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Belarus: another failure?

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Table of Contents

Abstract	5
Keywords	6
Introduction.....	7
1. The EU’s “policy of engagement” in Belarus	9
2. Lukašenka’s strategy	16
3. The EU’s response	19
Conclusions	26
Bibliography.....	27
List of consulted websites	31
Author: Fabbri Gioele	33

Abstract

The paper will focus on the most recent stage of EU-Belarus relations, from 2008 until 2012. The first part will analyze the reasons that brought the EU to suspend the sanctions against Lukašenka’s regime and to undertake a “policy of engagement” towards Belarus. Particular attention will be given to the role played by the new Eastern European member states in shaping this new course that brought to an end the international isolation of Belarus (which culminated in the latter becoming a member of the Eastern Partnership). Moreover, an assessment of the results achieved by the EU’s “policy of engagement”, in light of the evolution of Belarusian foreign and domestic policy, will be offered. As for Minsk’s foreign policy, the focus will be on the deterioration of Lukašenka’s relations with Moscow, which led the Belarusian leader to avoid too tight a bond with the Kremlin and to establish new relations with Brussels. Belarusian internal politics will then be emphasized in the second chapter, dedicated to the 2010 Belarusian Elections and to the subsequent implosion of EU-Belarus relations due to the violent crackdown on opposition protests by the Belarusian regime. This section will focus on the strategy employed by Lukašenka for extracting benefits from Brussels through cooperation while simultaneously trying to circumvent the EU’s conditionality in order to hold firm the reins of power.

Finally, the last chapter will analyze the EU’s response to the December 2010 events: the freezing of the “policy of engagement” with the immediate resumption of the EU sanctions on the Belarusian regime and key economic actors, which led to a profound crisis between Minsk and Brussels (reaching its climax with the departure in solidarity from Belarus of all EU MSs ambassadors), and then the spring 2012 partial rapprochement with the EU’s commitment to a “policy of critical engagement” towards Minsk. In this last section particular emphasis will be given to the process that brought Brussels to settle the crisis by mediating among different member states’ positions, in particular between the supporters of

tough sanctions and the advocates of a policy of cooperation with Belarus.

Keywords

EU-Belarus relations, EU foreign policy, conditionality, sanctions, engagement, EU enlargement to the East, European Integration, Russian foreign policy, political liberalization, privatization, economic modernization.

Introduction

In EU-Belarus relations we can discern four main phases: in the first (1991-1994) Belarus, under the leadership of Šuškevič, the president of the XIth Supreme Soviet, declared its neutrality and disposed of its nuclear weapons. Moreover, the government of Minsk undertook a series of political initiatives aimed at bringing to an end the exclusive association with Russia, signing in March 1995 the Partnership and Cooperation Agreements (PCAs) with the EU and a year later the Interim Agreement (IA).

A second phase (1994-2004) began with Lukašenka's rise to power in the 10 July 1994 presidential election. This phase was characterized by Brussels' scant interest in the country as well as a progressive hardening of EU-Belarus relations. In this stage, the EU handled its relations with Minsk primarily by relying on sanctions and on an inflexible conditionality.

A third phase (2004-2008) began with the EU's 2004 enlargement to the east, when Brussels started to show more interest in the fate of Belarus as it became a country newly adjacent to the EU's borders. However, European policy remained tied to the old schemes and continued to underestimate the country's internal dynamics. Partly, this was determined by the fact that the new member states were still too focused on their domestic reforms to engage in a political struggle in Brussels for a new European strategy in Belarus. Hence, they formally adopted the previously existing course of action regarding Belarus even if it was against their own interests (a clear example was the case of Lithuania and Poland).

In these first phases the European policy in Belarus was aimed at regime change¹. In fact, Brussels had not even considered the Belarusian government as a possible interlocutor; on the contrary, it had focused its attentions on civil society and the opposition forces, encouraging them to oppose the existing government. In pursuing

1 See: Sabine Fischer, "Executive Summary", in Back from the cold? The EU and Belarus in 2009, Chaillot Paper n°19, Institute for Security Studies, European Union: Paris, November 2009.

this so-called “two track policy”² (a policy consisting in building a dialogue with Belarusian society, in spite of Lukašenka’s objections, while simultaneously enacting sanctions against the Belarusian authorities) the EU relied primarily on an inflexible conditionality and on a diplomacy of coercion.

After the outbreak of the armed conflict in Georgia in August 2008, a new stage began to emerge: the EU, driven by the initiative of Lithuania and the Visegrad states³, renounced its previous strategy and undertook a real “policy of engagement”⁴ aimed at gradually drawing Belarus into the European orbit. This radical change must be considered the result of the successful integration of the new Eastern member states in European foreign policy and of the added value brought by them.

In this last stage the EU decided to unilaterally normalize its relations with Belarus (that is, without waiting for Minsk to comply with the preliminary conditions delineated in 2006 in the European Commission’s document “What the EU could bring to Belarus”)⁵. Thus the old schemes were left behind for a more pragmatic approach, in an attempt to urge Belarus to undertake the path of reform through a dialogue and the use of incentives rather than with sanctions and inflexible conditionality. The European “policy of engagement” brought to an end the international isolation of Belarus and led to a gradual normalization of EU-Belarus relations, culminating in Minsk becoming a member of the Eastern Partnership, the EU’s program launched in Prague on 7 May 2009.⁶

This change was certainly possible thanks to the uncommon desire for dialogue demonstrated by the Belarusian government: after 2007, with the deterioration of relations with Moscow and the consequent loss of Russian aid, Minsk evidenced its will to release

2 See: General Affairs and External Relations Council’s conclusion, 22-23 November 2004

3 The Visegrad group is an alliance of four Central European states- Poland, the Czech Republic, Hungary and Slovakia- founded the 15th February 1991 for the purposes of cooperation and furthering their European integration.

