



**BELARUS  
AND THE EU:**

FROM ISOLATION  
TOWARDS COOPERATION

AT	Austria	FI	Finland	LV	Latvia
BE	Belgium	FR	France	MT	Malta
BG	Bulgaria	GB	United Kingdom	NL	Netherlands
CY	Cyprus	GR	Greece	PL	Poland
CZ	Czech Republic	HU	Hungary	PT	Portugal
DE	Germany	IE	Ireland	RO	Romania
DK	Denmark	IT	Italy	SE	Sweden
EE	Estonia	LT	Lithuania	SI	Slovenia
ES	Spain	LU	Luxembourg	SK	Slovakia

# **BELARUS AND THE EU: FROM ISOLATION TOWARDS COOPERATION**

**EDITED BY  
DR. HANS-GEORG WIECK AND STEPHAN MALERIUS**

**VILNIUS 2011**

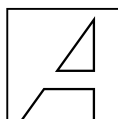
UDK 327(476+4)

Be-131

**BELARUS AND THE EU:  
FROM ISOLATION TOWARDS COOPERATION**

**Authors:** Dr. Hans-Georg Wieck, Dr. Vitali Silitski, Dr. Kai-Olaf Lang,  
Dr. Martin Koopmann, Andrei Yahorau, Dr. Svetlana Matskevich,  
Valeri Fadeev, Dr. Andrei Kazakevich, Dr. Mikhail Pastukhou,  
Leonid Kalitenya, Alexander Chubrik

**Editors:** Dr. Hans-Georg Wieck, Stephan Malerius



**Konrad  
Adenauer  
Stiftung**

This is a joint publication of the Centre for European Studies and the Konrad-Adenauer-Stiftung. This publication has received funding from the European Parliament. Sole responsibility for facts or opinions expressed in this publication rests with the authors. The Centre for European Studies, the Konrad-Adenauer-Stiftung and the European Parliament assume no responsibility either for the information contained in the publication or its subsequent use.

ISBN 978-609-95320-1-1

© 2011, Konrad-Adenauer-Stiftung e.V.,  
Sankt Augustin / Berlin

© Front cover photo: Jan Brykczynski

## CONTENTS

- 5** | CONSULTANCY PROJECT: BELARUS AND THE EU  
*Dr. Hans-Georg Wieck*
- 13** | BELARUS IN AN INTERNATIONAL CONTEXT  
*Dr. Vitali Silitski*
- 22** | THE EU AND BELARUS – A RELATIONSHIP WITH  
RESERVATIONS  
*Dr. Kai-Olaf Lang, Dr. Martin Koopmann*
- 34** | CIVIL SOCIETY: AN ANALYSIS OF THE  
SITUATION AND DIRECTIONS FOR REFORM  
*Andrei Yahorau*
- 53** | EDUCATION IN BELARUS: REFORM AND  
COOPERATION WITH THE EU  
*Dr. Svetlana Matskevich*
- 70** | STATE BODIES, CONSTITUTIONAL REALITY  
AND FORMS OF RULE  
*Valeri Fadeev*
- 79** | JUDICIARY AND LAW ENFORCEMENT  
AUTHORITIES  
*Dr. Andrei Kazakevich*
- 96** | MASS MEDIA IN BELARUS: THE HARD WAY  
TO FREEDOM OF SPEECH  
*Dr. Mikhail Pastukhou*

**112** | BELARUS – EU: MIGRATION, BORDER POLICY  
AND VISA ISSUES

*Leonid Kalitenya*

**130** | CURRENT SITUATION AND OUTLOOK FOR  
COOPERATION WITH THE EU: SOCIO-ECONOMIC  
AND INFRASTRUCTURAL ASPECTS

*Alexander Chubrik*

**144** | ENERGY, ENVIRONMENTAL PROTECTION  
AND COMBATING CLIMATE CHANGE: MAIN  
DEVELOPMENT TRENDS AND PROSPECTS FOR  
COOPERATION WITH THE EU

*Alexander Chubrik*

**152** | EXPERT THINK TANKS

**157** | CENTRE FOR EUROPEAN STUDIES

**158** | KONRAD-ADENAUER-STIFTUNG



**Dr. Hans-Georg Wiecek**  
(Germany), German diplomat  
(1954–1993), President  
of the Federal Intelligence  
Service (BND, 1985–1990),  
Head of the OSCE Advisory  
and Monitoring Group  
in Minsk (1997–2001),  
Head of the NGO  
Human Rights in Belarus

## **CONSULTANCY PROJECT: BELARUS AND THE EU**

### **PREFACE**

On 19 December 2010, the presidential elections in Belarus ended in disaster. Following the fairly open campaign of opposition candidates against the incumbent president, the counting of ballot sheets ended in a massive act of manipulation by the local election commissions and eventually by the Central Election Commission. Opposition leaders and voters assembled in public squares to protest against this flagrant act of disregard for Belarusian laws and European standards for free and fair elections. President Lukashenka assumed full responsibility for the violent crackdown on the political opposition and independent civil society in Belarus. More than six hundred citizens were arrested and many were beaten. Many citizens were and continue to be tried in Belarusian courts that are anything but independent in their judgments. It will take a long time to restore the networks of politically independent structures in the country, but across the country a wave of solidarity of citizens has emerged to render support to victims of the crackdown.

President Lukashenka declared that he has no interest in linking the country closer to the European Union. The emerging civil society in Belarus has a different view. Therefore, the European Union is well

advised to stick to the goals established in May 2009 with the concept of the Eastern Partnership.

## THE PROJECT

1. Belarus is one of six East European countries due to be brought politically and economically closer to the European Union as part of a programme called the Eastern Partnership, which was agreed on 7 May 2009 at the EU Summit in Prague. To reach this goal it will be essential to carry out the kind of democratic reforms that Lukashenka has until now been unwilling to consider. So far he has only agreed to one-off measures, such as the freeing of political prisoners, and to various "cosmetic" steps in terms of electoral law and the manipulation of the free press. As things stand, it is impossible to say whether the efforts of the EU with the Eastern Partnership will lead to long-term success for Belarus. For the European Union democratic reform is a requirement of the 1957 Treaty of Rome, which has a strategic political dimension, but for Belarus it is simply an option that, for the first time under the prevailing political conditions of this undemocratic regime, might be seen as a realistic possibility for the future and one that casts doubt on the inevitability of a reliance on the Russian Federation. It is against this background that we can view the activities in Belarus of both the authoritarian regime and the opposition parties that are primarily striving for democratic reform. The process of establishing closer ties with the EU may actually bring out areas of agreement between the government and the opposition.

For the leadership of Belarus, establishing closer ties with the European Union should make European investment in Belarus much easier. For Lukashenka it is clear that active economic relations with the EU are the only way that Belarus will be able to reduce its debts to Russia (as an oil and gas supplier), the World Bank and the International Monetary Fund in the long term.

2. The KAS consultancy project Belarus-EU works on the assumption that, for various reasons, there is growing interest among the government, opposition and the general public in Belarus in developing closer ties with the EU and its member states. However, the inner workings of the European Union and the requirements for rapprochement between Belarus and the EU are not well known within the country. There is also no doubt that successful democratic change in the country is dependent on the kind of positive economic outlook that has yet to be realized.

3. Closer ties with Europe will make wide-ranging political, economic, social and legal reform in today's Belarus absolutely essential. Belarus needs to familiarize itself with the inner workings of the European Union and to fulfill the requirements for membership specified in the "Copenhagen criteria" of 1999.
4. To this end a study has been undertaken, as part of the consultancy project, on the status of the country's governmental, economic, social and legal situation in various key areas that are to a large extent still influenced by the structures of the Soviet Union. The results of the survey can be used to identify those steps necessary for the country to reform and for its structures to become compatible with the European Union, a process that was and is essential for all former socialist countries seeking integration with the EU.

Experts from Belarus and specialists from Germany who are familiar with the problems associated with EU integration and enlargement have contributed to the study.

## **RESULTS OF THE STUDY**

Throughout history, Belarus — a country on the border between East and West with roots in both halves of Europe — has developed an economy largely dependent on exports as a result of its position at a geographic crossroads and its strong industrial base that, in theory at least, is capable of innovation. However, the industrial modernization that is now required is being delayed, hindered or made impossible by the Lukashenka regime's planned state economy and its orientation towards the Russian market. It is not clear if the Lukashenka regime is actually capable of economic and financial reform. A "neutral" economic orientation towards both Russia and the European Union is not considered feasible.

For a number of reasons the European Union is treading very carefully in shaping relations with its neighbors in Eastern Europe. After its experiment with a non-binding European Neighborhood Policy (ENP), which was passed in 2004, it was only with the Eastern Partnership in May 2009, as part of a process of strengthening regional components ("Union for the Mediterranean"), that it agreed to work closer with six countries — Belarus, Ukraine, Moldova, Armenia, Azerbaijan, Georgia — with the aim of closer political ties and economic integration, irrespective of whether the countries in question had achieved a satisfactory level of democratic change at that time. The study also looks closely at the political weight given to the new instruments of the Eastern Partnership within



the European Union itself. Against the background of the Lukashenka regime's continued rule it does not draw firm conclusions as to whether or not there is a good chance for success.

