

## ANNEX 1

of the Commission Implementing Decision on the  
Annual Action Programme 2014 in favour of Belarus

### Action Document for ENI support to Civil Society and Independent Media working for Belarus

#### 1. IDENTIFICATION

Title/Number	ENI support to Civil Society and Independent Media working for Belarus CRIS number: ENI/2014/025-024		
Total cost	Total estimated cost: EUR 5 800 000 Total amount of EU budget contribution: EUR 5 500 000 Estimated co-financing by potential grant beneficiaries: EUR 0.3 million		
Aid method / Management mode and type of financing	Project Approach Direct management – grants – call for proposal		
DAC-code	15150	Sector	Democratic participation and civil society

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

The present action covers the EUR 5.5 million **support to civil society and independent media** under the 2014 European Neighbourhood Instrument (ENI) budget. The action is in line with the EU response to increase support to the Belarusian civil society, students and population at large after the 2010 post electoral crisis, in line with the EU policy of critical engagement towards Belarus and the Multi-annual Indicative Programme 2014-2017 priorities.

The overall objective is to strengthen and build capacity of civil society and independent media working for Belarus to provide a contribution to the **realisation of civil and political rights in Belarus**. The specific objectives are to increase the possibilities of civil society to provide a contribution to participatory decision making processes and to increase independent media's advocacy and financial self-sustainability in order to operate in Belarus.

## 2.2. Context

### 2.2.1. Country context

#### 2.2.1.1. Economic and social situation and poverty analysis

Belarus faced one of the greatest challenges of the Lukashenka presidency with the **economic shocks in 2011**. Although the government temporarily stabilized the economy in 2012, it demonstrated its reluctance to undertake serious structural reforms, and the problems that precipitated the 2011 crisis remain in place. According to the 2013 International Monetary Fund (IMF) report, the growth in Belarus slowed for the third year in a row, reaching only 1.1 percent (year-on-year) in the first nine months of 2013. Inflation fell in the first half of the year, but it has rebounded from September 2013 and remains in double-digits. The economy of Belarus remains to be characterised by the dominance of **state-owned enterprises**. The private sector and especially small and medium-sized enterprises remain marginalized. The economy continues to depend on **energy- and resource-intensive exports**. At the same time, productivity growth in non-energy sectors has been stagnating, especially in the state-owned sectors.

Compared with the other Commonwealth of Independent States (CIS), Belarus has a relatively **high level of socioeconomic development**. The 2011 economic crisis that swept Belarus caused some increase in poverty and narrowed inequality as the relatively rich were also hit hard by the crisis.

In the 2012 UNDP Human Development Index (HDI), Belarus is rated 50<sup>th</sup> in the ranking list. Furthermore, according to a recent UNDP report, in 2012 the **absolute poverty rate** in Belarus improved to 6.3% in 2012 compared to 7.3% in 2011. As in other CIS countries, in Belarus the rural population, children, and single-parent households run the highest risk of poverty. The level of exclusion of some social groups from the society is comparatively low. However, Belarus's highly developed welfare regime, one of the priorities of the country's social market economy model, is very cost-intensive.

According to official figures, the **unemployment rate** in Belarus in 2013 was about 0.6% of the economically active population. In reality the number is much higher because the official statistics only count those officially registered at employment bureaus.

#### 2.2.1.2. National development policy

The programme envisaged in this Action Document is in principle **consistent with** the Belarusian *"The National Strategy for Sustainable Socio-Economic Development of Belarus until 2020"* (NSDS). The NSDS acknowledges that sustainable

development requires a mature civil society. Moreover, mass media have a role in the NSDS in raising public awareness of issues within different thematic sectors.

Whereas the NSDS mentions as one of its primary goals "to create conditions allowing every individual, social group and organization to participate in the governmental decision-making, receive all information about the results of implemented decisions, and assess their impact on the civil society", the **legislative environment is in clear contradiction** with this objective (see 2.2.2). Furthermore, the NSDS in theory paves the way for the empowerment of civil society organisations (CSOs) by large, mentioning specifically NGOs, trade unions, business and science as organisations and sectors that are necessary for sustainable development. Specifically, the NSDS recognises that the "enhancement of the role of NGOs as public partners of governmental organizations requires continuation of the development of official procedures and instruments, which would ensure real involvement of NGOs at all the levels of NSDS implementation: starting from policy development and decision making until actual implementation based on the principle of shared responsibility." The NSDS foresees monitoring and evaluation only in the main priority sectors and mainly in that of environment.