4 Term used by Denis Melyantsov, see: Денис Мельянтцов, “Беларусь-ЕС: Затяжная Нормализации”, Белорусский Ежегодник, 2009

5 See: What the European Union could bring to Belarus, http://ec.europa.eu/external_relations/belarus/intro/non_paper_1106.pdf.

6 Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009, Brussels, 7 May 2009, 8435/09 (Presse 78) (OR. En).

itself from too tight a bond with Moscow and showed its willingness to establish new relations with Brussels.

Unfortunately, after two years of pragmatic engagement with a certain level of positive results, EU-Belarus relations imploded again after rigged presidential elections in December 2010 and the subsequent violent crackdown on opposition protests by the Belarusian regime. Relations worsened even more in 2011 and 2012 when the EU returned to the previous policy of sanctions, extending them to the regime and key economic actors.

Belarus, isolated again, became easy prey for Russia, its only remaining ally. As a result, Moscow dragged Minsk into the Common Economic Area (CEA)⁷, trying to undermine the Eastern Partnership’s competing project and gaining strategic control over the Belarusian’s gas transit network.⁸ However, after the deep crisis between Minsk and Brussels culminated with the departure in solidarity from Belarus of all EU ambassadors, in spring 2012 the EU committed itself to a policy of “critical engagement,” leaving a door open to Minsk.

In this article I will focus on the last stage of EU-Belarus relations (from 2008 till 2012), analyzing the EU’s “policy of engagement” and its transformation after the shock of the events of the Belarusian Presidential election.

1. The EU’s “policy of engagement” in Belarus

For a long time Belarus enjoyed solid economic support from Russia, especially in terms of its wealth of natural resources; this favorable situation allowed the country to delay economic reforms for fifteen years. However, in 2007 Russia, through radical price increases of its energy exports, imposed a crucial change on Belarus.⁹ The dispute which arose between the two countries resulted in a

7 On January 1st 2012 the Custom Union, signed by Russia, Belarus and Kazakhstan on the 5th July 2010, was replaced by the CEA, which is a further step in the integration of the development of the three countries.

8 On 25th November 2011 Gazprom bought the Belarusian Beltransgaz; in this way, Russia prevented the formation of a union of transit states formed by Belarus and Ukraine.

9 Until the end of 2006, Russia exported its natural gas to Belarus at its internal mar-

turning point for Minsk: beginning at this juncture, Lukašenka set aside the project of the Union State with the Russian Federation and showed his determination to safeguard Belarusian sovereignty (which was one of the few points of agreement between Lukašenka, the opposition forces, and the EU) and to renew relations with the EU in an attempt to counterbalance the growing pressure from Moscow and to obtain financial aid from the West in order to compensate the losses inflicted by the Kremlin.

At the beginning of 2008, while trying to reacquire the previous levels of Russian aid, Minsk was at the same time looking for a window of opportunity to normalize its relations with the West. On 2 February Minsk unexpectedly released two political prisoners (Artur Finkevič and Zmicier Daškevič)¹⁰, inaugurating a new phase in EU-Belarus relations.¹¹

The situation gradually continued to improve, and 31 January 2008 Lukašenka met with Gebhardt Weiss, the Ambassador of Germany to Belarus. During the meeting the Belarusian President showed appreciation for the constructive approach of Germany's foreign policy, but at the same time he criticized the hostile position held by some European countries.¹² This event infringed upon the tacit agreement among European ambassadors to avoid high level meetings with the representatives of the Belarusian government. However, the German Ambassador was openly supported by French Ambassador Mireille Musso; thus, starting at this juncture, it is possible to infer that the EU changed its stance towards Belarus, since both Germany and France altered their attitude simultaneously.¹³

.....
ket price: 47\$ for 1000 cubic metres. In 2007, it imposed a price of 100\$ for 1000 cubic metres. However, the new tariff was much lower than that set for European countries, which was 250\$ for 1000 cubic metres.

10 Artur Finkevič, the leader of the "Youth Front", was sentenced in 2006 to two years in prison for vandalism while Zmicier Daškevič was condemned to eighteen months in prison for having organized and taken part in the activities of a non-registered nongovernmental organization.

11 See: Human Right Watch, "Country Summary", January 2009, <http://www.hrw.org/en/home>.

12 The official internet Portal of the President of the Republic of Belarus, "President meets with Gebhardt Weiss, the Ambassador Extraordinary and Plenipotentiary of Germany to Belarus", <http://www.president.gov.by/en/press10346.html>.

13 Tanya Korevenkova, "EU hopes to see Belarus making progress on democratic reform in 2008, French ambassador says", Naviny. by, 5 February 2008, http://naviny.by/rubrics/inter/2008/02/04/ic_articles_259_155359.

The essential reason that drove the EU to undertake dialogue with the Belarusian government can be traced back to a new awareness of the fact that the investments made to sustain the opposition as a force for transformation of Belarusian society had not reach the desired outcome. Once it was understood that the opposition forces would not come to power in the near future, the EU started to search for new levers with which to affect the political course of action in Belarus from inside.

