based on the opinion of the five state officials involved in practical application of environmental assessment. The following evaluation scale was used: 2 – priority, 1 – important, 0 – not relevant. In addition, problematic areas where the external assistance would help to build national capacity for SEA implementation were identified.

**Table 2. Analysis of the priority issues for the effective implementation of the UNECE SEA Protocol**

<b>How to effectively:</b>	<b>Please mark as: 2 – top priority 1 – important 0 – not relevant</b>	<b>Which are the specific issue where assistance would be helpful</b>
Undertake SEA in plan and program-making process in accordance with definition of SEA in Art. 2.6 (e.g. how to link SEA to the decision-making process, etc.)	1	
Undertake SEA screening in accordance with Art. 4 and 5 (e.g. how to combine mandatory and exclusions lists and	1	

<b>How to effectively:</b>	<b>Please mark as: 2 – top priority 1 – important 0 – not relevant</b>	<b>Which are the specific issue where assistance would be helpful</b>
when to apply case-by-case examinations, etc.)		
Organize SEA scoping in accordance with Art. 6 (e.g. when to undertake scoping, how to select suitable methods for consultations with public and authorities, how to write terms of reference for SEA, etc.)	1	Identification of the scope of SEA; arranging for public consultations over SEA report;
Elaborate environmental baseline studies in SEA (in accordance with Annex IV – items 2,3 and 4)	1	
Use environmental objectives in SEA (in accordance with Annex IV – item 5)	2	
Analyze the likely significant environmental, including health, effects (in accordance with Annex IV – item 6)	2	Analysis of the possible significant environmental impact;
Compare alternatives of the plan or programme (in accordance with Annex IV – item 8)	1	
Prepare post-SEA monitoring plans to meet requirement of the Art. 12 and Annex IV – item 9	1	
Analyze transboundary effects (in accordance with Annex IV – item 10)	1	
Organize public review of the SEA report in accordance with Art. 8 (e.g. how to identify public concerned; how to inform public and collect feedback, how to review public comments, etc.)	1	
Organize consultations with environmental and health authorities in accordance with Art. 9 (e.g. how to identify concerned authorities, how to effectively consult them during SEA, etc.)	2	
Undertake transboundary consultations in accordance with Art. 10 (e.g. when to notify, what level of document should be exchanges, how to organise effective transboundary consultations)	1	Arranging transboundary consultations;
Explain costs and benefits of SEA to decision-makers	1	
Apply SEA to policies and legislation in accordance with Art. 13	1	
Draft the law and/or regulations to implement the SEA Protocol	1	

## IV. Key players in SEA reforms

### IV.1. Key stakeholders promoting SEA/EIA reforms in the country

The Ministry of Natural Resources and Environmental Protection, particularly its Department for State Environmental Expert Review (SEER) should play the main role in the SEA application in the country. This department is in charge of executing SEER, and of a preparation of the final SEER statement.

Since one of the principles of SEA is that it should be integrated into the process of strategic documents elaboration, another group of relevant stakeholders includes agencies responsible for elaboration of plans, programmes and strategies. One of the key institutions in this category is the Scientific and Research Institute of Economy affiliated to the Ministry of Economy of Belarus (Economic Institute). The institute leads the process of elaboration of strategies and programs for socio-economic development of Belarus. It was also in charge of elaboration of the new Belarusian sustainable development strategy.

The table below presents the list of other institutions, such as research and engineering institutes that conduct OVOS, as well non-governmental organizations that may play relevant role in the SEA application. Currently, only a few NGOs are interested in SEA, and it is due to low awareness of SEA among the public. Low awareness is even among experts working in the field of environmental assessment.

**Table 3. List of the key stakeholders relevant for SEA**

Name of organization	Address	Contact Person
Environmental Expertise of the MoE	Kollektornaia str. 10, Minsk, Belarus	O.P.Chufistov, Head of Department
Scientific and Research Institute of Economy (of the Ministry of Economy of Belarus)	Slavinskogo str. 1/1, Minsk, Belarus	A.V. Bogdanovich, First Deputy Director of the Institute
Scientific and Research Institute of Integrated Water Management	Slavinskogo str. 1/2, Minsk Belarus	M.Y. Kalinin, Director
Scientific Institute of Ecology and Use of Natural Resources	Staroborisovski tract, 10 Minsk Belarus	V.F. Loginov, Director
Belarusian Scientific and Research Centre "Ecology"	Very Khoruzhei str. 31A Minsk 220002, Belarus	O.A. Bely, Director
EcoDom NGO	Apartment.712, Kalinina str. 16, Minsk Belarus	I. Sukhy.
BirdLife Belarus NGO	PO Box 306, Minsk 220050 Belarus	A.E. Vintchevski
EcoPravo NGO	Odintsova str., 105-89, Minsk Belarus	E.V. Laevskaia
Minsk Environmental Council (NGO)	Zhudro str., 69-67, Minsk Belarus	A.I. Sykalo

Additionally, a number of international organizations are worth noting for their assistance in introducing SEA in Belarus. These are the UN/UNDP Office in Belarus, UNDP Regional Centre for Europe and CIS (located in Bratislava, Slovakia), and the Regional Environmental Centre for Central and Eastern Europe (located in Szentendre, Hungary).