### **2.2.2. Sector context: policies and challenges**

Civil society development in Belarus is currently by large hindered by the **non-conducive environment** and by **civil society's own low capacity**. Following the 2010 Presidential elections, tough measures were imposed on the civil society, independent media and individuals (human rights activists, journalists, students participating to manifestations, etc.). Key opposition leaders and human rights activists are frequently arrested and sentenced. The civil society remains weak and clearly needs support from the international community to be able to continue activities in the long term (even though many CSOs are not registered in Belarus) in order to support democracy, human rights and the rule of law.

The legal status and activities of CSOs are strictly regulated in Belarus and the **registration** of an organisation is a complicated and arbitrary procedure. State registration of projects financed by foreign donors is likewise mandatory. The process is extremely burdensome and may sometimes last even more than 12 months (8 months on average). Civil society activists in political and Human Rights fields may face repression, for example in the form of arbitrary tax inspections, restrictions on movement, and administrative fines and detentions.

Most Belarusian CSOs are financially **dependent on foreign funding**, and otherwise are at times forced to employ semi-legal fundraising schemes undermining financial transparency within the sector. Largely, and outside the capital in particular, CSOs lack in strategic planning and other capacities. However, CSOs increasingly base their actions on the needs of beneficiaries (citizens) and formulate their proposals and plans according to those needs. They also render a wide variety of social services. This may be expected to increase because of a positive change in legislation, which now allows CSOs to apply for state funding for delivering social

services, and whereby the state effectively recognises the worth of CSOs as development actors in their own right. There are a couple of national level co-ordination platforms and networks of CSOs (and several sector networks), but their effectiveness is partly hindered by competing priorities.

**Oversight** is currently exercised only in a limited manner by the civil society. Dialogue with the Government of Belarus on development and engagement of civil society is very limited. Despite the vision of the NSDS, there is no official civil society participation in decision-making processes. Moreover, especially at a local level but also more generally, CSOs are not ready to engage proactively in advocacy due to the non-conducive environment, lack of capacity and because they are unaware of their role in public policy.

In light of the above, **it is necessary to take measures to strengthen the capacity and advocacy skills of civil society**, both in Belarus and in exile, for them to be able to provide a contribution to participatory decision making in Belarus, in order to raise awareness among citizens about their political rights and about the economic, social and political realities in the country, and in order to exercise oversight role in the society. Taking into account that these problems are cross-sectorial, the focus should be on implementation and results rather than on certain thematic sectors.

**Independent media** are also constrained. Most independent newspapers are not commercially viable. They have to register as commercial entities, but **rely on grants from international donor organisations**, because of higher costs of printing and paper, a ban on commercial advertisements, and a lack of access to the distribution network monopolized by the state. In 2013, altogether ten independent newspapers stopped their distribution due to financial problems. There is no countrywide private television. Today **independent radio and TV operate from outside the country**, struggling to reach their audiences. Civil society hardly has any access to national media, but it cooperates with independent and regional media.

There is currently only one area where civil society can still fairly freely organise, which is the internet. Internet coverage has improved rapidly in recent years enabling increased utilisation of social media platforms for (informal) organisation of civic initiatives – also on more sensitive issues for the authorities. However, a working group was established in 2013 to draft legislation that would oblige all internet media to register themselves. A non-registration may lead to charges on tax evasion and fines. According to draft law an internet media could be closed down through a simple administrative act in court. Another unfavourable legislation for internet media is anti-extremism law which would also enable the closure of internet media in case its content has elements of extremism.

Other specific problems relate to access to information and accreditation. In addition, journalists are being detained on regular basis and their activities are hindered in other possible ways.

In the light of the above, **it is necessary to improve independent media's advocacy and financial self-sustainability** to operate in Belarus.

### 2.3. Lessons learnt

The EU Delegation can draw a number of lessons from its previous and on-going actions, notably under the EIDHR<sup>6</sup>, DCI-NSA/LA<sup>7</sup> and Instrument for Stability (IfS).

Several results-orientated monitoring (ROM) reports in the past few years have confirmed that there is a permanent need to develop capacities of CSOs at a large scale in order for them to acquire new skills, knowledge and lobbying capacities. These recommendations are further supported by the USAID funded "*2012 CSO Sustainability Index*" findings as well as by the representatives of the Belarusian civil society and independent media, who have expressed their support to the proposed priorities of this Action Document in consultation sessions.