In June 2008 the EU renounced its previous strategy, based on the twelve preliminary conditions contained in the 2006 European Commission document "What the EU could bring to Belarus" with which Minsk should have complied, and founded the EU-Belarus dialogue based on two fundamental conditions: the release of all political prisoners and an authentic democratic process for the parliamentary election planned for the month of September 2008.¹⁴

On 20 August 2008, the Belarusian government freed the last three internationally recognized political prisoners (Aliaksandr Kazulin, Andrej Kim, and Siarheji Parsiukevič¹⁵) and Brussels in turn interpreted this action as a signal indicating Lukašenka's willingness to take a new direction in political relations with the EU.

As for the parliamentary elections of September 2008, Lukašenka, in a previously unheard-of attempt to show transparency during the electoral process, opened the country to international observers. At the same time, he was also able to exploit the EU's interest to create propaganda with the aim of convincing the voters, and simultaneously the international community, that the country was experiencing a real process of political liberalization.

However, despite the fact that the Belarusian government employed a less evident method to falsify the results, the electoral process did not comply with the OSCE's requirements for democratic elections.¹⁶ Nevertheless, the EU did not overestimate the importance of the parliamentary elections, since in the

.....
14 Between 6-7th July 2008 an EU delegation headed by Helga-Maria Schimid visited Minsk to inform the Belarusian authorities that the Belarusian parliamentary elections fixed for September 2008 should have formed the platform for further improvement in the EU-Belarus relations

15 See: Human Right Watch, Country Summary, January 2009, <http://www.hrw.org/en/home>.

16 OSCE Election Observation Mission, Belarus- Parliamentary Election, 28 September 2008, Statement of Preliminary Findings and Conclusions.

Belarusian constitutional system the parliament has quite limited power. Hence, the parliament remains an institution of primarily symbolic value regardless of the inclusion of the representatives of opposition forces.

As a consequence, the European Parliament did not dramatize the parliamentary election results¹⁷ and, even if there was no progress in the Belarusian electoral scenario, the majority of Western observers abstained from making critical remarks. Thus, the small progress demonstrated by Belarus became the basis for continuing dialogue.

The European Parliament, with the resolution of 9 October 2008, invited the Council and the Commission to continue dialogue with Minsk and to take into consideration a partial suspension of six months on the visa ban for high ranking Belarusian authorities, as well as to proceed towards the simplification and the liberalization of the visa procedure in favor of Belarusian citizens.¹⁸ In the wake of the European Parliament's resolution, on 13 October 2008 the European Council suspended the visa bans that were imposed between 2004 and 2006 on Lukašenka and his entourage.¹⁹

The shift which occurred in the European policy towards Minsk is in part due to the fact that, after the outbreak of the armed conflict in Georgia in August 2008, the importance of Belarus for the EU greatly increased. In particular, the Georgian war contributed to the consolidation of a communitarian current of thought favorable to the normalization process. The drastic change of the geopolitical situation in the region after the conflict in Georgia and the subsequent crisis in Minsk-Moscow relations - caused by Lukašenka's refusal to recognize the neo-detached republics of Abkhazia and South Ossetia - created a window of opportunity for the normalization of EU-Belarus relations. In particular Belarus seemed motivated more than ever to strengthen its ties with the West: the Kremlin's course

17 See: European Parliament resolution of 9 October 2008 on the situation in Belarus after the parliamentary elections of 28 September 2008, OJ C 9E of 15.1.2010, pp. 28–31.

18 Idem.

19 See: Council Common Position 2008/844/CFSP of 10 November 2008 amending Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus, OJ L 300, 11.11.2008, pp. 56–56.

of action, which modified international borders overnight, should have pushed Lukašenka to consider the dangers of a univocal bond with Moscow.

After the events in the Caucasus, the EU overlooked the lack of democracy in Belarus and opted for the recognition of the Belarusian government, since at this point geopolitical interests revealed themselves to be just as important as democratic principles. Hence, it can be argued that starting at this juncture a new, more pragmatic phase of EU-Belarus relations commenced and some EU member states would have been ready to ignore, at least in the short run, the lack of democracy and minor human rights violations in the case that Minsk had been disposed to reverse its geopolitical orientation.

Starting in October 2009, three encounters took place between the EU's Troika and Belarus; moreover, at the beginning of 2009, the European Commission and the Belarusian government held a number of consultations that gave birth to technical cooperation in the sectors of energy, transport, agriculture and plant health measures.²⁰

The signing of the agreement for the creation of the European Commission's Delegation in Belarus (now the EU's Delegation in Belarus) by Lukašenka on 8 January 2009 inaugurated a new phase in EU-Belarus dialogue through the establishment of stable diplomatic relations. In fact, before the aforementioned agreement, the European Commission's Delegation limited itself to operating in the context of TACIS providing technical assistance to Belarus.²¹ Furthermore, on 19 February 2009 EU High Representative for the CFSP Javier Solana visited Minsk.²² The encounter was organized almost secretly and Solana agreed to the Belarusian authorities' demands to pursue dialogue without any intermediary or preliminary conditions. Solana clearly allowed Lukašenka to understand that the

20 Idem.

21 Alena Vysotskaya Guedes Vieira, "Opening the European Commission's Delegation in Minsk: Do EU-Belarus relations need a rethink?", The Finnish Institute of International Affairs, Briefing Paper 18, 7 April 2008.

22 Media-Belaru.eu, "Отношения между европейским союзом и Беларусью, визит генерального секретаря совета ЕС Хавьера Соланы в Беларусь", www.media-belarus.eu.