## IV.2. Existing and planned EIA/SEA related educational programs

It is worth noting, that not a single program or course dedicated specifically to strategic environmental assessment was identified during the preparation of this review. The number of universities has programs fully or partially (as one of their components) dedicated to environmental impact assessment (see the Table 4 below).

**Table 4. List of the programmes and training courses related to EIA/SEA**

Title of the program/course	Credit hours	University	Address	Contact Person
Environmental Review / Expertise	48	Sakharov International State Ecological University	Dolgobrodskaja str. 23, Minsk 220009	V.M. Misiuchenko
Geo-ecological Review	60	Geography Department, Belarusian State University	Skoriny str. 4, Minsk 220030	N.V. Gagina
Environmental Impact Assessment and Environmental Expert Review	67	Industrial Ecology Department, Belarusian State Technological University	Sverdlova str. 13A, Minsk 220050	V.N. Martsel
Industrial Environmental Control and Environmental Auditing	50	-/-	-/-	-/-
Assessment of Environmental Impacts of Planned Economic Activities	76	-/-	-/-	-/-
Environmental Expert Review and EIA	80	Environmental Management Department, Belarusian National Polytechnic University	Skoriny Avenue 65, Minsk 220013	M.Y. Kalinin
Environmental Policy and Planning	96	-/-	-/-	S.V. Dorozhko
Environmental Audit and Expert Review	20	Biology and Ecology Department, Grodno State University	Ozhesho str. 22 Grodno	A.E. Karevski
Microbiological Methods for Assessment of the Quality of Environment	88	-/-	-/-	S.A. Pavlovich.
Environmental Expert Review and Environmental Impact Assessment	46	Geography Department, Brest State University	Kosmonavtov Boulevard, 21 Brest 224665	V.K. Karpuk

## V. Past, ongoing and planned initiatives to build SEA capacity in the country

Till recently, there has been very little attention paid to the SEA capacity building in Belarus. The government has not supported activities promoting SEA until 2003. In late 2003, the Ministry of Natural Resources and Environmental Protection and the UNDP Office in Belarus agreed to formulate and implement the project on building expert capacity in the SEA field. Drafted project



proposal is currently being reviewed, and should be approved by the Ministry of Natural Resources and Environmental Protection.

Also in 2003, the NGO 'Ecodom', with the financial support of ISAR Office in Belarus, implemented the pilot project - SEA of the new National Sustainable Development Strategy Concept. Experts from the Russian NGO 'Ecoline' (Marina Khotuleva) and the Central European University (Aleg Cherp) provided assistance to the project.

## VI. Recommendations for the most effective focus of the UNDP and REC project

This chapter contains the result of the analysis and identification of interventions, which may most effectively contribute to SEA national capacity building in Belarus. Activities have been identified based on consultations with national environmental assessment experts<sup>1</sup>, and are listed in the Table 5 below, in the priority order.

**Table 5. Most effective SEA capacity building activities/interventions**

1	Pilot project
2	Comprehensive study of a specific case; development of supplementary material; seminars and training; training material adapted to national systems and developed based on international practice and available SEA knowledge
3	Development of national SEA guidelines
4	Development of training material/approaches and training of trainers
5	Assistance with legal reforms
6	Promotional campaign to explain SEA to key policy, decision makers and administrators

As indicated in the table above, SEA pilot project has been given the highest priority and is therefore proposed as the capacity building activity to be implemented within the UNDP and REC regional project 'SEA – Promotion and Capacity Building'. *The Socio-economic Development Program of Belarus* covering a five-year timeframe could serve as the subject for pilot project. It will be developed between the second quarter of 2004 and the third quarter of 2005.

## VII. Level of consultations with environmental and health authorities and with the public during the planning and SEA process

This chapter briefly describes in which planning/programming and environmental assessment stages consultations with environmental and health authorities and the public are legally required, and in which stages they are really applied in practice. The overview of the current situation is presented in the Table 6 below.