In the article "The EU and Belarus — a relationship with reservations" Kai-Olaf Lang and Martin Koopmann recognize that, alongside multilateral "platforms" with government representatives designed to create political, economic and legal networks as well as a number of major infrastructure projects, the structure of the program has also created a platform for the civil societies in the six partner countries and the member states, in which, according to the authors' findings, the Belarusian civil society is actively involved. It is abundantly clear that the final requirement for EU promotion of bilateral projects is actual and sustainable progress in the process of democratic change. European suggestions that opposition representatives should participate in the parliamentary structures of the Eastern Partnership (EURONEST) have largely fallen on deaf ears in Belarus. Freedom of speech, exercised within the protective confines of a parliamentary assembly, could have significant political consequences. In Belarus the opposition is banned from the parliamentary assembly.

In his analysis of the country's international situation ("Belarus in an international context"), Vitali Silitski points to the historic bias towards Russia in the country's foreign policy (CIS, Collective Security Treaty, Economic Union, Union Treaty), while links to European institutions have remained largely underdeveloped. The Cooperation and Partnership Agreement was not ratified as a result of the constitutional crisis of 1996 and the country's guest status was suspended. In light of the international economic and financial crisis of 2008–09, which also affected Belarus, and deep conflicts of interest in political and economic relations with Russia, the acceptance of Belarus into the EU Eastern Partnership project has given the country the option of orienting its future foreign policy towards Europe for the first time. Silitski concludes: "At present the need for long-term stability and sustained development of Belarus forces the Belarusian government to realize the need for participating in the processes of European integration, which in this historic period is most consistent with the national interests of Belarus."

In the analysis "Current situation and outlook for cooperation with the EU: socio-economic and infrastructural aspects", the author Alexander Chubrik documents the country's shortcomings in terms of its capabilities in the economic sphere and in those areas linked to the economy. At best they are aiming for price liberalization and privatization of small businesses.

In his article on “Judiciary and law enforcement authorities” Andrei Kazakevich considers the legal reforms undertaken after the election of Lukashenka as President in 1994 as a step in the right direction, despite the fact that they form part of the framework of an essentially authoritarian constitution. Improvements in effectiveness are possible in the context of the current political situation, but reforms in terms of democratic and European-style state and legal systems do not appear to be achievable at this time. This is also the case when it comes to the issue of appointing judges, who currently cannot be considered independent.

Leonid Kalitenya in his article “Belarus–EU: migration, border policy and visa issues” paints a detailed picture of the restrictive visa policy of the European Union and its member states in applying the Schengen Agreement to the issuing of visas to Belarusian citizens. The “big politics” in the relationship between the European Union and Belarus has significant influence on NATO and EU member states’ visa policies. The report states: “Belarus is in a unique position among the European Union’s new neighbor states: in contrast to the other post-Soviet countries, Belarus has chosen a different path for its future development in that it has opted to return to a more authoritarian political system. This choice marked the beginning of confrontation between the Belarusian leadership and the EU that have naturally had an influence on both parties’ visa policies”.

The author calls for a relaxation of visa requirements. The EU’s rigid visa policy has damaged the EU’s reputation, as has the often unfriendly attitude of staff at the visa desks of embassies and consulates. The EU has now opened the way for negotiations on visa requirements and so set the ball rolling towards repairing the EU’s tarnished reputation among the people of Belarus.

In her article “Education in Belarus: reform and cooperation with the EU” Svetlana Matskevich looks at the state of underdevelopment of the current education system in Belarus, which is still largely rooted in the old Soviet system. Students are still being trained to become part of the kind of planned state economic system which still characterizes the country’s economic and administrative structures. International programs are policed or controlled or, as in the case of the European Humanities University (EHU), have been banned from the country.

In his article “State bodies, constitutional reality and forms of rule”, Valeri Fadeev looks back at the initial process of democratic reform that came to a sudden stop with the election of Lukashenka in 1994

and which was superseded by a movement towards the more authoritarian political system that still exists today. This political system is now being enhanced by the development of closer economic ties to Europe and global institutions (World Bank, International Monetary Fund) as a result of the financial and economic crisis and a worsening of relations with the Russian Federation.

In line with the findings of international research institutes (Reporters Without Borders, Freedom House), Mikhail Pastukhou presents the depressing state of independent media in Belarus in his article "Mass media in Belarus: the hard way to freedom of speech", which is evidenced by highly restricted freedom of speech and information and discrimination against the free press through fiscal and information policies.

In his article "Civil society: an analysis of the situation and directions for reform" Andrei Yahorau describes the development of a state-aided non-governmental organization structure which has brought about the marginalizing of actual non-governmental organizations. However, the independence of real non-governmental organizations, sponsored by international (financial) organizations, damages the credibility of the state-sponsored organizations and their representatives, not least in the eyes of their own people.

An improvement in the situation will depend to a large extent on the success of the Civil Society Forums within the framework of the Eastern Partnership to confer the independent organizations with international status. This will furnish them with a "legal" and "legitimate" opportunity to influence the committee of the Eastern Partnership, which will be created at governmental level via the five platforms and with the participation of all EU members and the six partner countries.

## **RECOMMENDATIONS**

### **Belarus and the Eastern Partnership**

Within its current political, economic and legal structures, Belarus lacks the reform processes necessary for the country to eventually join the European Union, requiring a political paradigm shift. Participation in the Eastern Partnership therefore offers a possible political and psychological direction for the future as the country sees itself, notwithstanding its authoritarian constitution, as an integral part of Europe, albeit under certain conditions as a result of its unwillingness to reform.

## **Economic reforms**

The European Union, in cooperation with individual member states, needs to offer technical assistance in reforming key areas of the economy in negotiations with Belarus: competition; corporate governance; occupational health and social security systems; health; infrastructure; climate; environment; and technical training. At the appropriate time, and after significant political change has taken place, a free trade agreement should be signed and the Partnership and Cooperation Agreement, which was signed in the 1990s and which has already been ratified by a number of other countries, should also be ratified by Belarus.

## **Visa issues**

In parallel to the acceptance of Belarus as a member of the European Neighborhood Policy (Eastern Partnership) the European Union needs to work on significantly improving its reputation among the Belarusian people. The biggest bone of contention is the visa issue and the treatment of applicants in the embassies and consulates. A lifting of visa restrictions has to be the goal.

## **Education**

The second platform which deals with questions of democracy, effective and open government and interpersonal relationships should deal with education reform issues in the East European partner countries, including Belarus. In addition, the project should also consider the introduction or intensification of programs in Belarusian universities to study the European Union, its constituent parts and its development over time.

EHU offered similar programs when it was active in Minsk, and it would be necessary to do the same in state universities in the future in order to break down the mental barriers that have been built up by the Lukashenka regime in their past and present adherence to Soviet Union ideology and propaganda towards the European Union.

State universities need to find partner universities in the EU to develop these programs. EU representatives should introduce EU-themed competitions into schools and universities as well as organizing EU-themed trips for journalists and other professional groups but also for members of the nomenclature (e.g., members of Parliament and civil servants).

## **Constitutional organs**

Within the framework of constitutional reform there is a need for more checks and balances, the independence of the judiciary (appointment and removal), delegation of power to Parliament and the reintroduction of the right to form voting blocs for presidential elections. There is an urgent need to establish an office for Commissioner for Human Rights.

## **Media**

The list of measures necessary to create freedom of the press and freedom of opinion in Belarus is very long. Here are some of the key measures:

- A level economic playing field for both state and independent media.
- Simplification of the process for starting up new media organizations.
- Free access for journalists to public agencies and a government obligation to disclose information.
- Conforming of media legislation to EU standards.

## **Civil society**

- (1) In the many dealings and cooperation between European funding organizations and the civil society in Belarus there is a need to create some "order", a kind of statute covering dialogue, project development, financing and realization;
- (2) a revision of the registration procedures for non-governmental organizations is required; and, finally,
- (3) there needs to be an improvement in the selection process for the participation of members of Belarusian civil society at the Civil Society Forum of the Eastern Partnership.

Dr. Hans-Georg Wieck

Berlin, April 2011



**Dr. Vitali Silitski** (Belarus),  
Scientific Director,  
Belarusian Institute  
for Strategic Studies

## **BELARUS IN AN INTERNATIONAL CONTEXT**

### **GEOPOLITICAL FACTORS OF BELARUS: GENERAL INFORMATION**

Belarus is located within the boundaries of 53° northern latitude and 28° eastern longitude and, by its geographical position, is situated in the centre of Europe. The length of its territory is 560 km from north to south and 600 km from west to east, while the total area of the country is 207600 km<sup>2</sup>.

According to information from the Ministry of Statistics of the Republic of Belarus (as of 1 October 2010) the population of Belarus was 9465000, including 84% Belarusians, 8% Russians, 3% Poles and 1.5% Ukrainians. The country has a population density of 50 people per square kilometre. The population of the country is gradually decreasing (by approximately 700000 people over the past 20 years). Belarus is a multi-religious country situated at the junction of Eastern and Western Christianity. Approximately 80% of people identifying themselves as religious are Orthodox Christians. Other religions represented include Catholic and Protestant and, to a lesser extent, Islam and Judaism.

The main branches of the Belarusian economy include machine engineering, metalworking, potassium salt production and chemical and

petrochemical industries. Chief Belarusian export partners include Russia, the Netherlands, Great Britain, Ukraine, Poland and Latvia, whereas Belarus' primary import partners are Russia, Germany and Ukraine. 14% of the working population is engaged in agriculture, 34.7% in industry and 51.3% in the service sector.