EU was ready for an informal accord and the cornerstone of mutual relations was to be the geopolitical loyalty of Belarus towards the EU.²³

In fact, at the beginning of 2009, Belarusian foreign policy showed a multi-vector nature: Minsk started to counterbalance its disproportionate Eastern dimension by establishing new relations with the EU. On 7 May 2009 the EU announced the Eastern Partnership program (EP)²⁴ for promoting cooperation with its eastern neighbors: Ukraine, Moldova, Georgia, Armenia, Azerbaijan and Belarus. The EP was planned by Lithuania in 2006 and afterward was promoted in Brussels by Poland and Sweden.²⁵ The program immediately gained great symbolic value since it was the result of the successful integration of the Central Eastern European countries into European foreign policy. The EP was planned with the aim of creating strong economic and political ties of solidarity with those countries trying to escape Moscow's grip. In fact, the EP initiative was the projection of the Lithuanian and Polish's foreign policy in the European context.

The Belarusian authorities accepted the invitation to take part in the initiative, and in fact seemed particularly active. Soon the EP became one of Belarus' main instruments for carrying out relations with the EU, especially because in order to take part in this program it was not required to be a democratic country from the beginning, since democracy was a long term objective of the program.²⁶ In this context, the EU continued the process of

23 Idem.

24 Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009, Brussels, 7 May 2009, 8435/09 (Presse 78) (OR. En).

25 Traditionally Lithuania- beginning in the XI century and continuing to today- has addressed its attention to the East and considers itself to have a historical responsibility in the development of the region: we should bear in mind that the majority of the current territories of Belarus and Ukraine were part of the Grand Duchy of Lithuania (GDL). In particular Vilnius, through the deployment of a foreign policy inspired by the thought of the ideologist Jurgis Giedraitis (1906-2000), intend to recreate the GDL's borders in the EU format. The launch of the EP's initiative could be interpreted as a first step in this direction.

26 Media-belarus.eu "Интервью с представителями структур ЕС и стран членов Европейского союза Ханс Георг Вик президент ООН «Права Человека в Беларуси» Бывший глава миссии ОБСЕ в Минске", www.media-belarus.eu.

normalization with Minsk, suspending the sanctions for a period of six months and giving Belarus a unique opportunity for cooperation through its participation in the EP.

The end of isolation was marked by the resumption of Lukašenka's official visits to European capitals and also by the influx of Western loans in the country.²⁷ On 16 September 2009 Lukašenka went to Lithuania for an official visit²⁸ while 28 November 2009 Italian Prime Minister Silvio Berlusconi went to Minsk for a working visit, becoming the first European leader who had officially visited Minsk after twelve years of international isolation.²⁹ Later, on 4 November 2009, the Belarusian leader visited Kiev, and this trip, together with the previous one in Lithuania, could be interpreted as an attempt by Lukašenka to regionalize Belarusian foreign policy- in the format of the Grand Duchy of Lithuania- in order to strengthen the country's position in its relations with Moscow and Brussels.³⁰

At this stage, the EU tried to balance its new relations with the Belarusian authorities with its traditional engagement in the formation of a political alternative in the country. On the other hand, the previous European policies in Belarus from 1994 to 2007 had been unsuccessful: the sanctions did not bring any results and the investment in the opposition movements as a force able to determine a decisive change in Belarusian society where deemed a failure.

However, the normalization process did not coincide with the complete abolition of the sanctions that were only suspended. Moreover, the benefits coming from the EU's scheme of generalized tariff preferences (GSP) were not re-established and Minsk failed to obtain membership in the European Neighbourhood Policy (ENP),

27 In January 2009 Belarus secured a \$2.46 billion emergency loan from the International Monetary Fund.

28 Nina Romanova, "Lithuanian Transit: President of Belarus Lukashenko meets President of Lithuania Dalia Grybauskaitė under European format", in Belarus, No10 (913), 2009.

29 Igor Slavinsky, "Privileges for partnership- Italian Prime minister's working visit to Belarus becomes first in History of our bilateral diplomatic relations", in Belarus, No 12/915, 2009.

30 See: Gennadi Maksak, "Belarus -Ukraine: on the way to strategic cooperation", Belarusian Yearbook, 2009.

thus reducing its access to further financial resources. Hence, being quite disappointed with regard to the short term benefits of the EP, on 5 July 2010 Belarus joined the Custom Union (CU), promoted by Moscow, in order to gain immediate financial benefits.³¹

2. Lukašenka's strategy

As was already clear with the Belarusian local elections of 25 April 2010,³² Lukašenka has been able to create two political dimensions: virtual political life and real politics. The former, which includes pluralism and political competition as well as a semblance of free and fair elections, was created expressly for pursuing dialogue with the EU, with the hope of extracting short term economic benefits. As a matter of fact, in December 2010, during the Presidential election process, the Belarusian authority mounted a real “democratic play” in order to obtain the recognition of the latter or, at least, to avoid creating much embarrassment among the Europeans leaders.

This explains the unusual political liberalization that took place during the first phase of the electoral campaign, when for the first time, 18 November 2010, the Belarusian authorities registered ten candidates (including Lukašenka) to compete in the elections.³³ The candidates also had the opportunity to present their programs on television and radio, each having sixty minutes of time.³⁴

The real political space, on the contrary, has been univocal and does not contemplate any real change. As a consequence, the election results were again predetermined, as neither the

31 RIA-novosti, “Russia, Belarus, Kazakhstan, sign Custom Union agreement”, 5 luglio 2010, Astana, <http://en.rian.ru/word/20100705/159693245.html>.

