

# OPENING THE EUROPEAN COMMISSION'S DELEGATION IN MINSK:

18

DO EU-BELARUS RELATIONS NEED A RETHINK?

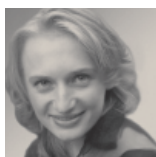
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# OPENING THE EUROPEAN COMMISSION'S DELEGATION IN MINSK:

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## Summary

- In the first months of 2008, the Belarusian leadership made some unprecedented declarations, demonstrating its willingness to cooperate with the EU. In contrast to similar declarations in the past, the current statements were supported by tangible cooperation-oriented steps on the part of the official Minsk, including the decision on the opening of the Delegation of the European Commission in the country and the release of several political prisoners.
- The recent attempts of the Belarusian leadership to establish its own terms for the fulfilment of EU demands on the one hand and the establishment of the Commission's Delegation in Minsk on the other, invite further consideration of EU-Belarus relations. Nevertheless, the existence of concessions as far as the official Minsk is concerned should not be mistaken for a fundamental change in the Belarusian approach towards the EU. As before, the official Minsk is not simply promoting cooperation with the EU, but cooperation of a very special type, namely one whereby it defines its own conditions, rather than adopting those defined by the EU, thus developing something of a reverse conditionality.
- The EU should clarify whether it can reward the Belarusian leadership for single cooperation-oriented steps, and to what extent such rewards can be granted. In other words, the EU needs an inventory of the instruments that are, or can be, employed in its policy towards Belarus.
- As far as the character of different instruments is concerned, the EU approach might appear contradictory, but this strategy is paradoxically the only way to move forward in its relations with Belarus.
- If the EU wants to promote the democratisation of Belarus, it should try to find synergies among its own measures and the policies of other actors. As the recent changes have demonstrated, only a combination of pressures from different sides will create a sufficient basis for EU leverage in Belarus.

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Minsk

Photo: Tapani Vaahtoranta

### Wind of change?

On March 7th 2008, after lengthy negotiations initiated back in November 2005, the European Commission and Belarus signed an agreement establishing the Delegation of the European Commission in the country. The event again raised hopes that the antagonism of the EU–Belarus relationship was finally a thing of the past and both actors were ready for a new start. Such hopes were boosted by the new, cooperative approach of the Belarusian leadership. In particular, the decision on the opening of the Commission’s Delegation went hand in hand with the sudden release of six internationally recognised political prisoners. The significance of the prisoners’ release was further reinforced by the comments made by the President of Belarus, indicating that on this occasion the respective continuously expressed demands of the EU had been heard. This stance contrasted sharply with the traditional policy line, namely that of rejecting the idea of any concessions for cooperating with the EU, criticizing the Union for interfering in its domestic affairs and simply ignoring its demands. The activism of the Belarusian approach towards the EU also contrasted with the uncertainty of the Belarusian policy towards Russia, resulting from the redefinition of relations between two countries, as well as the worsening Belarusian relations with the US following the introduction of economic sanctions against a large Belarusian state-owned enterprise, *Belneftekhim*, in November 2007.

The sudden cooperation-oriented approach of the official Minsk raises the issue of a commensurate response on the part of the EU. Although the Belarusian leadership has demonstrated that it takes EU

demands seriously and is ready for concessions in areas of the highest relevance to the EU, it has still not fulfilled the majority of EU demands. Even with respect to political prisoners, the EU requirements were not completely satisfied: the former presidential candidate, Aliaksandr Kazulin, is still in prison, and the fate of the young activist Andrey Kim is still hanging in the balance. Moreover, nothing has changed concerning the traditional heavy-handed response of the government to participants in peaceful demonstrations, like the entrepreneurs’ demonstration in Minsk in January 2008 or the one on the occasion of the 90th anniversary of the proclamation of the Belarusian People’s Republic in March 2008.

### Escaping the conditionality logic?

EU relations with the incumbent Belarusian leadership have always been centred on the conditionality principle. According to this principle, any improvement in the relationship needs to be preceded by the fulfilment of EU demands by the target state in question. With its recent decision on the release of political prisoners, the official Minsk has managed to reverse the conditionality principle, interpreting it in such a way that the Belarusian leadership should be rewarded for any cooperation-oriented steps, and that it should be able to define the exact form that the EU reward should take.<sup>1</sup> In other words, ultimately, it should be the Belarusian leadership’s prerogative to state the conditions for cooperation, not the EU’s.

<sup>1</sup> In particular, the Foreign Minister of Belarus, Sergey Martynov, stated on 22nd February that Belarus expects the EU to remove the top half of the High Officials from the notorious visa ban list headed by the President of Belarus and comprising over forty persons.



The new building of the  
National Library of Belarus

Photo: Tapani Vaahtoranta

While the relations between Belarus and the EU are focused on the conditionality issue, the opening of the Commission's Delegation seems to defy this logic. It is remarkable and significant that the long negotiations between Brussels and Minsk on the Delegation were not linked to any demands for concessions, neither from the official Minsk, nor from the EU. This dual stance reflects the awareness of the necessity for a *rapprochement*, although for different reasons in either case. The official Minsk is interested in the institutionalised expression of the normalisation of relations with the EU, first and foremost because it signals to Moscow that, if necessary, alternatives to the foreign-policy orientation on Russia can be found. The EU, for its part, is interested in creating any kind of basis for exerting an influence over Belarus. In this sense, the opening of the Delegation reflects the failure of the existing sticks and carrots of the EU, and the recognition of the fact that the EU needs to relax the conditionality principle to allow some engagement with the country. In any case, the Commission's Delegation has a unique position in the EU-Belarus dialogue: although representing a direct channel between the Belarusian leadership and Brussels, it seems to be situated outside the conditionality framework which otherwise prevails in this relationship.

