

Belarus – within the European Context:
Relations between Belarus and the European Union
European Partnership
Relations between Belarus and the Council of Europe
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I. Introduction

1. Geographically, Belarus is located in the centre of what is called "Europe". Europe includes geographically Russia up to the Urals.

Politically, Belarus – at this juncture - is an outsider in and for the European Institutions (European Union, Council of Europe, OSCE and NATO). Because of a number of political and economic but also geopolitical reasons a number of successor states of the Soviet Union seek closer and more structured relations with the European Union (Ukraine, Moldova, Belarus and the three south Caucasian states Armenia, Azerbaijan and Georgia).

2. Until recently, the European Union followed in its relations with these countries the political guidelines of its "New European Neighbourhood" adopted in 2004 with the objective in mind to improve border-crossing trade and traffic and general political relations. Belarus was excluded for lack of progress in democratic transformation, which was the bone of contention between the European Union and Belarus ever since the constitutional crisis and coup d'état undertaken by Alexander Lukashenko in November 1996 to be responded to by a number of sanctions adopted by the European Union, the Council of Europe, as well as the USA and a number of other countries, while the new political structure was recognized by Moscow and other CIS countries.

The new approach, adopted by the EU Summit in Prague on May 7, 2009, envisages close cooperation with Ukraine, Moldova, Belarus, Georgia, Azerbaijan and Armenia with the objective of closely linking these countries to the political structures and the EU market. Part of the multilateral process which includes four platforms and a number of flagship projects is

directed at revitalising the democratic transformation process within these countries that got stuck for different reason in a number of these countries.

3. An OSCE mission was installed in December 1997 with the mandate to assist in the development of democratic institutions and to monitor the application of European Human Rights standards in Belarus. The OSCE Summit, held in November 1999 in Istanbul adopted a Declaration on the transformation process in East Europe and welcomed – with the signatures of President Yeltsin and President Lukashenko – in paragraph 22 of the Summit declaration the negotiations – started a few weeks ago between representatives of Lukashenko and the opposition parties - for a limited democratic reform in the fields of

- Parliamentary rights,
- free and fair election (Electoral code) and
- on the access of the political parties of the opposition to the state run mass media, as well as
- regarding the discontinuation of administrative and criminal prosecution of members of the Political opposition.

The OSCE mission was to be the facilitator of these negotiations.

4. The question arises, why on earth the European Union and for that matter the OSCE and in addition the Council of Europe do “interfere” in the internal developments of Belarus and other East European countries?

The answer is not difficult:

The historic event of the end of the Cold War in 1990 has to be recalled. After more than forty years of military and ideological confrontation of the Soviet Union and its Allies on the one hand and the USA and its European Allies on the other hand the cold war could be ended peacefully– as a result of far reaching changes of the Soviet Foreign and Security policy during the years of Gorbachev, Secretary General of the Soviet Communist Party in the Soviet Union (1985-1991).

The Polish Solidarnocz Movement prevailed in Poland, so did the reformers in Hungary and in Germany (GDR). Germany was reunited (October 3, 1990) after the unexpected fall of the Wall in November 1989 in Berlin. It was the objective of the Soviet Union to seek close cooperation with the USA and the European Union and its member states in order to modernize the Soviet economy and the political fabric in order to bring about a competitive economy on the global markets. The Soviet leadership had realized already earlier that it had lost the ideological conflict in Central Europe. The uprisings in East Germany 1953, in Hungary 1958, in Czechoslovakia in 1968 and the rising of anti-communist structures – Solidarnocz – in Poland had more than proven this fact. The monopole of the Communist Party was abandoned in the Soviet Union in 1988.

The fundamental changes were translated into two important Treaties between East and West:

- The Treaty concluded between the members of the North Atlantic Treaty Organisation (NATO) and of the Warsaw Pact (WP) envisaged the establishment of ceilings for the armed forces in Europe (manpower, armament – tanks, artillery and aircraft) between the Urals and the Atlantic. It is called **CFE (Conventional Forces in Europe)** and continues to be valid, including the monitoring procedures adopted. However the treaty needs ratification for an adapted version of the treaty signed in 1999 as a consequence of the dissolution of the Soviet Union. We hope that pending issues will be resolved soon.