Belarus is an important transit country for Russian hydrocarbons. The total amount of Russian crude oil transported via the territory of Belarus accounts for around half of Russian oil exports. In terms of gas transportation volumes, the Belarusian gas transportation system is second only to those of Slovakia and Ukraine. More than 4000 deposits of 30 types of mineral resources used around the world have been mined in Belarus. Notable among these are potassium salts, with the country ranking among the first in Europe by reserves.

The number of personnel in the Belarusian army totals 65000, including 15000 civilians. The Belarusian army takes an active part in various military exercises domestically and internationally. In the opinion of independent experts, the Belarusian military forces remain among the most combat-ready in the post-Soviet region.

As is evident from the data presented, Belarus is a small state by European standards possessing few natural resources, but with a favourable transit situation and export-oriented economy.

### **HISTORICAL DEPENDENCE OF THE GEOPOLITICAL DEVELOPMENT OF BELARUS**

Contemporary Belarus was populated by the ancestors of Belarusians more than one thousand years ago. Supreme political power in Belarusian historical lands was often held by representatives of other ethnic groups: the Rurik dynasty during the Polotsk Duchy, Gediminas dynasty during the Grand Duchy of Lithuania and Russian administration during the Russian Empire and early stages of the Belorussian Soviet Socialist Republic. At the same time, most of the political elite had local origins.

From the time of the establishment of the first proto-states, Belarusian lands were developing in the context of European politics, economy and culture. Chivalric traditions and ranks of aristocracy, the Renaissance and the Reformation, Latin as the language of science and European architectural styles all form an integral part of the history and culture of Belarusians. The European tradition in the history

of Belarus was interrupted only after the annexation of its territory by the Russian Empire at the end of the XVIII century.

Belarus has always stood at the crossroads of important trade routes, whose security could be ensured only by relying on the support of the local elite. This fact explains the relatively peaceful consolidation of specific Belarusian duchies in the Grand Duchy of Lithuania, their wide autonomy within the Polish-Lithuanian Commonwealth and the privileged status of the local nobility after the occurrence of Belarusian lands into the Russian Empire. Over the last one thousand years, Belarusian lands formed a part of powerful state entities, where they played a fairly significant role. The tradition of negotiations, unions and alliances forms an integral part of the political culture of Belarusians.

### **MODERN GEOPOLITICAL SITUATION OF BELARUS**

Today, Belarus is situated between two powerful geopolitical centres: the European Union and Russia. However, as a part of five large-scale geopolitical, economic and strategic military projects dominated by Russia (the Union State of Belarus and Russia, the Commonwealth of Independent States, the Collective Security Treaty Organisation, the Customs Union of Russia, Kazakhstan and Belarus, and the Eurasian Economic Community), Belarus has only limited political contacts with the EU. The Partnership and Cooperation Agreement has yet to be ratified and the Delegation of the European Union was opened only recently in Minsk.

For Russia, Belarus is important in military-strategic terms: through Belarus is the shortest and most direct route from Moscow to Europe and Belarus is the base for two important Russian military facilities. Russian military doctrine does not consider the armed forces of the Republic of Belarus a separate unit. In the event of a threat of aggression from the West the Belarusian army would be deployed as one of the armies of the Russian Federation for the defence of the western boundaries of Russia. Belarus is also important for Russia as a transit territory. In other words, Belarus is an important ally of Russia and it is in the interest of the latter to maintain Belarus in this capacity and to strengthen Russia's political and economic influence in the country.

On the other hand, the European Union is interested in cooperation with Belarus in the fields of regional and sub-regional security, combating cross-border threats, environmental protection, transit, transport and energy and considers Belarus an effective barrier to the flow of illegal migrants and drug trafficking. Moreover, of importance to



the EU is the existence of a “europeanised” neighbour on its eastern border — one that is economically developed, conducting a balanced political course and respectful of human rights and freedoms.

### **SEARCH FOR THE MAIN FOREIGN POLICY VECTORS**

Even after eighteen years following independence as a result of the collapse of the Soviet Union, Belarusian society has not yet definitively decided on its place in the world and targets and priorities for its foreign policy. Approximately equal parts of Belarusian society are in favour of integration (alternatively with Russia and the EU), while autarchic sentiments and aspirations for maintaining allied relationships with both entities are also strong. The same sentiments exist among the commanding elites. This results in an unstable character for foreign policy, an ambition for political bargaining and manoeuvring between Russia and the West.

In the first half of the 1990s, Belarus had the opportunity to return to the path of European development and to integrate into Euro-Atlantic structures. However, this opportunity was not realized due to a number of coinciding factors: the structure of industry, the state of ethnic identity, the coming to power of Alexander Lukashenka and the subsequent establishment of an authoritarian political regime. The pro-Russian vector (since it fully satisfied the political and socio-economic interests of the ruling circles of the time) and the course toward establishing a union state embodied the desire of the Belarusian elite to maintain undivided control over the country, without resorting to painful and unpopular reforms. Having received access to the Russian market and inexpensive energy resources and having secured Moscow’s backing in foreign policy, Belarusian authorities effortlessly took the path of cooling and freezing relationships with Western countries that criticised Belarus for the human rights abuses and violations of democratic principles. The Belarusian authorities succeeded in taking advantage of growing anti-western sentiments among the Russian public and elite, whose majority viewed Belarus as the most loyal and single trustworthy ally. At the same time, the policy of unilateral orientation towards Russia strengthened the structural dependence of Belarus on its eastern neighbour — a monopoly supplier of energy resources and the only serious consumer market for industrial products that are uncompetitive in European and world markets. This was accompanied by an increase of the share of trade with the EU in the foreign trade balance for Belarus. This was due, however, to the growth in prices for Russian energy resold to the West and an increase in their processing volume.

However, starting in 2006–2007, Russia refused to subsidise the Belarusian economy to the extent it did before and made attempts to put relations with Belarus on a more pragmatic footing, where the main interest lies in the participation of Russian capital in the privatisation of the largest Belarusian companies and the preservation of Belarus as a strategic military foothold for the Russian armed forces. This was a part of a more global change in Russian foreign policy, which grew dissatisfied with the disloyalty of its post-Soviet partners who had been generously sponsored by Russia for a decade and a half. This policy includes easing of Russia's dependence on transit countries for raw hydrocarbons by constructing "bypass" transit routes (the North Stream and the South Stream for gas and the Baltic Pipeline System-2 for crude oil), which constitute a direct threat to the transit-country model that has formed in Belarus and which allows it to hold the energy resources supplier hostage. At the same time, the Russian-Georgian war provided robust evidence of Russia's readiness to use any means for maintaining dominance in the post-Soviet space. This readiness was clearly demonstrated in 2010, first in Kyrgyzstan, where Russia took an indirect part in the change of a political regime in a post-Soviet country, and then in Russian-Belarusian relationships when, through methods of openly political and economic blackmail, Belarus was forced to join the Customs Union with Russia and Kazakhstan on unfavourable terms. The sense that Russia, if necessary, can repeat the regime-change scenario in relation to Belarus has been replaced with confidence that Russia is ripe for its implementation. The Russian factor has become obvious in the campaign for the presidential elections scheduled for 19 December 2010. Moscow's involvement in the elections has taken many forms, ranging from media campaigns to discredit Lukashenka to support of opposition candidates. Non-recognition of the elections by Russia is one possible scenario.

The new Russian policy towards Belarus and the post-Soviet region in general forced Belarusian authorities to think about the danger of a one-sided orientation towards Moscow and to begin a gradual normalisation of relations with the EU. At the same time, a search for new partners who would not make their assistance conditional on any political factors is a priority strategy for the survival of Belarusian authorities. First and foremost, we are talking about China, with which economic cooperation began to flourish in recent years.

Until recently the European Union pursued a restrictive policy towards Belarus as a result of gross violations of human rights and freedoms. For the same reasons this made Belarus participation in the European Neighbourhood Policy impossible, in contrast to Ukraine and Moldova.

This policy generally satisfied both the Belarusian authorities, because it limited the undesirable influence of the EU on internal political processes in the country, and the EU, for which isolation justified the absence of a clear policy towards its troublesome neighbour. There was no need for such a policy with Russia, given its harmonious relationship. It was assumed that this region could stay within the area of responsibility of the Kremlin, including issues related to the promotion of democratisation and processes of reform. A more advanced Russia was considered by many in the EU as an engine of reform in Belarus.

The European Union is interested in involving the country in political and socio-economic European processes. However, engagement of Belarus is hindered by two factors: firstly, the limited financial resources of the EU given a slow-down in economic growth and additional crises in the economies of a number of EU member states; secondly, the lack of substantial progress in matters of democracy and human rights inside the country, which reinforces the voices of supporters for Belarus's isolation from within the EU. However, worsening relationships with Russia against the backdrop of the declining economy compel Minsk to make certain concessions towards the EU. The Belarusian government is considering its rapprochement with the EU as a "sale" of geopolitical loyalty and requires, on the one hand, financial assistance and, on the other, non-interference in the country's internal politics. In practice, this means a commitment to economic reforms with a full rejection of political reform.