32 Election Report, 25 April 2010, Local Election in Belarus.

33 The 18th November the CEC registered the following candidates: R. Kastusioŭ, A. Lukašenka, A. Mihalevič, U. Niaklajeŭ, J. Ramančuk, V. Rymašeŭski, A. Saŭnikaŭ, M. Statkievič, V. Ciareščanka, D. Vus.

34 OSCE/ODIHR, International Election Observation, Republic of Belarus- Presidential Election, 19 December 2010, Preliminary Conclusion.

opposition forces and nor society at large could not influence them in any way.³⁵

The creation of an illusion of freedom during the electoral campaign was not the reflection of Lukašenka's weakness or of his intention to launch a real process of democratization. On the contrary, the “democratic play” merely had market value and was functional to the creation of a democratic façade that could appear acceptable to the European governments less informed about the country's internal dynamics.

On election day, many social networks and web sites were blacked out (especially those belonging to the opposition) and during counting the electoral process deteriorated markedly, undermining the credibility of the whole electoral campaign.³⁶

As was predictable, the Central Electoral Commission (CEC) reported the re-election of Lukašenka on the first ballot, with the 79,65% of preferences, while the other candidates (excluding Saŭnikaŭ, who obtained 2,43% of votes) did not even reach 2%.³⁷

After the closing of the electoral stations, protests erupted in the squares and main streets of the capital. Some of the democratic candidates (Saŭnikaŭ, Niaklajeŭ, Ramančuk, Rymašeŭski, Statkievič, and Kastusioŭ) urged the population to gather in Kastryčnitskaya square to protest against the results' falsification.³⁸ On the evening of 19 December more than ten thousand demonstrator gathered in Minsk in Nezaležnaszi square and, as was reported by the demonstration's organizers, some infiltrators under the instructions of the KGB started to demolish the main entrance of the government general headquarters, giving the pretext to the Belarusian authorities

35 Naviny.by, “Lukašenka-oppozicii: stranu vy ne palučite”, http://naviny.by/rubrics/elections/2010/12/06/ic_news_623_356623.77

36 OSCE/ODIHR, International Election Observation, Republic of Belarus- Presidential Election, 19 December 2010, Preliminary Conclusion.

37 Source: Сообщение Центральной комиссии Республики Беларусь по выборам и проведению республиканских референдумов об итогах выборов Президента Республики Беларусь.

38 OSCE/ODIHR, International Election Observation, Republic of Belarus- Presidential Election, 19 December 2010, Preliminary Conclusion.

to proceed with a violent repression. The Belarusian police arrested hundreds of people, not only in the streets but also in offices and in private residences.³⁹

The Belarusian government justified the police operations as precautionary measures aimed at preventing further attacks on government buildings. At the end of the operation seven of nine presidential candidates, together with another 630 persons, were jailed.⁴⁰ Among the persons arrested were twenty-three leading figures of the opposition accused of being the demonstration's organizers, an offence falling under article 293 of the Belarusian penal code punishable with a sentence of up to fifteen years of prison.⁴¹

It could be argued that, initially, virtual democracy was an effective measure that allowed Lukašenka to hold firm the reins of power by neutralizing opposition forces, and to continue the path of cooperation with the EU. Subsequently, however, the "virtual democracy" spun out of control and started to interfere dangerously with real politics. As a consequence, Lukašenka violently suppressed the protest marches and imprisoned the most resourceful actors, in

³⁹ C. Tosi, "Appello da Minsk: la Bielorussia chiede aiuto", in *Limes*, rivista italiana di geopolitica, 11 January 2011.

⁴⁰ Human Rights House Foundation, "Election aftermath in Belarus: 600 arrested hundreds injured", 20 December 2010, Human Rights House Foundation, based on the information provided by HRHN members and partners.

⁴¹ The convicts that ran the risk to be charged with a fifteen year's sentence were: Uladzimir Niakliajeŭ (Presidential candidate), Andrei Sannikaŭ (Presidential candidate), Ryhor Kastusioŭ (Presidential candidate), Aliaksandr Atroščankau (press officer of Sannikaŭ's headquarters), Ales Mikhalevič (Presidential candidate), Vital Rymašeŭski (Presidential candidate), Pavel Seviarynets (Rymašeŭski's electoral representative), Dzmitry Bandarenka (European Belarus' campaign coordinator), Iryna Khalip (journalist, Sannikaŭ's wife), Natallia Radzina (journalist and Charter 97.org web-site's editor), Anatol Liabedzka (president of *Abyadnanaya Hramadzjanskaya Partya Belarusi*), Anastasia Palažanka (vice-president of *Malady Front*), Andrei Dzmitryeŭ (Uladzimir Niakliajeŭ's headquarters director), Tatsiana Skakal (Andrei Dzmitryeŭ's wife), Aliaksandr Fiaduta (political analyst and Uladzimir Niakliajeŭ's campaign coordinator), Mikalai Statkevič (presidential candidate), Aliaksandr Klaskoŭski (ex-policeman), Uladzimir Kobets (Andrei Sannikaŭ's headquarters director), Dmitry Vus (presidential candidate), Siarhei Vazniak (Uladzimir Niakliajeŭ's electoral representative), Aliaksandr Arastovič, (Mikalai Statkevič's electoral representative), Anatol Paulau (Yaraslau Ramančuk's electoral representative), Siarhei Martsaleu (Mikalai Statkevič's headquarters director). Source: Human Rights House Foundation, "End of liberalization in Belarus", 27 December 2010, Human Rights House Foundation.

this way bringing to a close the "democratic play's season".