In its day-to-day operations, the Delegation will have to maintain a difficult balancing act, since it will always be faced with a dilemma stemming from the conditionality as a fundamental principle in EU-Belarus relations on the one hand, and the need for engagement with Belarus on the other. How to organise and be responsible for the *rapprochement* with the Belarusian leadership without granting

political dividends to the regime? The issue is set to become more and more pressing as the EU needs to find an adequate response to the single concessions offered by the official Minsk. The danger in responding positively to a half-resolved measure is always such that it may never be resolved completely, which in the case of Belarus may become acute as the issue at stake, namely the release of political prisoners, is extremely sensitive. When the first prisoners were released, the democratic opposition, as well as NGO representatives, expressed immense concern about any positive response from the EU, because such a response could lull the political leadership of Belarus into thinking that it had a bargaining chip in its hand. Thus, by reacting positively, the EU would not achieve the desired effect, and would ultimately act against its own principles by tolerating the trade-offs involving political prisoners. The EU urgently needs to establish how far it is willing to go in rewarding the leadership for the cooperative steps along the lines of reverse conditionality.

Attention should also be paid to the internal implications of the opening of the Commission's Delegation in Belarus. In particular, the democratic opposition in the country, both political parties and NGOs alike, expect more support for their political activities on the road to the democratisation of Belarus and the promotion of European values. It is important that the Delegation, which has been formally installed with the aim of extending relations with the government's institutions, takes these expectations into account. Devising the strategy of the Delegation in such a way would send a clear message to the leadership of Belarus: the EU, although recognising the authority of the official Minsk to introduce important changes, still



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needs the Belarusian leadership to prove that it will guarantee the irreversibility of these developments.

### Creating added value for EU–Belarus relations

Although it is too early to say whether and how the European Commission’s Delegation will change relations between the EU and Belarus, the fact that a new office is opening in Minsk, as well as its particular circumstances, allow some conclusions to be drawn regarding the particular areas in which the possible added value for EU–Belarus relations can be created.

The first point to consider is that the EU, if it wants to increase its influence over Belarus, may have to behave in a paradoxical way on occasion. The Commission’s Delegation in Minsk is an embodiment of this fact. The EU decision to open the Commission’s Delegation to the Belarusian government was clearly a step on the road towards a *rapprochement*. It could, however, hardly be justified by the developments in the country around November 2005, when the application was submitted to the government of Belarus. Subsequently in 2006, after the human rights record deteriorated and the presidential elections were recognised as being far from free and fair, the EU introduced sanctions against Belarusian High Officials, but did not withdraw the application for the Commission’s Delegation. In this sense, the EU’s approach has been contradictory, but this particular approach, paradoxically enough, has been and remains the only way to move forward in relations with Belarus.

Secondly, the EU needs an inventory of the available instruments employed in Belarus, including the par-

ticular conditions for their use. By addressing this problem, the EU would devise a basis for a comprehensive strategy towards Belarus. So far, among all the instruments, the selective employment of sticks, namely the lifting of some sanctions while maintaining others until the rest of the EU demands are fulfilled, has been the most effective. However, it is debatable whether lifting sanctions is adequate and justifiable at all when the human rights record is poor; and whether one particular concession made by Belarus, such as the release of a political prisoner, justifies lifting economic sanctions related to a completely different problem, namely the freedom of the independent Trade Union in Belarus. In any event, the EU, when choosing certain instruments, needs to show that it is not creating some exclusive channel of communication with the Belarusian leadership. By overlooking this danger, the EU is likely to fall into a situation where the opposition is marginalised and the improvement of relations with the official Minsk occurs at the cost of securing contacts with the people of Belarus in a broader sense. Therefore, the EU has to choose those measures that will draw a clear distinction between the leadership of Belarus on the one hand and the population at large on the other.

Thirdly, recent changes in Belarus have demonstrated that only a combination of pressures from different sides will lead to an increase in EU influence. The exclusion of Belarus from the Generalised System of Preferences could only become a significant signal in the context of the pragmatism of Russia–Belarus relations and US sanctions targeting *Belneftekhim*. Thus, the EU needs to pay attention to the strategies of the respective actors and forge synergies among them. In particular, this would make it possible to



ascertain any potential increase in EU influence and to pinpoint the optimal moment for the EU to engage the Belarusian leadership in dialogue. In this connection, the Delegation in Minsk will play an important role by being able to permanently evaluate the environment in which the leadership of Belarus operates, and by remaining poised to react.

Fourthly, it is important to understand that the most important feature of the Belarusian foreign policy is its position in the grey zone of influence between the EU and Russia. The official Minsk might want to put forward its strengthened relations with Venezuela, China or Iran as diplomatic achievements, but they are not, in effect, any real alternatives. The EU's role in the foreign policy of Belarus is unique because only the EU can be used as a counter-weight to the influence exerted by Russia, and the reverse is also true, albeit to a lesser extent.

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