It is important to emphasise that the existing foreign policy conditions (the factor of the Russian-Georgian war and non-recognition of Abkhazia and South Ossetia by Belarus, the deterioration of relations with Russia in the process of negotiations on the Customs Union, the invitation for Belarus to join the Eastern Partnership Programme and open confrontation between Moscow and Minsk on Kyrgyzstan) opened an unprecedented window of opportunity for the European integration of Belarus. Belarus had only seen such a chance for a short time following the collapse of the U. S. S. R. However, this window of opportunity will not be open forever. For the leading EU member states cooperation with Russia remains a priority and playing on anti-Russian rhetoric, which Minsk allows itself today, will not have effective results without progress in the area of reforms. Possibilities for geopolitical manoeuvring toward the West narrowed for Minsk after the Tu-154 crash near Smolensk in April 2010. Poland's new leadership set a course for improving relations with Russia, has been inclined to coordinate its foreign policy with leading EU member states and is no longer interested in straightforward geopolitical confrontation with Russia.

At the same time, growing competition among centres of gravity has begun to take shape. While the IMF grants a new loan to Belarus for the first time in many years and the EU is developing a new programme for cooperation with eastern neighbours, including Belarus, Russia is strengthening its strategic military cooperation with Belarus, insisting on the recognition of South Ossetia and Abkhazia by Belarus and actually forces the Belarusian leadership to forge an unfavourable Customs Union with Russia and Kazakhstan. Thus, Belarus faces the need to choose the path of its further development as it never has before.

### **NEUTRAL STATUS**

At the dawn of Belarus's independence, the idea of neutrality and non-alignment with any political or military blocks enjoyed great popularity. This idea was also reflected in the Constitution of the Republic of Belarus, which underlines the commitment of Belarus to be a neutral state. However, this provision was subsequently breached by the fact of the country's joining the Collective Security Treaty Organisation and political integration with Russia.

The neutral status of Belarus has a number of advantages, such as safeguarding its independence and cultural identity, the absence of any obligations to other international actors, the possibility to serve as an arbitrator in the international arena and to be the centre of attraction for bank capital. To realize stable neutrality status requires a number of historical, cultural, geopolitical and other factors: the availability of internal capacity for securing sovereignty and independent development, recognition of the neutral status of the state by at least the neighbouring countries and major geopolitical centres and, most importantly, the internal consensus of political elites on the status of neutrality.

As of today, preconditions for neutrality have not been formed in Belarus. The ruling political class is focused on a balance between geopolitical centres, which generally reflects the historical tradition of political life in the region.

### **EASTERN VECTOR**

The draft of the Union State of Belarus and Russia, developed in the 1990s, was based on a rational attempt at reconstructing the Soviet subsidy scheme under complex foreign policy and economic conditions. This project exhausted itself by weakening the

capacity of the Belarusian leadership to trade its transit status and geopolitical position for Russian subsidies. A situation emerged where the maintenance of union relationships in the old format jeopardised not only the country's political independence, but also the powerful positions of the Belarusian elite. The historical experience of being a part of the Russian Empire and the Soviet Union reveals the undesirability of such a scenario for Belarus in the future because the Russian political culture does not allow for the existence of autonomous foreign-ethnic entities within the Russian state.

Integration with Russia (political and economic) in the medium term can bring economic benefits in the form of temporary stabilisation of the Belarusian economy and political system, but in the long term are more likely to lead to a loss of sovereignty and identity. This was unambiguously demonstrated to Belarusians by former Russian president Vladimir Putin, who offered Belarus to join Russia in the form of six regions. A scenario of deep political integration with Russia is possible in the event of a sharp deterioration of the economic situation in Belarus with simultaneous isolation of the country by the West.

Economic and political cooperation with China is viewed by the Belarusian leadership as an optimal alternative to Russia and the EU. The huge, thriving economy with a giant reserve of free financial and investment funds and strong interest in increasing its presence in the region does not claim political supremacy as does Russia and does not burden partners with value conditions like the EU. It should be noted, however, that China is interested in building relationships in certain areas, where its own interests lie first of all (access to natural resources, development of infrastructure for economic expansion in the region, development of conditions for the promotion of Chinese business and employment of the Chinese labour force abroad), and its investments do not always bring immediate positive effects for its partner's economy.

Although cooperation with China can definitely have a beneficial impact on the Belarusian economy (in such areas as infrastructure development, restructuring of certain industrial sectors and especially in the production of consumer goods, equipment and electronics), it does not constitute a comprehensive alternative for Belarus, whose set of alternatives will be predetermined, primarily by its geographical position, its existing system of economic ties and its European cultural heritage.

## **WESTERN VECTOR**

As has already been noted above, historically and socially Belarus is an integral part of Europe. The European culture of negotiations and alliance formation is very close to Belarusian political culture. The European Union has shown the possibility of a deep political and economic integration while preserving the sovereignty and identity of even small European nations, which cannot be unattractive for Belarus. In addition, today there is a wide range of integration options and levels that can be chosen by the Belarusian leadership for bringing the country closer to the EU. The choice of the degree of integration depends on the Belarusian government, which facilitates the dialogue between Brussels and Minsk.

The choice of the European path of development requires certain concessions from the Belarusian leadership in the direction of reform of the legal and political system; however, it also envisages strategic advantages in the long term, ensures the security of state independence and stabilisation of the economic system, as well as the inclusion of Belarus in pan-European and global processes.

## **CONCLUSIONS**

Thus, at present the need for long-term stability and sustained development of Belarus forces the Belarusian government to realize the need for participating in the processes of European integration, which in this historical period is most consistent with the national interests of Belarus.

The historical experience of political engagement with Russia proves the danger of integration initiatives for state sovereignty and national and cultural identity of Belarusians and the failure of Russian-Belarusian integration projects.

The possibility of a neutral status for Belarus can hardly be implemented at this stage due to the lack of necessary factors coupled with the political class's lack of will to pursue an entirely neutral policy. After the Russian-Georgian conflict and failure of previous attempts to democratise Belarus, a unique opportunity has emerged for our country to put an end to international isolation and to join European integration processes without any preconditions and exclusive requirements. Failure to take advantage of this opportunity means to fall out of step with global processes for a long time and to ensure a lag for many years in the future.



**Dr. Kai-Olaf Lang** (Germany), Deputy Head, Research Division, German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP)



**Dr. Martin Koopmann** (Germany), Board Member and Executive Director, Genshagen Foundation, European Policy Coordinator, Konrad Adenauer Foundation (2008-2009)

## THE EU AND BELARUS – A RELATIONSHIP WITH RESERVATIONS

### EUROPEAN NEIGHBORHOOD POLICY: STABILIZATION AND COOPERATION WITH PARTNERS IN THE EAST AND SOUTH

The European Union's European Neighborhood Policy (ENP) was developed in 2004, shortly before the EU completed its great wave of enlargement towards the east. After ten new countries joined the EU, it was important to develop this policy in order to provide the Union's new neighbors with a framework for future relations. The need for this was heightened by the EU's experiences with the unstable situation in the Balkans in the 1990s, in particular the war in Kosovo. Against this backdrop, the ENP's main aim was to contribute to greater stability for the EU's immediate neighbors. The southern member states in particular lobbied for the ENP to be extended to their neighbors in the Mediterranean region. The ENP framework was, therefore, proposed for 16 countries (including the Palestinian Autonomous Area),

offering the opportunity to set up bilateral partnerships with the EU. These involved Action Plans that set an agenda of economic and political reforms which, if successful, may be rewarded by integration with Europe, though not at full member level (Prodi: “Everything but institutions”).

This question of the final outcome of the Neighborhood Policy soon proved to be a bone of contention among member states. After enlargement, most of the new member states lobbied for the (Eastern) ENP countries to be explicitly offered the possibility of EU accession. While France has always been the most vociferous opponent of this strategy, resistance is also growing in Germany towards a forced and extensive enlargement process based on the ENP, particularly in view of the problems experienced in ratifying the Lisbon Treaty. Many EU members still see a successful deepening of European integration as a basic prerequisite for expansion. However, it is accepted within the EU that the reform objectives for each individual neighboring country will vary widely. As only European countries can be members of the EU, the interests and possibilities for cooperation of the ENP countries in North Africa will inevitably be very different from those of countries in Eastern Europe. Nevertheless, the EU is in agreement that its southern neighbors, just like its eastern neighbors, need greater focus to be placed on their political situation. Factors such as historic alliances, geographic position and strategic importance have resulted in the member states having their own specific predilections. Many of the new members from Eastern and Central Europe, along with some Scandinavian countries and Germany, show more obvious support for the eastward expansion of the Neighborhood Policy. Indeed, during its presidency of the European Council in the first half of 2007, Germany made it one of its priorities to improve relations with its eastern neighbors. The speed at which closer relations can be built between the EU and neighboring countries depends above all on the willingness and ability of these countries to reform their political systems along the principles of good governance, to uphold principles relating to the rule of law and to adapt their economic systems to meet the requirements of a market economy. The EU is unlikely to make a commitment to membership targets in the foreseeable future, but it will take into account the different conditions that apply to each country, which will automatically lead to strong internal differentiation within the ENP. This development will be accompanied by other multilateral, sector-specific cooperation initiatives, such as the Eastern Partnership launched in early 2009 by Sweden and Poland during the Czech EC presidency. The EU is required to constantly monitor the effectiveness, appropriateness and acceptance of its offers and if necessary



to improve the instruments used to advance its Neighborhood Policy, along with its resources and planned incentives. But these kinds of initiatives can only provide support for the necessary reform processes; the countries themselves have to shoulder most of the responsibility for creating change and thus forging closer ties with the EU.