3. The EU's response

The events of 19 December froze the European policy of engagement and paved the way for the resumption of the sanctions on the Belarusian regime and key economic actors. Between January 2011 and March 2012, Brussels imposed visa bans and asset freezes on 243 individuals, and established arms embargos and asset freezes on 32 Belarusian firms. The sanctions targeted those responsible for serious violations of human rights or for the repression of civil society and democratic opposition, and also those benefiting from or supporting the Lukašenka regime.⁴²

This time, the goal of the restrictive measures focused mainly on the release of all political prisoners rather than on long term democratic reforms. As a consequence, the parliamentary elections held 23 September 2012 were not competitive even from the start, and were boycotted by the two main opposition parties (United Civic and the BPF), as a reaction to "the pseudo-elections for the fake parliament" as Anatoly Lebedko, leader of the United Civic Party, stated.⁴³ It followed that the newly elected parliament was filled with supporters of President Lukašenka.

It could be argued that, starting in January 2011, EU policies towards Belarus were shaped as a reaction to the events of 19 December 2010: the EU returned to its previous policy of sanctions binding the resumption of dialogue with the release and rehabilitation of all political prisoners, excluding any negotiations

⁴² The package of restrictive measures was rolled over in October 2012 for another year without changes. See: Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, Official Journal of the EU, 17/10/2012.

⁴³ BBC News, "Belarus election: opposition shut out of parliament", 24 September 2012, BBC News Europe, <http://www.bbc.co.uk/news/world-europe-19690249>.

over the latter.⁴⁴

In the second half of 2011 Poland, holding at the time the rotating presidency of the EU, took the initiative and tried to persuade Minsk to moderate its policy and to re-establish dialogue with Brussels but, as was predictable given the deep-rooted tensions between the two countries, Minsk rejected Poland as a mediator.⁴⁵ In summer 2011 Belarus sought a thaw in its relations with the EU on its own terms, suspending the criminal case pending on some politicians of the opposition. Moreover, Minsk worked around Poland in its contacts with the EU, inviting Bulgarian Minister of Foreign Affairs Nickolay Mladenov to Minsk on 26 August 2011 for informal negotiations over the political prisoners. Mladenov tried to convince Lukašenka to take a number of steps in order to move Belarus away from the political impasse, and after the visit Lukašenka pardoned four people on 1 September and declared his intention to free all political prisoners by mid-October. As a matter of fact, this meeting (together with the previous visit of Solana in 2009) demonstrated the advantages of direct negotiation that, in the latter case, resulted in a lessening of internal repression. However, the contents and the private character of such negotiations, although consonant with Lukašenka's way of ruling, were not welcomed by the Belarusian opposition or by the majority of the EU member states, since they infringed the EU decision not to carry on trade bargaining over political prisoners with Minsk.

In fact, as soon as the details of the visit and of the informal agreement between Mladenov and Lukašenka became public, they provoked the indignation of the Belarusian opposition and created not a little embarrassment in Brussels. The consequent lack of a rapid response by the EU to the Belarusian's steps gave Lukašenka the pretext to disavow the promise made to Mladenov and to suspend the release of political prisoners. In fact, in a time of political and economic crisis, the political prisoners turned out to be a useful tool for intimidating the middle class, dissatisfied with the regime, by using the prospect of propriety expropriation, along with

44 See: М. Мора, "ЕС не Будет «покупать» Беларусь, уводя её из-под опеки России", Interfax.by, <http://www.interfax.by/printable/exclusive/97357>, 13.12.12.

45 After the presidential election of 19 December 2010, Poland became the main target of the Belarusian regime's propaganda attacks and unfriendly activities.

the loss of jobs as well as civil trials for "non-payment" of taxes for the prisoner's family members. However, throughout 2012, three other political prisoners were released from detention, although only after having been pressured to sign requests for presidential pardon.⁴⁶

After the failure of the informal Mladenov-Lukašenka negotiations, Minsk preferred to concentrate on intensive economic integration with Russia by strengthening internal repression. In February 2012 EU-Belarus relations deteriorated even more when the Belarusian government asked the EU and Polish ambassadors in Minsk to leave the country in protest against EU sanctions. The crisis that followed saw the EU member states, in a rare example of unity, withdraw all their ambassadors en bloc. This diplomatic exodus was the culmination of strained EU-Belarus relations, and until the end of April 2012 the EU ambassadors remained absent from Minsk.⁴⁷

Despite the diplomatic scandal risked by turning the EU away from Belarus, in spring 2012 Brussels expressed its commitment to a policy of "critical engagement" with Belarus, including through dialogue and participation in the Eastern Partnership.⁴⁸ Moreover, the EU's sanctions in Belarus remained confined to the political sphere, serving only to confirm Brussels' compliance with so-called 'European values'. As a matter of fact, the impact of sanctions against Belarus is difficult to assess and the EU seems aware that sanctions can be effective only when they succeed in determining a dramatic change in the economy of a target country.⁴⁹ In fact, in the case of Belarus, the economic influence of the EU is too limited to bring about such a change; in addition, as happened in the past, the

46 The Belarusian government still detains the following political prisoners: Mikalai Autukhovich, Mikalai Statkevich, Pavel Seviarynets, Zmitser Dashkevich, Eduard Lobau, Ales Bialiatki, Mikalai Dziadok, Ihar Alinevich, Aliaksandr Frantskevich, Yauhen Vaskovich, Artsiom Prakapenka, See: Viasna Human Rights Center, "List of Political Prisoners", <http://spring96.org/en/news/49539>.