- The second document adopted on the occasion of the Paris Summit 1990 was the **Charter of Paris** signed by the Heads of State and Government of the countries participating in the CSCE process (now OSCE). **The Charter of Paris calls for a European House to be built on the basis of Common Values on individual human rights (freedom of belief, of speech, of reunion,) pluralistic democratic state structures in particular fair and free elections, separation of power (legislative, executive, judiciary), and market economies. The Council of Europe, the guardian of democratic values in Europe since 1947, was to advise communist governments for the transformation process, so was the Organisation ODHIR set up by the CSCE (OSCE) in Warsaw to provide training and advisory capacities for fair and free elections and related matters. Gorbachev signed the Charter on behalf of the Soviet Union.**

5. The transformation process initiated in Paris had however to cope with political developments in the Soviet Union, which led to its implosion in December 1991. Now the responsibility for the immense task of political, economic and social transformation fell upon the national institutions of the fifteen successor states that pledged to undertake these tasks when they were recognized as independent states by the international organisations and the members of NATO and the EU - early in 1992. **Particular importance was attached to the commitment not to change frontiers by force. That principle was also accepted by the successor states of the Yugoslav Federation.** Note in this context, however, the special situation of Kosovo that was recognized as an independent state on the basis of a mediation report by an outstanding representative of the UN, and therefore cannot serve as a positive reference case in the assessment of the Russian act of recognition for the independence of Abkhazia and South Ossetia, provinces that were declared to continue to constitute integral parts of Georgia by UN Security Council Resolution on April 18, 2009. Therefore, the Russian decision regarding the two Georgian provinces alerts and sensitises many neighbouring countries of Russia and pushes these countries into the structures of the West (EU, NATO).

6. It cannot be overlooked that the collapse of the Soviet Union and the loss of international prestige and strength have given rise in Russia to new nationalism that seeks to recover lost ground on the international stage and in the geographical neighbourhood. **The New Russia has no desire to implement the reform programme adopted in Paris in November 1990.** It has no interest in prolonging the Partnership and Cooperation treaty with the European Union agreed upon in 1997, and now under consideration for renewal or replacement by a new agreement. Negotiations take place, but agreement is not in sight. **Medvedev and Putin have set a different agenda: In midsummer 2008 Medvedev proclaimed a new foreign policy doctrine insisting among others on the right of Russia to protect its own citizen abroad (Abchasia, South Ossetia) and to intervene in neighbouring countries for strategic and security reasons – a claim that was realized a few months later in Georgia. Medvedev stated that he expected support and respect for this policy from Russia's friends and partners abroad. Until now this appeal did not gain international recognition, not to speak of support. Irrespective of interwoven economic interests and significant trade volumes the international community cannot ignore the growing political distance between the European Union and its members on the one hand and the Russian Federation on the other hand.**

7. To have changed borders by force and to have imposed an international status on provinces of another country constitutes a violation of international law and creates enormous actual and potential tension in Europe. It runs counter the order established in Europe by way of the EU – based on the Rome Treaty of 1957, which offers a European perspective to each and every country in Europe willing to transform its internal structure according to established European standards. The Eastern Partnership concept constitutes the EU response to the international related Foreign policy doctrines of the New Russia. The new program will be operated in parallel with the development of the political relationship with Russia which has turned out to be more difficult than ever since the breakdown of the Soviet Union.

II. The EU and Belarus

1. First of all **the important role** has to be recalled that **the European Union** and of its member states do play nowadays in Europe and beyond its frontiers. The Union was brought about –with US support – in 1950 with the goal in mind to overcome the national power rivalry in Europe for supremacy and hegemony - regionally and globally. Key to the new vision was the understanding reached by Konrad Adenauer and Charles de Gaulle – both in their seventies at the time - that the two nations must put aside and behind them their power rivalry, and that the two nations needed to serve as foundations for a New Europe – a United Europe.