Over the last few years, relations between the EU and Belarus have to a large extent been determined by the country's domestic policies. Shortly after the election of Aliaksandr Lukashenka to President in 1994, the EU found itself forced to fundamentally change its attitude towards Minsk because of Belarus's numerous breaches of democratic and judicial standards. The Partnership and Cooperation Agreement concluded between the EU and Belarus in 1995 was frozen by the EU in 1997, along with the bilateral Interim Agreement which would have implemented the trade-related measures. Following these moves, cooperation continued to tail off: although the EU again signaled its interest in improving bilateral relations, any improvement was conditional upon the country's progress towards democracy. This progress failed to materialize, and indeed it regressed in terms of basic political and civic freedoms and rights, resulting in the EU applying sanctions. The EU is generally reluctant to use sanctions against states, so its decision to harden its stance towards Belarus was unusually severe. Nevertheless, the member states voted unanimously for taking this step and the sanctions have been in force for some time. In 2003 Belarus was nominated as an ENP partner along with countries such as the Ukraine and Moldova, but it soon became evident that in practice Belarus had to remain excluded from the Neighborhood Policy. In 2004, while the European Commission was deep into negotiating its first Action Plan with Kyiv, Brussels imposed a visa and assets freeze on certain Belarusian politicians who were accused in a European Council report of being involved in the disappearance of four members of the opposition. After the fraudulent presidential elections of March 2006, this freeze was extended more widely to include high-ranking government members and also President Lukashenka. At the end of 2006, the EU widened its sanctions to include the withdrawal of its Generalized System of Preferences (GSP) for trade with Belarus. At the same time it emphasized the fact that it is still interested in improving bilateral relations with Minsk by publishing its unofficial action plan "What the European Union could bring to Belarus" in November 2006. In this document, the EU set out a number of requirements for advances in human rights and the rule of law in Belarus, at the same time calling attention to the advantages that would be brought from increased bilateral cooperation.

## **EU AND BELARUS: GOALS AND INTERESTS**

The European Union's goal is first and foremost an improvement in the country's political situation, something which can only come from Belarus itself, aided by EU declarations, policies or even sanctions. Its second goal is the reform of the economic system in Belarus so that it can become a competitive and efficient market economy able to feed its people and to become a rewarding trading partner for the EU in the future. In order to achieve both of these goals, it is important that Belarus takes steps towards developing a transparent, effective and citizen-centered government and administration. Belarus is also an important neighbor for the EU in other areas, such as the energy sector, where Belarus, at least in the medium-term, is a critical transit country for Russian oil and gas. The EU is also keen to work with Belarus on questions of migration, crime and EU border security, and in the future will try to improve Belarus's links to European transport networks. This interest in transport infrastructure is based on Belarus's position as an important transit country for goods travelling between the EU and Russia.

The energy conflict with Russia in 2007 brought about some clear changes in the attitude of the Lukashenka government, shown in particular by the release of political prisoners. This prompted the EU to quickly send out its own positive signals.

Berlin is a particularly close follower of developments in Minsk. Germany is keen to normalize relations between the EU and Belarus because of its traditionally close ties with the country (based on previous strong trading links, significant direct German investment in Belarus and the importance of the German language). But Berlin will not branch away from standard EU policy, for it understands the importance of the EU maintaining a concerted position and is convinced that forging closer ties must mean recognition of common values. The effect of increased involvement with Belarus (and other East European neighbors) on relations with Russia is an increasingly hot topic of debate, not just in Germany but also across the whole of the EU. To what extent will a kind of competition for integration develop between the EU and Russia?

## **EASTERN PARTNERSHIP**

The Eastern Partnership (EaP) is a political initiative to enhance the EU's relationships with its eastern neighbors, officially launched with representatives of the partner countries at an EU summit in early May 2009. The initial proposal for this partnership was made in May 2008 by the governments of Poland and Sweden. Warsaw and Stockholm were supported in

their initiative by a presidential and governmental resolution that called on future governments to continue to develop both the eastern and southern flanks of the European Neighborhood Policy “in bilateral and multilateral formats”. During France’s Council presidency (first half of 2008), it launched with great fanfare the idea of a “Union for the Mediterranean” to fight for improved contacts with Euro-Mediterranean countries. For some time Poland had been lobbying for the creation of a specific framework of cooperation with the EU’s eastern neighbors and saw this as a good opportunity for the EU to set it in motion. The Polish-Swedish proposal was quickly ratified by the EU partners, with the war between Russia and Georgia in August 2008 giving additional impetus to the EU’s internal discussions on Eastern and Neighborhood policies. A number of member countries saw a strengthening of the eastern flank of the ENP as an opportunity to take advantage of the new fragility within the ex-Soviet region.

The EaP’s target countries are three countries in the South Caucasus (Armenia, Azerbaijan and Georgia), along with Ukraine, Moldova and Belarus. The EaP has a two-pronged approach: to promote existing bilateral relations between the EU and individual neighboring countries and to create a new structure for regional cooperation with all eastern partners.

On a bilateral level, the EU’s existing offers were reiterated, developed as necessary and in principle held out as prospects for all its eastern partners. Neighboring countries can now conclude new treaties in the form of Association Agreements on the condition that they fulfill certain criteria. These are designed to improve the neighboring country’s administrative capabilities through a program of institutional development, and countries who are members of the WTO can negotiate comprehensive free trade treaties with the EU. Successful cooperation in the areas of border security and migration can ultimately lead to an easing of travel restrictions and even the possibility of visa liberalization. In November 2010, the EU and the Ukraine established an Action Plan with a view to setting out the technical conditions to be met by Ukraine in order to progress towards a visa-free regime in the medium-to-long term. Talks between the EU and Ukraine and Azerbaijan have taken on particular importance in the areas of transit and energy security. In addition, assistance will be provided in the areas of economic and social development and cross-border cooperation.

A new development is the establishment of a multilateral cooperation forum. The Commission proposed concentrating on four different platforms: democracy and good government; economic integration and compliance with EU policies and standards; energy security; and contacts between people. A series of flagship projects are planned

to ensure focus and transparency, including an integrated program on border security; special aid for small and medium-sized enterprises (SME facility); the creation of regional energy markets and improvements in energy efficiency; the development of a “Southern Energy Corridor” to diversify energy supply routes; and catastrophe protection and the promotion of good governmental practices in the area of environmental protection. Since June 2009, there have been high-level meetings on these topics as part of the EaP implementation phase. These talks have resulted in the establishment of core objectives and a two-year program of work with the results being reported at the annual EaP Foreign Minister summit. 350 million euro have been set aside to support this initiative until 2013, with another 250 million euro being generated through capital redeployment.

The EaP has laid increased emphasis on cooperation with non-governmental organizations and other civic structures. As a program of modernization strongly oriented towards legal harmonization and governmental reform initiatives, the Neighborhood Policy is quite “government-heavy”. Collaboration with executive bodies is also of considerable importance for both bilateral and multilateral measures within the EaP framework, but enhanced by strong components designed to stabilize civil society. The progress of the Neighborhood Policy is based on two factors: cooperation between administrations and relationships between societies.

This can be seen most clearly in the establishment of a Civil Society Forum. At its first meeting, more than 220 organizations — from the six partner countries and the EU — showed that they wished to be an active and essential part of the EaP and be accepted as institutional partners of EU institutions, member states and partner countries in the planning, execution, monitoring and evaluation of EaP programs. The EU and Commission welcomed them with open arms.

The Civil Society Forum has the potential to achieve at least three things. First of all, it can make the implementation of the EaP and its associated projects much easier by providing the Commission, which has recently been leading the implementation, with a pool of contacts from non-governmental organizations. This is helped by the fact that the Forum has set up four working groups to concentrate on the four platforms of the EaP. Secondly, the Civil Society Forum supports networking between NGOs within the partner countries and the EU. This allows them to share experiences and identify weak points when building civil society. Thirdly, the Civil Society Forum in the partner countries may help to stimulate changes in society and political reform by supporting the development of new elites.

The new Association Agreements form the cornerstone of the EaP's success. The EU has been negotiating such an Agreement with Ukraine since 2007, while talks began with Moldova and the three countries of the South Caucasus in 2010. However, the progress of talks with Ukraine shows the weaknesses and challenges inherent in this approach. After working through the sectoral issues relatively quickly, it soon became clear that the central element of the new agreement, namely the "deep and comprehensive free trade agreement" (DCFTA) would present a significant hurdle in the speedy conclusion of the Association Agreement. While there is no doubt that vested interests within Ukraine's economy are slowing down the process, there is also a fundamental problem with the DCFTA concept: what should be a significant incentive for the neighbors in fact proves to be a form of cooperation which brings with it considerable risk, at least in the short- to medium-term. At the moment, the neighbor countries are barely able to compete with their EU counterparts, but market deregulation as required by the DCFTA would be hugely expensive.

As a whole, the EaP does not require the ENP to be radically overhauled. Instead it starts with the existing Neighborhood Policy, bundling together its mechanisms and harmonizing them with the cooperation proposals and incentive structures which have already been offered to the partner countries. It typically takes a project-based approach, with its flagship projects and other practical initiatives in specific areas being designed to achieve visible, concrete and realistic results. On a political level, the EaP is important as a means of stimulating cooperation with the eastern neighbors within both the EU and the Common Foreign and Security Policy. On the other hand, the ENP has been split internally by the creation of a multilateral framework on the EU's eastern flank (immediately following the revitalization of the Mediterranean union), meaning that regional cooperation forums have now been set up in the south as well as in the ex-Soviet area.

