

To:

Ms Fiona Marshall, Secretary to the Compliance Committee for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
United Nations Economic Commission for Europe

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From:

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**COMMUNICATION IN RESPECT OF IMPLEMENTATION BY BELARUS OF
DECISION OF THE PARTIES IV/9B AND THE RECOMMENDATIONS OF THE
COMPLIANCE COMMITTEE AND RECOMMENDATIONS OF THE
COMPLIANCE COMMITTEE REGARDING COMMUNICATION C/44 (BELARUS)**

1. This communication contains information on the position of the Civil Society Association Ecohome [Ekodom] in relation to compliance by the Republic of Belarus with recommendations relating to case ACC/C/2009/44.
2. The communicant is not aware of any specific steps taken by the Belarusian Government to implement decision IV/9b despite our repeated requests for information in this regard. However, we are aware that the Belarusian Government made some legislative amendments before the Fourth Meeting of the Parties to the Convention.
3. The communicant would like to present its position and a brief analysis of the situation as regards the application of the law in the context of compliance with the Aarhus Convention and the implementation by Belarus of decision IV/9b and recommendations C/44 of the Compliance Committee.
4. Our analysis will be confined to the presentation of some actions by Belarusian state bodies, including the executive, observed after the adoption by the Compliance Committee of decision IV/9 and recommendations C/44, and their relationship to the Aarhus Convention and to the aforementioned decision and recommendations.
 - 4.1 On 15 September 2011, the Belarusian President Aleksandr Lukashenko confirmed Ostrovets as the site for the Belarusian NPP in Edict No. 418 of 15 September 2011 on the Site and Design of a Nuclear Power Station in the Republic of Belarus. This Edict allows land to be allocated for the construction of the power station.

4.2 On 11 October 2011, the Directorate for Nuclear Power Plant Construction (a Belarusian state institution) and Atomstroiekспорт CJSC (a company based in St Petersburg, Russia) signed a contract to equip units No. 1 and 2 in Belarus. The agreement specified the choice of design (AES-2006) and reactor type (V-491).

4.3 On 20 October, the Chamber of Representatives of the Belarusian National Assembly in closed session passed a law to ratify an agreement between the Republic of Belarus and the Russian Federation to cooperate in the building of a nuclear power station in Belarus, signed in Minsk on 15 March. This agreement sets out the legal framework for the future activities of legal entities as regards the Belarusian NPP. In particular, it specifies that spent nuclear fuel from the NPP must be returned to Russia in exchange for payment and obliges Belarus to purchase fuel in the Russian Federation for the entire operational life of the power station.

4.4 On 25 November 2011 an agreement was signed at a session of the Supreme Council of the Union State of Belarus and Russia on an inter-state loan for the construction of the Belarusian NPP. Under this agreement, Russia undertakes to provide Belarus with a USD 10 billion loan to build the power plant. The Chair of the Belvneshekonombank Board Pavel Kallaur announced to the press that the agreement might be ratified on 20 December.

4.5 Belarusian state bodies undertook the actions outlined in paragraphs 4.1 and 4.2 without duly informing the public. Drafts of the edicts, contracts and agreements were not published nor presented to the public upon request (i.e. on request by Ecohome) although they are of great environmental significance as they set out where the plant is to be built, how waste is to be handled, what technology is to be used and who is to supply it. **The documents specified in paragraphs 4.1 and 4.2 were not published after they were signed and were not presented to the public upon request.** This contradicts article 4 paragraph 1 and article 6 paragraph 9 of the Aarhus Convention.

4.6 The public was not provided with an opportunity to participate in taking the decisions specified in paragraphs 4.1 and 4.2. The Belarusian state media announced that these decisions were under preparation approximately two weeks before they were taken. The public was not invited to discuss these decisions, and no reply was made to proposals from the public (i.e. from Ecohome). The international agreement was ratified at a session that was closed even to the media. Moreover, public opinion, expressed and expounded in a series of open appeals to the Belarusian and Russian Presidents and Governments between 15 September and 26 November 2011 and presented by the Belarusian anti-nuclear campaign headed by Ecohome, Scientists for a Nuclear-free Belarus, the Belarusian Green Party and the local public campaign Ostrovets Nuclear Power - It's a Crime and a host of non-governmental organisations from Russia, was not taken into account in the decisions. This does not comply with article 6, paragraph 7 of the Aarhus Convention.

Yours sincerely

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Member of Ecohome