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<sup>1</sup> *O.P. Chufistov. Head of Special Inspection on State Environmental Examination, MoE*  
*N.A. Andreev. Deputy Head of Special Inspection on State Environmental Examination, MoE*  
*L.M. Linskaia. Head of Department of State Environmental Expert Review of Projects*  
*L.A. Dolgova. Chief Specialist of State Environmental Expert Review of Projects*  
*L.S. Iveshechkina. Chief Specialist of State Environmental Expert Review of Projects*

**Table 6. Public participation and consultations in accordance with current norms of environmental assessment**

Planning and programming steps	Consultations with environmental and health authorities		Public access to info and public participation		OVOS/SEER steps	Consultations with environmental and health authorities		Public access to info and public participation	
	LR	AP	LR	AP		LR	AP	LR	AP
Initiation					Screening	X	X		
Concept development	X	X			Types of impact identification			X	
Concept review and approval	X	X		X	OVOS report preparation	X	X	X	
Development of P/P ToR									
P/P development	X	X							
P/P review and approval	X	X		X					
Proposing measures for P/P implementation	X	X							

LR = legally required

AP = applied in practice

The planning/programming process analysis described above is based on the *Law on State Prognosis* (1998) and consultation with the Deputy Director of the Scientific and Research Institute of Economy affiliated to the Ministry of Economy of Belarus. This institution is in charge of elaborating the key development programs in Belarus.

The review of the EIA/SEER process described above is based on the analysis of the environmental assessment regulatory framework (see the section II.1), consultation with the Director of the Integrated Water Management Research Institute (one of the institutes conducting OVOS), and with officials working for the MoE's Environmental Expert Review Department.

As presented in the Table 7, consultations with public are conducted during the review process of both the concept of a plan/programme and of a programme/plan itself. Referring to the consultations with the officials from MoE, there are no legislative provisions requiring public participation during the preparation of the programme/plan documents. In other words public is being consulted only once the draft concept of a programme/plan or draft programme/plan is completed.

The OVOS/SEER process requires consultations with the environmental and health authorities during the screening and OVOS/SEER report preparation stages. There are some national regulations in place that require consultations with public at the stage of assessing environmental impacts and during an OVOS report preparation (see Section II.1). However, these consultations are not really applied in practice due to lack of clear implementation procedures and mechanisms.

## VIII. Conclusions

Summarizing the results of an environmental assessment review in Belarus, it should be noted that the Strategic Environmental Assessment as an integrated consistent process is not applied in Belarus. Only some SEA elements can be identified within the current environmental assessment legal framework and practice, packed into the two interlinked regulatory processes: Assessment of Environmental Impacts (OVOS) and the State Environmental Expert Review (SEER). The role of OVOS is to identify types of environmental impact that would result from the planned activity implementation, and future changes in the state of the environment. Impact assessment is managed and financed by a proponent of a planned activity and conducted by technical or research organizations. OVOS report is a result of such process. SEER is designed to check the compliance of the proposed activity or plan with the environmental legislation of Belarus and to issue a mandatory statement (authorizing or rejecting the proposed activity). SEER is a responsibility of the state environmental authorities and it is financially covered by the state.

The main drawbacks of the current environmental assessment system are:

- There is no term ‘plan’ and ‘programme’ defined in the current legislation;
- OVOS and SEER screening falls down to the use of incompatible lists of activities, for which impact assessment and environmental expert review are mandatory. The SEER list is much wider in comparison with that one of OVOS, and so many types and sites of activities not requiring OVOS are subjected to SEER.
- National legislation includes no provisions for a need to consult and agree on the SEER statement with health authorities and public.
- Even though a proponent is obliged to arrange for and conduct public hearings on the particular OVOS public participation is usually not very effective due to a lack of mechanisms and procedures for taking the opinion of NGOs and wide public into account. For the same reason the public does not use the possibility to initiate and conduct public environmental expert review (PEER) in practice. There is also a problem with taking the PEER statement, which has a recommendation character, into account during SEER. Moreover NGOs usually do not have financial resources to conduct PEER.
- In accordance with the legislation, public has the right to participate in the preparation and review of the OVOS-related materials but the legislation does not provide for public access to SEER materials

According to Belarusian experts, areas that need the most attention in terms of effective SEA application are: use of nature conservation objectives in SEA, analysis of potential significant environmental impact, consultations with environmental and health authorities, comparison of alternative plans and programs, organizing public participation in the OVOS report preparation, and in scoping, and trans-border consultations.

As for the future steps in the environmental assessment promotion, the new EIA guidelines are drafted and will be adopted soon. But it is still needed to develop and adopt several legal acts regulating public hearings procedure and strengthening the position of SEER authorities. In late 2003, the Ministry of Natural Resources and Environmental Protection and the UNDP Office in Belarus agreed to formulate and implement the SEA capacity building project in Belarus, which is now under the approval process. The government is also aware and supports the regional project ‘SEA – Promotion and Capacity Building’ implemented currently by the UNDP Regional Centre for Europe and CIS and the Regional Environmental Centre for Central and Eastern Europe. National environmental assessment experts, consulted during the review preparation, have agreed that SEA pilot project should be the capacity building activity implemented within the regional project mentioned above. Beside that it is necessary to focus in the future on the development of the

promotional and training materials capturing the SEA international experience adapted to the national conditions, on the training itself, development of national SEA guidelines, on the SEA legal reform, and on the awareness raising campaigns.

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