In general the EU is trying to achieve concrete results as soon as possible after the EaP launch phase, while at the same time setting up more effective incentive structures and defining more precisely what can be expected from a policy of neighborhood cooperation. During their EU presidencies in 2011, Hungary and Poland will be keen to push the EaP further in this direction. This will also be strengthened by a proposal made by the Neighborhood Policy Commissioner, Štefan Füle, and the Vice-President of the European Commission, Catherine Ashton, suggesting open discussion on the future direction of the Neighborhood Policy ("European Neighborhood Policy Review").

## NEW OPPORTUNITIES FOR BELARUS

The EaP offers Belarus a range of new opportunities. The launch of the EaP coincides with a time when relations between the EU and Belarus are emerging from a period of stagnation. After Belarus's release of political prisoners in 2008 — an important EU stipulation — a cautious process of rapprochement was set in motion. As a result of this step, in October 2008 a travel ban on high-ranking Belarus officials was suspended for six months, and then subsequently extended to the end of 2009 and again to October 2010. In December 2008, the European Commission and the Belarus government signed a framework agreement detailing conditions for providing Belarus with technical assistance. In the period that followed, contacts between high-ranking officials were revitalized and intensified. Talks were held among the "troika" of EU foreign ministers and Belarus representatives — EU High Representative Javier Solana met with President Lukashenka in February 2009, and in June 2009 the Commissioner for Trade and European Neighborhood Policy, Benita Ferrero-Waldner, travelled to Minsk. The first round of EU-Belarus talks on human rights began in mid-June 2009. The Commissioner announced an aid package of 10 million euro to improve food security and quality in Belarus. The EU and Belarus also held technical talks on energy, the environment, agriculture, customs and transport, along with a discussion of norms and standards. It is also planned to open dialogue on economic policies. Many high-level politicians from EU member countries have travelled to Belarus, with the trip made by Italian Prime Minister, Silvio Berlusconi, at the end of November 2009 to meet with President Lukashenka as a particular highlight.

Minsk's increasing willingness to work with the EU led not only to a thawing in bilateral relations but also made it possible for Belarus to be integrated into the EaP, or more precisely into the multilateral part of the EaP. As a result, Belarus was represented at the opening summit of the EaP in Prague and took part in the Partnership's working groups. Then, for the first time, Belarus formally participated in a regular component of the European Neighborhood Policy.

Since then, the EU has taken significant steps to support the integration of Belarus into the Eastern Partnership. A Council resolution has asked the European Commission to prepare recommendations to establish negotiation guidelines for the relaxation and reversal of the visa ban. A kind of counterpart to the Neighborhood Action Plan, known as a joint interim plan, is also to be developed, setting out specific priorities for reform (Council conclusions on Belarus, 2974th External Relations Council meeting, Brussels, 17 November 2009).

Along with the other participants in the Eastern Partnership, Belarus had been involved in the work of the four platforms and the development of the flagship initiatives. And numerous Belarusian NGOs took part in the first meeting of the Civil Society Forum in November 2009. It still remains to be seen how — and which — representatives from Belarus will be included in the parliamentary component of the Eastern Partnership (EURONEST). The ranks of the European Parliament have denied the legitimacy and representativeness of Belarus's Parliament, which is why there will be pressure on the involvement of civil society representatives, who may then be granted observer status. Whatever the outcome, Belarus will be represented in EURONEST in some capacity.

With the EaP comes an affirmation of the EU's willingness to involve Belarus and all other Eastern Partnership countries in the Neighborhood Policy and to offer a corresponding breadth and depth of cooperation. However, at the end of the day the extent of the cooperation depends on Minsk's willingness to change: "The participation of Belarus in the Eastern Partnership is dependent on the overall development of relations between the EU and the country" (Memorandum from the Commission to the European Parliament and Council dated 3 December 2008).

In view of this process of domestic reform, which is still in its early stages and prone to setbacks, it is hardly surprising that cooperation between the two sides also has its problems. These include young opposition activists being abducted by unidentified individuals at the end of 2009 (they were subsequently released in remote areas), a student's censure by Belarusian State University because of her unauthorized participation in the Civil Society Forum of the Eastern Partnership, and renewed oppression of the Polish minority. Belarus's actions were explicitly criticized in a European Parliament resolution dated 17 December 2009.

### **THE EU AND BELARUS: POSSIBILITIES FOR COOPERATION**

With its Eastern Partnership, the EU is clearly demonstrating its adherence to principles of progressiveness and conditionality. More specifically, it is signaling to Belarus that the EU still has a strong interest in working with Minsk, but that there will be no substantial or extensive cooperation unless Belarus meets certain minimum standards. This was the message passed on by Neighborhood Commissioner Füle during his visits to Minsk in 2010 and also by the German and Polish Foreign Ministers on their joint trip to Minsk in autumn 2010. It was made

clear that the EU's joint interim plan for Belarus would address the question of economic, social and political reform and, like all EU-Russia relations, would depend on the country's progress towards democracy, as would be shown by the December 2010 presidential elections. It remains to be seen how far the EU is prepared to go if Belarus only makes superficial or partial attempts to reform. In the end, this question will be resolved on a political level based on a process of evaluation which will include the consideration of normative, strategic and reformative policies. But outside of this, with a certain degree of simplification we can consider three possible options which may be a way of developing EU-Belarus relations in the medium-term.

### **Stagnation**

This cooperation model would be characterized by a slackening in the pace of internal reform. The Belarus government would no longer need to take steps towards improving political and human rights, or indeed it could reverse steps already taken. Based on its regular reform monitoring, the EU would then reduce its level of cooperation, and limit its contact to a narrow range of technical matters and economic exchanges. Belarus could possibly continue to take part in the multilateral elements of the EaP but in practical terms would be a kind of "second-tier partner".

As things stand, this model is not beyond the bounds of possibility, as although the government in Minsk does not want to return to a situation of minimal cooperation with the EU — not least because it wants to strengthen its position vis-à-vis Russia — the desire to retain absolute power is still very strong. This is why, even in the medium-term, it is likely to continue to take a tough stance on domestic policy.

### **Active partnership**

This would be the optimal form of cooperation. It presupposes that the political liberalization process in Belarus is at the point where key elements of democracy, rule of law and pluralism exist, where basic rights and human rights are guaranteed and, in particular, where the press and NGOs can operate without hindrance. In this case, Belarus would become a full participant in the EaP and European Neighborhood Policy, which would result in an upgrading of the bilateral relationship. If this process were also accompanied by a clear determination to push through reforms and an opening up of the economy (including membership of the WTO), then Belarus could be on the path towards concluding an Association Agreement.



This wide-ranging form of cooperation would not only include a growing convergence of values and a restructuring of the economic system, but it would also raise the question of Belarus's relationship with Russia. If the customs union between Belarus, Russia and Kazakhstan which was agreed at the end of 2009 actually comes into effect, this would not be compatible with close economic ties with the EU. Increased Belarusian engagement in structures relating to military and defense policy in post-Soviet states could affect the EU's cooperation with Belarus in questions of joint foreign and security policies or the Common Security and Defense Policy. But this kind of cooperation must be included as a bold model for future Belarus-EU relations.

More realistically, however, this situation will be difficult to achieve in the medium-term. But Minsk can be shown the appeal and advantages of such an active partnership as compared to the costs of non-cooperation.

### **Partial cooperation**

The most likely option for EU-Belarus relations is some kind of partial cooperation. This would be determined by a continuation of the latest round of moderate, partly symbolic, liberalizing steps which have been seen in Belarus's domestic policies. But it should be assumed that these measures will be limited, as it is unlikely that there will be any fundamental changes to the current political power structures in the near future. However, it is conceivable that conditions for NGOs and the independent media will improve, so that their very existence is not threatened and their staff members are not subject to reprisals. In the medium-term, there is no chance of any real change as a result of the national elections, but it is possible that a limited amount of competition will be allowed in the voting process.

In this scenario, a possible source of reforms would be those practically-minded members of the governing elite who want to restructure and renew the economic system. The gradual implementation of reforms oriented towards a market economy and the attempt to make Belarus more attractive to foreign and western investors could form a stable basis for an expansion of economic contacts with the EU. At the end of June 2009, the Belarusian Deputy Prime Minister voiced an interest in creating a free trade zone with the EU within three to four years. This can be seen as evidence that at least some sections of the Belarusian government are discussing this possibility.

But this option is unlikely to come to fruition if the customs union agreement is put into practice.

A course centered on economic reforms while still maintaining a minimum amount of political plurality would lead to an EU-Belarus cooperation which is strongly focused on trade, access to the Single Market and attendant harmonization, economic transformation and investment conditions or regulatory frameworks. This would be enhanced by technical assistance and cooperation in a few policy areas such as energy, the environment, justice and internal affairs. Belarus would be free to take part in the multilateral elements of the ENP but would (still) not be in a position to enjoy the full spectrum of a bilateral relationship with the EU. Under these conditions it would be possible to maintain a political dialogue, even at the highest level. It would also be conceivable that key elements of the ENP could be implemented (such as the Interim Plan or some other implementation tool similar to an Action Plan), without forestalling the contractual development of bilateral relations. A discussion of contractual principles would have to be conducted in parallel, irrespective of whether it were a case of revitalizing the old partnership and cooperation agreement or of negotiating a totally new one.