Strengthening of national and regional Civil Society platforms as well as co-operation between NGOs academic community, faith based organisations, culture practitioners, and media remain crucial, notably because competing initiatives make Belarusian CSOs field scattered/uncoordinated. Platforms would have potential to serve as effective channels to strengthen advocacy effects, but also to build capacity of its members.

### 2.4. Complementary actions

Capacity building of CSOs was so far being done in particular through DCI NSA-LA programme, and through ENPI<sup>8</sup> Special Measures and ENPI Civil Society Facility that have been used as top-up for DCI NSA/LA Calls for proposals to extend the programme and thus to further strengthen the impact. Different phases of "Clearing House" have been financed under the previously mentioned instruments. Independent media, such as EuroRadio and Belsat, have been supported through various projects under EIDHR programme. IfS funded "Civil Society Stability in Belarus phase 2" (CSSB 2) strengthens both civil society and independent media through its sub-granting scheme. Oversight functions of CSOs and media are currently not directly supported by any of the EU instruments. It is expected that there will be several complementarities and synergies between this programme and EIDHR and CSO-LA programmes.

Among the EU Member States the closest co-ordination is done with **Sweden, Netherlands and Poland** (see 2.5). There have been important synergies between Swedish funded activities and EU's Instrument for Stability project CSSB 2, which is currently EU's most important project to support both CSOs and independent media.

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<sup>6</sup> European Instrument for Democracy and Human Rights.

<sup>7</sup> Development Cooperation Instruments – Non State Actors and Local Authorities.

<sup>8</sup> European Neighbourhood and Partnership Instrument.

In the framework of CSSB 2 close co-ordination is done also with FIDH<sup>9</sup>, IREX<sup>10</sup> and European Endowment for Democracy (EED) to ensure that EU financed activities in this sector are not overlapping.

The nature of Dutch funded projects is very much complementary to EU funded projects, notably due to their size which is usually less than EUR 50 000 which enables Dutch to reach organisations that do not have necessarily financial or other necessary capacities to apply for EU grants.

Poland is notably active in the field of independent media. Co-ordination has taken place in the framework of projects related to Belsat (satellite television) and Euroradio.

## 2.5. Donor coordination

Due to a small number of donors operating in this challenging and sensitive area it is indisputable that the co-ordination is of utmost importance to ensure efficient use of limited resources. At the same time donors are obliged to maintain a **high degree of confidentiality** over their support measures, particularly in order to protect their implementing partners. This might result in missing some windows of opportunity for synergies and co-ordination.

Those EU Member States active in this sector in Belarus and with whom the EU Delegation has been able to exchange information, have been consulted during the identification process and their experience has also been considered when preparing this document.

The most active EU Member States in this sector in Belarus are Sweden, Netherlands and Poland. Sweden's annual co-operation budget for the benefit of Belarus (2009-2013) has been EUR 13.2 million. The allocations for the coming years are expected to continue along similar lines. The Netherlands has made funds available since 1998 through Human Rights Fund and The Matra Fund. In 2013 it allocated EUR 0.6 million for Human Rights Fund and EUR 0.37 for MATRA Small Embassy Projects Funds. The latter was extended by another EUR 0.25 million in the second half of the 2013. For 2014, the Netherlands made available EUR 0.75 million for Human Rights Fund and EUR 0.25 million for under MATRA Small Embassy Projects Fund. Poland has donated almost EUR 40 million during 2006-2013 for main independent mass media in Belarus (Belsat TV, Radio Racyja and Euroradio)

The other active EU Member States in Belarus are United Kingdom, Czech Republic and Denmark that are active particularly in the field of independent media. Besides

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<sup>9</sup> Fédération internationale des Droits de l'Homme.

<sup>10</sup> International Research & Exchanges Board.

EU Member States, the EU Delegation co-ordinates with the activities financed by the United States of America, Norway and the OSCE<sup>11</sup>.

In addition to donors in its classical meaning, the EU also co-ordinates its actions as far as possible with organisations, that have re-granting as their main or partial activity. These organisations are, for example, European Endowment for Democracy, German Marshall Fund (GMF), IREX, the National Endowment for Democracy (NED), PACT, and the Stefan Batory Foundation.