This United Europe grew from the original six countries until the end of the Cold War up to 15 countries and after the end of the division in Europe to 27 member states. There are more states to accede to the European Union in due course. Interested countries have to reform their social and economic institutions in order to meet the criteria for membership. Membership in the Union: that means Freedom, Security, and a chance for a well being shared with the other member states. The EU is a kind of Confederation with a single market and a common currency (EURO) for – until now - fifteen of the 27 member states .It has common frontiers to the rest of the world. It has adopted principles for a common foreign, defence and security policy. According to the Rome Treaty of 1957 other European countries can accede to the Union provided they have established democratic government, respect for individual human rights, an independent judiciary that means the separation of power (executive, legislative and judiciary) and a socially rooted market economy. Also the Union must be capable of absorbing another country as a new member state.

2. Most observers and analysts point out that Belarus had some difficulties in 1992 to seek separation from Russia after the collapse of the Soviet Union. They may be right in a certain way, namely the way in which yesterday's nomenclature saw things after the dissolution of the Soviet Union in Viskuli in December 1991. However, since 1988 Senon Pasnjak, the archaeologist and member of the national opposition to the Soviet Union had established the movement “Resurrection” (adrashdenje) that turned into the Belarusian Popular Front BPF seeking independence from the Soviet Union on the basis of the short-lived Republic of Belarus established in March 1918 and later on dissolved by the Soviet Union. Senon Pasnjak pursued a strong anti Russian policy, and could unite more than 150.000 citizens behind his flag between 1988 and 1990.

3. In Germany, knowledge is not widely spread about the history of the Belarusian nation. It is not surprising that German specialists, when the country turned independent in 1918

translated Belarus into “White Russia”/“Weißrussland”. It should have been translated into “Weißruthenien”. Because this is what it was called earlier in history at a time when Ukraine was called Ruthenium – of which the origin or the derivative is “Rus”. The terminus “Russia” came into use after the establishment of the Russian Orthodox Church and Czarist Empire in Moscow during the sixteenth century. At that time the Ukraine and Belarus were not part of Russia.

4. The transformation process in East Europe, initiated by **the Charter of Paris** turned out to be a difficult one. The Soviet system had established a different value system for society and the individual within the collective, the socialist society. It was dominated by the economic and political downturn experienced every where, and it was lacking support at the basis. Defenders of European values had been discriminated during Soviet times. In public perception the economic decline, which was of course the consequence of the breakdown of the Soviet Union and the Soviet economy, which had been dominated by the military-industrial complex, was associated with the newly proclaimed and supported democratic order. This false connotation gave rise to the demand for a “strong state” – which Belarus got through democratic election in the person of Alexander Lukashenko in 1994 on the basis of a rather democratic constitution, and Russia in the person of Vladimir Putin a few years later namely in December 1999.

5. It is not unfair to say, that both – the EU and Belarus – did not care particularly much about each other in the early nineties. But that holds true also for the attitude and interest of the EU for most of the other Newly Independent States (NIS) in East Europe, except for Russia itself and – up to a degree - for the Ukraine and of course for the Baltic States that had been occupied by the Soviet Union in 1940. Even democratically oriented forces in the Belarus favoured a policy of equal distance to Russia and the European dimension. Only the new, but old nomenclature favoured closest possible cooperation with Russia. In 1992, Belarus became a member of the CIS security treaty. However, at least in 1995 a Partnership and Cooperation Agreement with the EU was signed.

This slow process of rapprochement came to a standstill and was converted into mutual distrust as a result of Lukashenko’s coup d’état in November 1996 imposing on the country an authoritarian version of the hitherto democratic constitution. The EU and the Council of Europe adopted a number of sanctions and put the “Partnership and Cooperation Agreement” on hold. In 2006, additional sanctions were imposed in connection with the fraudulent Presidential Election (Travel restrictions for President and additional functionaries). These sanctions were lifted temporarily in November 2008.

The European Union and the Council of Europe supported the efforts of the OSCE Mission to bring about meaningful negotiations between government and opposition for a limited democratic reform. Highlight was a corresponding decision by the OSCE Summit Conference in Istanbul in November 1999. However this agreement was disavowed by Lukashenko shortly afterwards, and in spite of manifold efforts of the European Institutions the series of manipulated elections for President and Parliament could not be stopped – until now.