This partial cooperation model forces the EU to face the question of whether it is prepared to agree to closer economic relations (which is definitely of interest to Belarus), even if they are not linked to any wide-ranging political reforms. One possibility would be to offer Belarus a document setting out the terms for the development of the economic and trading cooperation, or (depending on the outcome of the customs union with Russia and Kazakhstan) to hold out the longer-term prospect of a free trade agreement which would not form part of a more comprehensive Association Agreement. But this would require Minsk to commit to at least some minimum standards in their policies. On top of this, the multilateral tracks of the EaP offer numerous opportunities to begin a project-oriented, unconditional cooperation in economic matters and other policy areas.

It is unlikely that there will be any fundamental political liberalization in Belarus in the foreseeable future, but rather a policy of taking small, partly symbolic steps. It is a key issue for the EU's relations with Belarus over the coming years to decide whether and to what extent not only economic contact but also cooperation in other areas such as energy, infrastructure, justice and internal affairs policy must be made conditional upon political reform.



**Andrei Yahorau** (Belarus),  
Director, Centre for European  
Transformation (CET),  
Deputy Editor-in-Chief,  
Palitychnaya Sfera

## **CIVIL SOCIETY: AN ANALYSIS OF THE SITUATION AND DIRECTIONS FOR REFORM**

### **ANALYSIS OF THE CIVIL SOCIETY SITUATION IN BELARUS**

#### **Political transformation**

Since 1996, there has been a rapidly narrowing of the political sphere in terms of competition and convergence of diverse social interests (*politics*) in Belarus. The state is beginning to capture all relevant political decisions, while other participants in the political process are consistently excluded from politics. Political dialogue in areas of public and political development is disappearing, and decision-making is being assigned to one functional point in the hierarchy of the state apparatus — the President and the Presidential Administration. The elimination of political dialogue is leading to the marginalisation of other political participants, namely political parties and social institutions, which no longer have institutional possibilities to influence life in the country<sup>1</sup>.

1 | This fact was precisely articulated in the essay “Bez Nas” [“Without Us”] by V. Akudovich, a Belarusian philosopher: “The country of Belarus is living without us. Houses, roads and bridges are built without us; cars and trains move and planes fly without us; factories, plants, banks, embassies and ministries work without us; the potato is planted, scientific research is conducted, and business transactions are performed without us. Athletes compete, tourist operators arrange their travels, and orchestras organise their concerts without us. Weddings are celebrated, funerals held

The attempt to organise social and political dialogue between democratically oriented social and political forces and the state through the mediation of the OSCE has become a crucial point symbolically. The inability of democratic forces to turn the tide in their favour marked the transition of the political situation under the control of the state and further governmentalisation of all spheres of life and activity.

Since 1999, it has been impossible to talk of the existence of a separate sphere of politics and a separate sphere of public life. The disappearance of a legitimate battlefield in the struggle for state power (elections, struggle between political parties) makes the activities of political organisations meaningless, including political parties. Any agents independent of the state automatically fall in the sphere of civil society. At the same time, the line of political confrontation is shifting to a confrontation between society (or a combination of public forces independent of the state) and government authorities<sup>2</sup>. With respect to civil society, the state pursues a policy of restricting the freedom of activities and opportunity for a legal existence (a "cold war"), specifically through complicated registration procedures; liability for acting on behalf of non-registered organisations; limiting sources of internal and external financing; liquidating the most active and independent public organisations by introducing a system of administrative and criminal prosecution of civil society organisations and their members; and through the creation of controllable quasi-public organisations.

An active response of civil society should have been the consolidation and uniting of all efforts for inducing authorities to return to broad public dialogue<sup>3</sup>. However, most civil society organisations (CSOs)<sup>4</sup> have opted for a passive response and are moving towards curtailing their public activity, self-isolation and self-survival under these difficult

and children are brought up and educated without us. Foreign policy is formed, television programmes are created, the economy is maintained and the president is elected without us...", *Nasha Niva newspaper*, 28 April 2003, page 3 (in Belarusian).

- 2 | Yhourau, A.; Vodolazhskaya, T. "Belarus, god 2008. Analitika I monitoring situatsii zastoya" ["Belarus, 2008. Analysis and Monitoring of the Stagnating Situation"], *Nashe mneniye [Our Opinion] website*, 24 September 2008, URL: <http://nmanby.eu/pub/0809/24m.html> (in Russian).
- 3 | The beginning of dialogue can serve as an indicator for real liberalisation in the country. Until then, all steps that were and will be made will be seen as impermanent and reversible.
- 4 | The term civil society organisation (CSO) will be used from here on instead of the more traditional NGO or NPO in order to encompass the whole spectrum of existing organisations ranging from political organisations and movements, non-registered organisations and initiatives to registered legal public organisations.

circumstances<sup>5</sup>. This response and the defeat of democratic forces that followed the presidential elections of 2006 results in an almost complete standstill of public life. Nevertheless, significant potential of human, professional, organisational and intellectual resources remains a part of civil society, and this potential can serve as the basis for resolving the issue of democratic change in Belarus. Since the second half of 2008, with the expansion and development of European-Belarusian cooperation and dialogue by the inclusion of Belarus into the Eastern Partnership Initiative, the opportunities for converting existing potential into a reality of more active political endeavours for expanding civil society's influence inside the country have been emerging.

### **Civil society actors**

Within the third sector of Belarus there are a number of actors that differ according to their goals, attitudes and character. On the surface, the third sector of Belarus is divided into pro-governmental public associations and independent public organisations (properly civil society organisations)<sup>6</sup>.

### **Pro-governmental public organisations**

To ensure more effective control and easier handling of society the authoritarian state establishes quasi-public structures (governmental NGOs) in various public sectors and for different public groups. The creation of such structures is aimed not so much at the analysis and satisfying of public interests as to ensure the loyalty of public groups to the state.

Oftentimes these state-managed organisations are created in parallel with civil society organisations that ensure real representation and protection of the interests of public groups in order to replace the latter. This leads to some redundancy: the Belarusian Writers' Guild (independent) and the Writers' Guild of Belarus

5 | For an active civil society strategy, see the report on the organisational and activity game "Razrabotka pobednoy politicheskoy strategii dlia Belarusi: stsenitovaniye, proyektirovaniye i programmirovaniye" ["Development of a Winning Political Strategy for Belarus: Staging, Designing, and Programming"], held 27 March — 03 April 2005 in Kyiv, *Dziaryush Rushennia [Movement Blog]*, URL: <http://worvik.com/news/2005/07/25/29>, access date: 25 July 2010 (in Russian).

6 | Certainly, pro-governmental organisations do not meet the criteria for real NGOs, but as it is often difficult to separate governmental from non-governmental public organisations without further analysis, such a group has to be introduced into this analysis.

(pro-government), the Union of Poles in Belarus (independent) and the Union of Poles in Belarus<sup>7</sup> (pro-government), official and independent trade unions, etc. The existence and establishment of new government NGOs, which have functioned since the Soviet period, in addition to providing some measure of public control, is designed to simulate the presence of a civil society and public dialogue in the country. When it is necessary to give the appearance of democracy in certain situations, such as having the public participate in the decision-making or legislative process, the state strives to put controlled organisations in the place of real organisations.

### **Civil society organisations**

As a rule, civil society organisations are categorized by areas of activity: human rights, environmental, charitable, social, etc. However, this typology is of little use for the purposes of this analysis. To understand the situation better, the following division will be more appropriate: (1) cluster of political organisations and public interest organisations; (2) cluster of service organisations and idealistic organisations; (3) cluster of leader organisations and outsider organisations; and (4) cluster of public structures of a new type.

## **CLUSTER 1**

### **Politically motivated organisations**

The spectrum of politically motivated organisations of civil society includes opposition political parties and political movements (the Movement for Freedom, organisational committees for the formation of political parties, etc.), openly political organisations (the Young Front, the Right Alliance, the initiative "Jeans. For Freedom", the "Tell the Truth" campaign, etc.), as well as coalitions (the coalition of United Democratic Forces (UDF), the European Coalition, the Belarusian Independence Bloc and others. These organisations to a significant degree participate in the simulation of political activities, declaring goals of changing the existing political regime in the country. In most cases they do not have any broad social base; however, they have some resources for the mobilisation of their members for political actions (street protests, congresses, conventions, etc.). Some of these organisations (UDF, the Movement for Freedom) have

7 | Translator's note: in Russian, the names of the two organisations differ only by their preposition. The former is called "Soyuz poliakov v Belarusi", and the latter is called "Soyuz poliakov na Belarusi". The meaning is the same.

well-established channels of diplomatic influence and external support from the EU, the U.S., and prominent international organisations (the Council of Europe, OSCE).

### **Public interest organisations**

In general, public interest organisations encompass civil society organisations and their associations, which are aimed at addressing socially significant issues in various spheres of activities. These include education (the Association of Civic Education (AGA)), labour relations (the Belarusian Organisation of Working Women (BOWW), independent trade unions), environmental protection (association of environmental organisations "Green Network"), culture (the public campaign "Budzma", the Belarusian Writers' Union), youth (the Belarusian Union of Youth and Children's Organisations RADA), social assistance (the Belarusian Association for Assistance to Disabled Children and Youth (BelAPDI)), European integration (the Consortium "EuroBelarus"), protection of the interests of target groups (the Belarusian Association of Journalists (BAJ), Assembly of NGOs, human rights organisations), etc.