47 European Commission Memo, ENP Package- Belarus, Brussels, 20 March 2013.

48 Idem.

49 See: Konstanty Gebert, "Shooting in the Dark? EU sanctions Policies", European Council on Foreign Relations, ecf.eu, January 2013.

limited effect of EU sanctions have been cushioned by Russia.⁵⁰

Indeed, the only country able to cause a collapse of the Belarusian economy through economic sanctions is Russia. However, Moscow does not have any interest in doing that, since the result would be uncertain and in particular this operation could drive Belarus closer to the EU. It is therefore clear that the clash of interests between the EU and Russia in Belarus, and hence the consequent lack of cooperation for the attainment of a common goal, has rendered impracticable the path of effective sanctions in Belarus. The only effect of EU sanctions is to render Belarus even more dependent on a Russia that, on the contrary, has an accommodating attitude towards human rights violations and the repression of democracy in the country.

Lithuania, as the main promoter of the previous policy of engagement, coherently sounded a discordant note in the European arena by emphasizing that aside from any moral considerations, cooperation was the only way to influence the Belarusian regime and that the EU would err in isolating Belarus again.⁵¹ Slovenia and Latvia went even further: the first attempted to block EU sanctions against Belarus in spring 2012,⁵² while the latter opposed them openly, warning Brussels that its compliance with the EU sanctions would be less than complete.⁵³

In reality, behind the dichotomy “sanctions versus

50 In 2007 after the introduction of the economic sanctions by the United States against Belarus for human rights violations, Moscow lavished 3 billion dollars of loans on Minsk to cushion the effects of the American sanctions. See: Elena Laškina, Tsena Družby, Viktor Zubkov, “Osudil SSHA za Ekonomicheskie Sanktsii Protiv Minska”, in Rossiiskaia Gazeta No. 4554, Dec. 27, 2007.

51 See: 15 min.lt, “Lithuania’s ambassador to Minsk Linas Linkevičius: We must find ways to talk with Belarus without ultimata”, 18 July 2012, <http://www.15min.lt/en/article/world/lithuania-s-ambassador-to-minks-linas-linkevicius-we-must-find-ways-to-talk-with-belarus-without-ultimata-529-234757#ixzz20gKlml8j>.

52 See: Kamil Kłysiński and Rafał Sadowski, “Belarus’s diplomatic war with the European Union”, Eastweek, Center for Eastern Studies, 9 February 2012, available at <http://www.osw.waw.pl/en/publikacje/eastweek/2012-02-29/belarus-diplomatic-wareuropean-union>.

53 See: Nina Kolyako, “Daniels Pavluts doubts whether sanctions against Belarus will achieve their purpose”, The Baltic Course, 3 March 2012, available at http://www.balticcourse.com/eng/analytics/?doc=54005&ins_print.

engagement”, there is a clash of different national interests inside the EU. The case of Belarus shows the complexity of the EU’s multilevel foreign policy: neither a policy of engagement nor the path of sanctions can be pursued effectively due to the member states’ different foreign policy priorities. Thus, as a result, we have a hybrid policy of “sanctions plus engagement” called “critical engagement.” The EU’s division over foreign policy goals partly explains why so often the results of European policies in Belarus markedly differed from the expectation for which such policies were designed. Despite the fact that the “policy of engagement” with Belarus was officially inaugurated in Prague on 17 May 2009 (with the launch of the EP) with the pledge of all the EU member states, few among them were truly willing to invest significant financial and political resources in Belarus beyond a mere symbolical opening. At the same time, neighboring countries such as the Baltic States and to some extent Poland would not agree, even if it would be possible, to pass a policy of tough economic sanctions that would completely interrupt economic relations between the EU and Belarus. As pointed out by Linas Linkevičius, the Lithuanian Foreign Minister, despite the fact that Lithuania would not go so far as to put economic interests above human rights, Belarus remains economically one of the most important partners for Lithuania, since it uses the Klaipeda port and Lithuanian railways in its export logistics and accounts for around one-third of port freight.⁵⁴

In this context, Lukašenka tried to single out EU member states in the deployment of its foreign policy by taking advantage of the structural complexity of the EU. Moreover, Lukašenka has christened the EU sanctions a “road to nowhere”⁵⁵ and, with a certain degree of success, he has contrasted the EU’s hostile policy by emphasizing its contradictions and relying mainly on the manipulation of information rather than on censorship. To give

54 See: 15 min.lt, “Lithuania’s ambassador to Minsk Linas Linkevičius: We must find ways to talk with Belarus without ultimata”, 18 July 2012, <http://www.15min.lt/en/article/world/lithuania-s-ambassador-to-minks-linas-linkevicius-we-must-find-ways-to-talk-with-belarus-without-ultimata-529-234757#ixzz20gKlml8j>.

55 See: Kyiv Post, “Lukashenko believes EU understands that sanctions have no prospects”, 26 April 2012, available at: <http://www.kyivpost.com/content/russia-and-formersovietunion/lukashenko-believes-eu-understands-that-sanctions--126670.html>.

a few examples, the Belarusian leader has accused the West of employing democratic rethoric as a pretext for interfering in the internal affairs of the country, when the real goal of this interference was to export western capitalism to Belarus by exploiting low labour costs and acquiring key economic sectors through indiscriminate privatization: in other words, to plunder and subdue Belarusians. In this context Lukašenka has been able to portray the democratic opposition as the West's puppet and thus as an enemy of the nation. To corroborate this vision, the Belarusian president more than once has accused the West of operating with a double standard by granting to different national leaders the certificate of democratism- namely the certificate of respectability- according to its own convenience and its particular interest of the moment, and nonetheless of raising the issue of democracy only in certain countries.