### 3. DETAILED DESCRIPTION

#### 3.1. Objectives

The **overall objective** is to strengthen and build capacity of civil society and independent media working for Belarus to provide a contribution to the realisation of civil and political rights in Belarus.

The **specific objectives** are to increase the possibilities of civil society to provide a contribution to participatory decision making processes and to increase independent media's advocacy and financial self-sustainability to operate in Belarus.

#### 3.2. Expected results and main activities

Specific objective 1: Increasing the possibilities of civil society to provide a contribution to participatory decision making processes

R1: Enhanced and increased technical skills and professionalism, such as strengthened networking and advocacy skills, improved fundraising skills;

R2: Improved project management skills;

R3: Increased liaison and co-ordination of actions among CSOs and other potential stakeholders (media, local authorities, etc.);

R4: Maintained efforts to conduct constructive dialogue with Government.

Non-exhaustive list of activities:

- Support in establishment of legal basis for an engagement of civil society in decision making process in line with NSDS;
- Strengthen the legal empowerment of citizens through awareness-raising and advocacy actions;
- Build the capacity of CSOs to take collective action and to carry out advocacy campaigns;

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<sup>11</sup> Organization for Security and Co-operation in Europe.

- Preparation of joint action strategy for Belarusian CSOs;
- Increase the capacity of civil society to conduct evidence-based research or studies in order to contribute to decision making processes;
- Strengthen the oversight skills of CSOs to monitor budgets and progress of the reforms.

Specific objective 2: Increasing independent media's advocacy and financial self-sustainability to operate in Belarus.

R5: Increased capacity to advocate for enabling environment for publishing their outlets, advertisements and evidence based reports prepared by CSOs, think tanks, etc.

R6: Improved skills to find legal ways of receiving income such as logistical support for events, advertisements, etc.

Non-exhaustive list of activities:

- Legal services for independent media, both regarding advocacy activities and financial management of the media outlet;
- Advocacy campaigns in favour of a more enabling legal environment;
- Technical support for independent media to improve the quality of their products, thus making them more attractive for advertisements;
- Support to developing synergies between different media sources, such as print, radio, TV, internet and social media.

### 3.3. Risks and assumptions

Risks that can be identified include the following:

Risk: CSOs and independent media may encounter all kinds of obstacles to their work such as not being able to register projects (high).

Mitigation: Supporting CSOs and independent media to find legal ways of receiving incomes such as logistical support for events, advertisements, etc.

Risk: CSOs and media may be harassed, their offices may be raided, etc. (medium).

Mitigation: Waived visibility clauses on project activities; High transparency concerning project results (when appropriate; such as watchdog work related public expenditures); Supporting political statements in the case of harassment (where possible); In case of harassment prompt support from EU or other sources to make organisation viable again.

Risk: CSOs may face problems in publishing the information they have gathered (high).

Mitigation: Supporting/favouring internet publishing.



Risk: Overlapping projects and duplication of funding due to limited absorption capacity and same organisations applying (low).

Mitigation: Donor co-ordination.

Risk: Limited number of good quality project proposals for the call in general or for either of the specific objective in particular (low).

Mitigation: Priorities of the call shall be defined in an open and accommodating manner. The ring-fencing method has been suggested for the Call in order to overcome the problem of not covering all priority sectors. Ring-fencing allows choosing the best applications for all sectors and not being tied to strict budgets per lots.

Risk: Call for proposals will increase the incoherence within CSOs and media community further on, due to competition for donor money.

Mitigation: Obligation to apply with co-applicants, strong encouragement to award financial support.

Major **assumptions** include:

- Legislation governing civil society organisations and independent media does not drastically worsen, thus not further restricting the enabling space;
- Despite the repression and the difficulty to register donor aid, CSOs and independent media remain willing to seek donor funding for their activities;
- CSOs and independent media have the capacity to submit eligible and satisfactory project proposals for a call;
- Belarusian organisations are able to register the projects/funds in accordance with Belarusian legislation (if content of the project permits);
- Information concerning public policies and expenditure is accessible to a degree at least in non-sensitive sectors and/or at local level;
- Internet continues to be relatively well accessible and free for independent media broadcasting;
- Accredited media (radio, journalists, publishing houses) maintain accreditations, broadcasting rights as well as rights and means for circulation of publications;
- Non-registered organisations maintain the ability to function *de facto* despite *de jure* non-permissive legislation.