6. While the EU discovered – belatedly – the need to develop an active political and economic relationship with other post Soviet countries such as Ukraine and the South Caucasian countries, notably after the accession of most of the Central European countries to the EU in 2004, Belarus could not benefit from the **“European Neighbourhood Policy” established in 2004**. Still, in 2006 the European Union linked any opening in this regard to the fulfilment of important steps of democratic transformation (see **“EU Non Paper on Belarus November 2006 “What the European Union could bring to Belarus”**). The demands included the release of political prisoners, free and fair elections, improved framework conditions for non-

governmental organizations, investigation into the fate of disappeared persons; improvement of workers right.

7. In the meantime relations between Russia and Belarus turned sour. Moscow reduced subventions (privileged prices for oil and gas). Russia is seeking a common monetary system for the two countries and the sale of economic assets to Russian companies. In connection with the Georgian crisis Minsk refused however understanding for and cooperation with Russia, notably regarding the recognition of the two Georgian provinces that had been declared independent by Moscow. A trade war raged for quite some time.

8. The international finance and economic crisis hit Belarus equally hard and its indebtedness to Russia as well as to the International Monetary Fund increased substantially without relief from within the country in sight. Under these circumstances Lukashenko could not hope to find easy solutions for his domestic economic and financial problems by way of beneficial deals with third world country markets or with China alone.

9. Within the European Union a change of policy was propagated on the basis of good and not so good reasons. It was felt important to improve relations – even in the absence of democratic progress in Belarus – some argued; however others claimed that meaningful changes had taken place concerning the hitherto lacking democratic transformation. Such unfounded and unjustified attitudes and positions can do only harm to your own trustworthiness and do damage to the opposition within the country. Both such tendencies should be avoided.

III. EU Eastern Partnership

1. Heads of State and Governments adopted on the occasion of the Prague EU summit on May 7, 2009 – together with representatives of the six East European partner countries - the programme “**Eastern Partnership**”, which will be administered from within the European Commission., but envisages as well the involvement of the European Council and Ministerial meetings as well as meetings of Heads of State and Governments of all countries participating in the Program.

As stated in the introductory part, the program is based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to market economy, sustainable development and good governance. (see Charter of Paris November 1990). **However, participation is not conditional regarding achievements in the democratic transformation process of the country at this juncture.** That means, this is a strategic alliance aimed at helping these countries to be attached to the EU by way of association agreements (para 2: political association and economic integration) – **with the membership question to be open ended – not excluded as was the case with the earlier EU Neighbourhood program.**

2. In parallel - on the basis of EU Commission suggestions - the concept for a “Civil Society Forum” was adopted, which is now in preparation on the basis of NGO proposals and suggestions – to be launched in November 2009 in Brussels.

3. In the end, the Georgian war and notably the recognition of the two Georgian provinces Abkhazia and South Ossetia by Moscow as independent states moved Lukashenko and the EU closer towards each other.

In light of the Mediterranean Union within the EU that was pushed forward by the French President some time ago, Sweden and Poland decided to initiate the establishment - within the structure of existing European institution - the concept of an Eastern Partnership – going much beyond the narrowly defined objectives of the European Neighbourhood policy.

4. Challenged with its own perception of a value based Europe by Russia's neo-imperial ambitions, the European Union decided to push forward the concept of Eastern Partnership and to include all six countries – irrespective of progress in their democratic transformation - and declared its intention to conclude with each of these six countries association agreements – in due course. Also a series of projects and common platforms will be installed in order to promote the democratic and economic transformation in these countries - not only at the top of state structures but also at the grass roots of the countries.

5. A closer look at the principal document – adopted by the Prague Summit – reveals a wide range of activities that will be reviewed annually by Ministers and every second year by a Summit Conference.

Provided it will be supported politically in a strong and persistent way by the member states, the new partner states and by the European Institutions at large the project can lead to an enlargement of the European Union in the course of the next decades. However, eventual success of this new concept cannot be considered a forgone conclusion.

(1). The activities of Eastern Partnership are to be developed in parallel with bilateral programs of the EU with third states

(2). The Political Association and economic integration – objectives of the Eastern Partnership - has to be seen as complementary to the assistance rendered to the six East European countries by other organisations. Conflict resolution and Regional cooperation are considered as very important components of the new partnership.