On the other hand the EU, by choosing for a long time as its only interlocutor the opposition, and by ostracizing and sanctioning a government that, although authoritarian, was considered legitimate by many Belarusians, sowed doubts as to the purity of its intentions, easing Lukašenka's depiction of all opposition as anti-national forces on the payroll of the West.

What we can clearly see after the 2010 Belarusian presidential election is an increasing Russian expansion in Belarus against the backdrop of a fading interest of the majority of the EU member states in the region. Russia, despite refraining from openly supporting Belarus in the international arena, became the only ally, creditor, and supplier of energy to Belarus. Furthermore, Russia is building a trade and transit infrastructure not dependent on its neighbors: the CEA's project of integration aims at assuring a rapid transit from China to Europe, thus transforming Russia into an important transit country.

However, despite the impressive financial resources spent by Moscow in Belarus- almost ten billion dollars in twenty years- and a plethora of integration projects promoted by Russia in the CIS context, for Minsk the EU still remains as attractive a partner as the Russian Federation. Moreover, the inclusion of Belarus in the CES does not undermine tighter cooperation with the EU, which can offer Minsk access to its wide market, higher standards, and sources of investment. As a matter of fact, the EU is Russia's first commercial partner and at the same time the European market is

much larger and more efficient than Russia's.⁵⁶ However, apart from political conditions, Brussels considers Minsk's WTO accession as a precondition for any enhancement of EU – Belarus trade relations. Belarus applied for WTO membership in 1993 but progress in its accession negotiations has been limited, since its political commitment was judged insufficient.⁵⁷

Furthermore, Minsk seems particularly interested in a dialogue with the EU over modernization and investment, since the main challenge for the Belarusian government is to fulfill the goal of “modernizing without privatizing”.⁵⁸ In fact, after the climax of the economic crisis in 2011 (when Belarus was forced by the necessity of the moment to sell some state-owned assets) there was some retreat on the privatization front with the abolishment of the 2011-2013 privatization list and the state regaining control over some private companies. Moreover, a draft presidential decree foresaw reinstating state control over privatized companies, even if the company is completely private.⁵⁹ The president also signed a decree preventing the employees in the wood-processing sector from resigning unilaterally until the end of the modernization of their companies, a decree that some human rights activist see as form of slavery.⁶⁰

56 M. Мора, “ЕС не Будет « покупать » Беларусь, уводя её из- под опеки России”, Interfax.by, <http://www.interfax.by/printable/exclusive/97357>, 13.12.12.

57 The last meeting of the Working Party was held in May 2005 and since then activity has been limited to informal consultations.

58 In March 2012 Brussels launched the European Dialogue on Modernization with Belarusian society which provides a forum for the free exchange of ideas for a modern Belarus.

59 See: Non Paper, “Belarus Reality Check 2012”, Policy Review, 19 December 2012; and Белта, “Belarus no longer uses plan to privatize state property”, 10 September 2012, http://news.belta.by/en/main_news/?id=692165.

60 Job Market Monitor, “Belarus/ Presidential decree imposing forced labor to workers quitting their jobs”, 11 December 2012, <http://jobmarketmonitor.com/2012/12/11/belarus-presidential-decree-imposing-forced-labour-to-workers-quitting-their-jobs>.

Conclusions

The EU policy of engagement in Belarus represents a remarkable advancement in EU-Belarus relations. After 2007 the EU, pushed by the Eastern European member states, left behind the previous “black and white” approach and started to outline a dialogue with the Belarusian authorities in an attempt to urge Belarus to undertake a path of reform through the use of incentives rather than with sanctions.

Unfortunately, the events that followed the Presidential Election of 19 December 2010 risked seriously undermining the EU-Belarus normalization process. The Belarusian regime’s violent crackdown on the opposition protests after the elections was interpreted as evidence of the failure of the “policy of engagement” by those member states willing to disengage from the region and by the supporters of tough sanctions against the Belarusian regime. However, in spring 2012, the crisis settled down and Brussels found a way to mediate among the different member states’ positions, announcing its commitment to a policy of “critical engagement” towards Belarus. This policy combines cooperation with sanctions: the former mainly through the multilateral track of the Eastern Partnership as well as in the field of technical cooperation (a process which tends to be rather invisible at the beginning, but that can bring noteworthy results once completed) and the latter against those responsible for serious violations of human rights, and those who are benefiting from or supporting Lukašenka’s regime.

At first glance, this policy looks quite contradictory; however, it reflects the different interests of the European member states and, indeed, the difficulties faced by Brussels in expanding Europeanization in a country that was reluctant to accept Western values even in the wake of post Cold-War euphoria. As a matter of fact, the policy of “critical engagement” could be defined as the fusion of the EU’s experiences in its relations with Minsk: the encounter of Western Europe’s policies with those of the new member states after the 2004 enlargement.

Finally, despite Lukašenka’s efforts to avoid EU conditionality by strengthening political and economic relations with Asia and Latin America, Belarusian entrepreneurs as well as the growing middle class look towards the EU for business opportunities, future career possibilities, and studies.

Moreover, integration with Russia in the context of the CES does not represent a viable alternative to the cooperation with the EU since the latter is Russia’s main commercial partner. In fact, with Russia’s accession to the WTO, Belarusian exports within the CES risk facing the strong competition that Belarusian producers will also face in the domestic market due to an increase in imports of goods from third countries. As a consequence, sooner or later Lukašenka will need to come to terms with the EU’s demands for reform in order to have direct access to its wider market and to fulfill the goal of economic modernization.

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