### **3.4. Cross-cutting issues**

Support to human rights and fundamental freedoms in Belarus are the main objective of the programme. In line with the EU Consensus on Development and other relevant sources the cross cutting issues are considered equally central to the programme and inherent to its overall human rights approach.

As per standard templates and guidelines for grant applicants, the potential grantees are encouraged to include in their project designs attention to gender aspects; to the rights and needs of vulnerable groups; to promotion of good governance of public policies; and to environmental concerns. These aspects are also examined and points awarded upon evaluation of the project proposals. Furthermore, the cross cutting issues will be separately emphasised in the guidelines for grant applicants.

### **3.5. Stakeholders**

**Target groups** are civil society and independent media organisations working for Belarus.

**Final beneficiary** of the Programme is the Belarusian population in general.

Local ownership of the programme is further promoted by organising a consultation with civil society and other partners to discuss the specific priorities of the call for proposals before launching it.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2) (b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is **72 months** from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

### **4.3. Implementation components and modules**

#### **4.3.1. *Grants: Call for proposals "ENI Support to Civil Society and Independent Media working for Belarus" (direct management)***

(a) Objectives of the grants, fields of intervention, priorities of the year and expected results

The **global objective** is to identify projects that will strengthen and build capacity of Belarusian civil society and independent media to provide a contribution to the realisation of civil and political rights in Belarus. **Specific objectives** are to increase the possibilities of civil society to provide a contribution to participatory decision making processes and to increase independent media's advocacy and financial self-sustainability to operate in Belarus. **Specific priorities** will be finalised after consultation with the representatives of civil society. **Results** of the grants will be in accordance with the results listed in section 3.2.

The financial resources of the Call will be indicatively ring-fenced for the specific objectives in the following way:

- Increasing the possibilities of civil society to provide a contribution to participatory decision making processes – at least EUR 1.9 million;
- Increasing independent media's advocacy and financial self-sustainability to operate in Belarus – at least EUR 1.3 million.

Further ring-fencing may be introduced depending on the results of the civil society consultation. Non ring-fenced funds will be attributed to the projects according to their score ranking.

Size of grants is expected to be from EUR 0.5 million to EUR 1 million.

(b) Eligibility conditions

Eligible applicants will be non-profit making legal persons and entities without legal personality based or having strong links and operational capacities in Belarus, such as: civil society organisations, including non-governmental<sup>12</sup> non-profit organisations and independent political foundations; community based organisations, and private sector non-profit agencies, institutions and organisations, and networks thereof at local, national, regional and international level. Eligibility criteria may be further specified in the Guidelines for grant applicants.

(c) Essential selection and award criteria

The essential selection criteria are the financial and the operational capacity of the applicants.

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<sup>12</sup> I.e. not a state, national or international governmental institution or organisation or an organisation effectively controlled by such an institution. Whether a potential applicant is likely to be considered as effectively controlled by such an institution will depend on the extent to which such an applicant can demonstrate that it is independent of the state as regards decision-making, budgetary control and the appointment of staff (including members of its controlling body).

The essential award criteria are the relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for grants under this call is 95%.

The maximum possible rate of co-financing may be up to 100 % in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to launch the call

Last trimester of 2014.

#### 4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act shall apply.

The responsible authorising officer may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

#### 4.5. Indicative budget

<b>Module</b>	<b>Amount in EUR</b>	<b>Third party contribution (indicative, where known)</b>
4.3.1. – Call for proposals " <b>ENI Support to Civil Society and Independent Media working for Belarus</b> " (direct management)	5 500 000	300 000
<b>Totals</b>	<b>5 500 000</b>	<b>300 000</b>

#### 4.6. Performance monitoring

Regular monitoring will be a continuous process as part of the Commission's responsibilities. In addition, the Commission is supported by Results Oriented

Monitoring (ROM) carried out by independent contractors recruited by the Commission in accordance with specifically established terms of reference.

The beneficiaries will be responsible for regular performance monitoring of their respective projects. They will be requested to use the logical framework as a management tool and to update it where relevant. The indicators specified in the logical framework will be the key document to be applied in the progress measurement process.

#### **4.7. Evaluation and audit**

Independent consultants recruited by the Commission on specifically established terms of references may carry out the programme's mid-term and/or final evaluations.

The Commission may recruit independent external audit services to carry out external audits during or after the grant contracts' implementation.

#### **4.8. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.