(3). Eastern Partnership will encourage reform processes, good governance and human rights

(4). The co-operation of the European union with these countries on a bilateral and a multilateral level will bring about favourable conditions for Association agreements

(5). Free trade areas, open markets constitute important goals of the cooperation

(6). The EU will develop comprehensive Institution Building Programs – individually for each one of the participating countries

(7). Support for border-crossing mobility of citizen will be brought about by Visa liberalisation.

(8). Energy issues will play a very important role in the process of deepening the relationship and co-operation.

(9). The European Partnership will be centered on the projects of Multilateral Cooperation (joint decisions of the EU and the Partners).

(10). Meetings of Head of State every second year, Foreign Ministers every year – and high level meetings

(11). There will be four platforms on

- **Democracy, Good governance and stability**
- **Economic integration and convergence with EU sectoral policies**
- **Energy security**
- **Contacts between people**

(12). June 2009 initial meetings of the platforms – meetings twice a year – there will be support panels

(13) In addition the European Partnership established a number of FLAGSHIP initiatives – such as

- **Integrated Border crossing administration**
- **Small and Medium sized enterprise –Facilities (KMU)**
- **Support for regional electricity markets**
- **Energy efficiency and renewable energy**
- **Development of a southern energy channel**
- **Cooperation in cases of natural or human made catastrophes**

(14) Interaction was initiated with other initiatives, such as Black Sea Synergy

(15). Participation of European Institutions.

Parliamentarians were invited to develop forms of cooperation. The establishment of a CIVIL SOCIETY FORUM of Eastern Partnership was decided upon. There will be a need or agreed procedures for the transmission of views by the NGO sector to official meetings – on the basis of an observer status that should be set up in accordance with established procedures within the UN family of international organizations.

(16). Funding (600 Mio. €for 2009-2013.)

(17). Private-Public Ownership projects

(18). EIB (European Investment Bank) and EBRD (European Bank for Reconstruction and Development) were invited to expand their activities in this region

(19). Public Support should be sought within the European Union and within the six new partnership states

(20). The European Council of the European Union will promote the implementation of the Project

(21). Closest possible cooperation was pledged by the Summit Conference to make the Program a success.

In the meantime the preparatory work for the first session of the Civil Society Forum takes up speed. It is to take place in November 2009. There is a need to make sure that it is not for the governments to determine which NGO can take part in the Forum.

On May 6, 2009, there was already an informal Civil Society Forum Meeting in Prague.

The main concern of the NGOs is related to the question, how to communicate with the governmental platforms and to governments at home. (Reference: VN-Observer-Status for NGOs at sessions of UN Commissions and Conferences).

IV. The Council of Europe and Belarus

In the aftermath of the European catastrophe 1939-1945 the need for new initiatives was more than evident in order to bring about the reconstruction of the continent and for new political strategies to prevent the re-occurrence of such catastrophes like WW I and II. Sir Winston Churchill urged – in his famous Zürich speech of September 19, 1946 – the establishment of a European Union on the European continent, meaning to say with the exclusion of Great Britain. Such a concept however was not going to work. Great Britain needed to be an integral part of the Union, accepting the same rules for the conduct of affairs in Europe as others would have to do. So, Great Britain joined the Council of Europe when established in 1949. This was the first European structure in the political arena of Post War Europe.

According to Article 1 of its Statute the Council is to bring about closer association among the member states. The Council comprises now all countries in Europe, with the sole exception of Belarus that had enjoyed a special guest status from 1992 until of 1997 (lifting of the special guest status as a consequence of the Lukashenko coup d'état in November 1996).

The European Council consists of

- the Ministerial Committee at the level of Foreign Ministers,
- the Parliamentary Assembly (318 members and 318 deputy members) and
- the Congress of Communities and Regions.

The Council seeks to further the strengthening of the Human Rights situation in member states, of parliamentary democracy as well as a sense of European unity and of cultural identity in diversity.

After the end of the Cold War and the adoption of the Charta of Paris in November 1990, the Council of Europe – the guardian of democratic and other public values in Europe – offered also to Belarus assistance and advice on matters of democratic transformation.

The Parliamentary Assembly of the Council of Europe granted Special Guest Status to Belarus as early as 16 September 1992 (state independence recognised early in 1992 by the international community). In October 1993, Belarus signed the European Cultural Convention. In September 1995 Belarus was also invited to accede to the Framework Convention for the Protection of National Minorities.

The Council of Europe ad hoc-Committee on Elections observed the elections for the Belarusian Parliament in 1995. The Parliamentary Assembly appointed two eminent lawyers to report about the transformation of the legal system of Belarus. The report was rather positive about developments in Belarus.

After the convening of the 13th Supreme Soviet in Belarus early 1996, the “Inter-ministerial Council on Cooperation between Belarus and the Council” achieved working capacity.

However, at the same time concerns were growing because of the mounting signs of disregard of President Lukashenko for the rule of law and in particular regarding rulings of the Constitutional Court as well as for the independence of the print media and radio stations. These concerns reached their climax after the coup d'état in November 1996 (referendum) and the consequences thereof, namely the demolition of the democratic constitution and its replacement by an authoritarian constitution. The new situation was recognized by the Russian Federation and other CIS-countries.

A few days after the coup d'état, the Parliamentary Assembly of the Council of Europe condemned the acts of the Belarusian President and called for a round table meeting of representatives of interested parties and institutions, to provide an opportunity for a productive dialogue and a more consensual approach to reform of the constitution. Various international initiatives failed in their effort to restore cooperation between government and opposition and to re-establish democratic rule in the country.

In January 1997, the of Special Guest status of the Belarusian parliament was suspended. The Council directed its future activities towards supporting civil society and the functioning of the independent media.

The Parliamentary Assembly continued to invite representatives from the Belarusian Parliamentary Assembly and from the opposition to attend the Assembly's biannual sessions in an informal manner. Thus, contact could be maintained informally.

In addition to the rejection of the return to non-democratic authoritarian government in Belarus, the Council of Europe also continued to criticize the continued application of the death sentence in Belarus.

In 2008, in view of the changed international situation in Europe, which is characterised by growing authoritarianism in Russia, initiatives were launched within the Council of Europe to reconsider the frozen relations with Belarus, which is the only country in Europe not to be a member of the Council of Europe

The report of the Political Committee suggested the restoration of the special guest status of Belarus with the Council of Europe and to provide at the same time for the opposition to be invited to the Semi-Annual Sessions of the Parliamentary Assembly. The Council even established already in early June 2009 an information contact point in Minsk (on the premises of the State University).

However, in the end the recommendation of the Political Council was adopted by the Parliamentary Assembly on June 26, 2009 with a condition attached – not only because of the lack of any substantive progress in the democratic transformation of the country, but also because of the continuation of the validity and application of capital punishment. Particular attention was drawn to fundamental deficiencies in regard of the Electoral Code, the freedom of the Media and regarding the exercise of political rights of the Citizens – freedom of speech, of assembly and belief. So, as o now, Belarus was not yet granted the status of a special guest – as of now...

V. Conclusion

1. The end of the Cold War gave rise to enormous changes in the political landscape of Europe. The principles on which the European Union was established turned out to offer attractive perspectives for nations states emerging from Soviet domination and seeking to secure their existence.

2. However, Russia is seeking to re-emerge as an independent European, if not global power that is not to be bound by the rules developed within and by the European Union. It seeks a regional status of predominance on its own ground rules. Countries affected by this claim will seek closest possible relations with the European Union in order to escape the fate of a new satellite status under Russian rule.

3. Lukashenko finds himself in a dilemma: He seeks continued close cooperation with Russia with privileged economic ties, however avoiding submission to the will of Russia by maintaining or developing beyond the scope available right now firmer and more productive ties with the European Union and its member. The outcome is uncertain.

The spectrum offered by the newly adopted Eastern Partnership is impressive. But will it be implemented – yes, provided a strong political will of the European Union pushes the implementation forward. It was a bad sign that a number of influential Heads of State and Government, such as Great Britain, France, Italy and Spain did not join the Heads of State and Government from other EU-member states to sign the document in Prague on May 7, 2009

The concept of Eastern Partnership is a very good and ambitious one – so are the risks of failure.

Berlin, August 2009