Public interest organisations do not declare any political goals, though this does not preclude their participation in politics. It is in these organisations where the largest share of resources in the area of personnel, ideas, knowledge, know-how and even funding is concentrated. However, since most organisations are divided into narrow spheres of activities and their resources are linked with their respective areas of interest, they fail to become a significant factor for social change. Mobilisation of organisations of public interest in solving common problems of civil society and overcoming marginalisation is possible, but only through changing the basic attitudes of most organisations and their leaders. This can occur only provided that they recognize common interests among civil society organisations and the priority of resolving political issues of liberalisation and public dialogue.

## **CLUSTER 2**

### **Idealistic organisations**

We will apply the term idealistic organisations to civil society organisations that: (a) exercise self-defined goals and objectives and (b) mobilise for their own ends their time, monetary and

labour resources. The share of idealistic organisations indicates the degree of health of the public sector: the more organisations of this kind that exist, the more independent and strong is the civil society. For Belarusian society the share of such organisations is extremely small. Most organisations do not have sufficient resources for ensuring their independence and autonomy in setting goals.

### **Service organisations**

Service organisations are engaged in providing various services to clients (representatives of certain target groups, other public organisations, donors, state, etc.). The distinctive feature of such organisations is that their objectives are determined through customer service rather than arrived at independently.

The existence of such organisations in itself is very important because it expands and professionalizes activities in the public sector. However, in the Belarusian context, with a deficiency of external resources, civil society organisations are switching en masse to service forms of activity. This results in the loss of centres of domestic goal setting in the public sector and the domination of target setting through serving foreign interests. Organisations start implementing grant projects which, although they do not meet the actual interests of Belarusian society, provide significant financial resources (e.g., projects on gender equality).

## **CLUSTER 3**

### **Leader organisations and outsider organisations**

Since 1994, leader organisations and outsider organisations have characterized the Belarusian public sector. The former can be recognised by a number of attributes:

- specialised in a certain field of activity;
- able to plan their activities and to carry out projects of sufficient quality and sophistication in their field;
- established good reputations and were well known;
- attracted steady partners and customers;
- were able to locate resources for implementing their projects at home and abroad;
- carried out PR campaigns and promoted and popularised their activities; and
- cooperated with the government in their respective fields.



Outsider organisations did not have these and:

- were unscrupulous in the choice and scope of activities and latched on to extremely diverse projects;
- did not, as a rule, follow through on projects, as they were generally of low quality; and
- were unable to match their stated goals and tasks with resources required for their implementation, etc<sup>8</sup>.

A similar scheme (leaders-outsiders) for the public sector remains to this day. In prolonged confrontation with the state, both leader and outsider organisations lost the opportunity to work normally with governmental structures<sup>9</sup>. The narrowing of the common space for free activities resulted in a situation when a considerable portion of organisations curtailed their activities and focused on the resolution of narrow tasks in specially dedicated and limited niches. These organisations joined the list of outsider organisations. Leader organisations are those that have maintained and expanded their range of activity. Leader organisations have preserved and in rare cases were even able to enhance their infrastructural stability. They are open and are inclined to organise internal dialogue in civil society, building networks and coalitions for joint solutions to common problems. Among public interest organisations, the following can be considered obvious leaders: the organisations of the Consortium “EuroBelarus”, organisations of the Association of Civic Education, organisations of “Green Network”, some organisations of the Assembly of NGOs and the Assembly itself, Union of Youth and Children’s Organisations RADA, and a number of think tanks (BISS, Institute for Privatisation and Management, Agency for Humanities Technologies).

## CLUSTER 4

### Public structures of a new type

It makes sense to also talk about a new form of public structure that generally can be classified as spontaneous civic initiatives. Characteristic features of these new structures include a lack of a formalised structure, a decentralised method of management and network-based

8 | Matskevich, V. “Nabroski k analizu 3-go sektora” [“Sketches of an Analysis of the Third Sector”], *Dziaryiush Rushennia [Movement Blog]*, 2000, URL: <http://wovik.com/news/2005/10/20/101>, access date: 25 August 2010 (in Russian).

9 | In separate specific cases a relationship between public organisations and governmental structures is possible. As a rule, cooperation of this kind has a forced character and arises as a result of the need to involve public organisations by demand of international organisations or because of the adoption of international agreements by the state.

organisation, the use of social networks for communication management and action organisation, and a relatively short life (a few days to a year and a half). Most such structures started to emerge on the wave of youth resistance in 2006. The most dynamic of these include the youth flash-mob movement of 2006–2007 consisting of various initiatives (the “Initiative”, *by\_mob*, and “Rebuff” (“Otpor”), initiatives for the protection of architectural monuments and historical heritage (the initiative for the protection of the historical centre of Hrodna, defence of Loshitskiyi Park in Minsk, etc.), environmental initiatives (against the installation of a nuclear power plant in Belarus, for the preservation of nature reserves, for the protection of river basins, solving problems of solid waste disposal, etc.) and a number of similar initiatives<sup>10</sup>.

The dynamics of events and the development of civil society in the short and medium term will depend of the positions, attitudes, and actions of non-politicised idealistic leader organisations. They become the key agent in the development of civil society and influence democratic changes in the country. The beginning of any changes in Belarus is related, first of all, to the activities of the state, but only an organised civil society can take advantage of, develop and expand the movement towards European values and standards.

## **FUNCTIONS OF CIVIL SOCIETY IN BELARUS**

In the authoritarian system that has formed in Belarus, public organisations have a number of specific functions. It should be noted that functions of pro-government organisations differ from and also overlap to some degree with the functions of real civil society organisations. General functions include the following:

1. *Provision of specific services.* Both types of organisations address a number of public needs which either are not satisfied by governmental structures and business or have a high price on the market. Examples of these would be the need for further education, organisation of leisure time, recreation, entertainment, cultural development, etc.
2. *Aggregation of interests.* Public organisations gather people with similar interests and needs, the promotion (or implementation) of which is not possible without collective participation.

10 | For more detail, see the following: Vodolazhskaya, T.; Yahorau, A; Shelest, O. “Grazhdanskiye initsiativy v Belarusi (sravnitelnyi analiz) [“Civil Initiatives in Belarus (Comparative Analysis)”], *Agency for Humanities Technologies — Centre of Social Innovations*, Minsk-Vilnius, 2007, URL: [http://www.methodology.by/index.php?option=com\\_content&task=view&id=172&Itemid=73](http://www.methodology.by/index.php?option=com_content&task=view&id=172&Itemid=73), access date: 1 September 2010 (in Russian).

The following functions can be attributed to the specific functions of government NGOs:

1. *Ensure the loyalty of large social and professional groups.* The operating principle here is one which derives from the practice of the U. S. S. R., where the life of each social group was controlled by the respective quasi-public association. For example, the Belarusian National Youth Union was established to maintain control over the youth, elderly people are attracted to the activities of veteran and labour organisations and middle-aged people are involved in Belaya Rus, trade unions and professional associations. This does not mean that these organisations do not provide any social benefits and just supervise their respective groups. For example, membership in the Belarusian National Youth Union can provide quite a few socially useful things ranging from companionship to assistance in career advancement.
2. *Ensure vertical mobility.* In the closed vertical system of state power, the movement of personnel is made difficult, and structures such as the Belarusian National Youth Union and Belaya Rus can become a source for replenishing the power vertical with new young staff opposed to the traditional method of slow career growth.

Civil society organisations in Belarus are marginalised and forced out of the system of decision-making on important policy decisions. The traditional democratic functions of civil society are either weakened or frustrated in the Belarusian political system. Still, the following functions are characteristic for civil society organisations:

- 1) *Presentation, promotion, and protection of the interests of its members or some social groups.* These functions are significantly weakened, although in some cases civil society organisations succeed in implementing them even in an unfavourable political environment in Belarus.
- 2) *Control of the decision-making process and activities of the state.* At this level, Belarusian civil society organisations have almost no significant achievements. Functions are actually reduced to monitoring violations of civil rights by the state (this describes, for example, the activity of most human rights organisations).
- 3) *Survival in an aggressive, hostile environment.* For some people who for various reasons (ideological, ethical, professional) find no place in the state system, civil society organisations become the only place they can exist. Here civil society organisations are islands of survival for those who do not accept the existing system of power.

The potential for developing Belarusian civil society lies in the strengthening of normal functions of any civil society, such as monitoring state policy and promoting public interests. Today, such opportunities lie in the increased participation of civil society in EU-Belarusian relations. The establishment of such structures as the Civil Society Forum of the Eastern Partnership (November 2009) and the National Platform of the Civil Society of Belarus (July 2010) appear promising, yet remain only potential mechanisms for the development of civil society in Belarus.

## **EXTERNAL CONTEXT**

### **International programmes for civil society development**

Belarus is home to a number of international programmes for the development of civil society: programmes for the support of international organisations (the UNDP, World Bank, OSCE, etc.); European Union programmes (special (nation-wide) within the neighbourhood policy, EIDHR, NSA-LA as well as global development programmes); individual country programmes (sponsored by the U. S., Sweden, Denmark, Germany, etc.); and programmes administered through international foundations (Open Society Institute, the German Marshall Fund, etc.). With virtually no domestic sources of funding for the third sector (governmental programmes, support from national businesses, etc.), international development programmes are perhaps the only instrument for the support of civil society organisations. This situation raises a number of specific problems:

- *Ineffectiveness of development programmes.* Despite the fact that programmes for the development of civil society have been ongoing since 1991, the situation in civil society in Belarus has dramatically worsened over the last ten years. This suggests that the design and implementation methods of development programmes are inappropriate to the situation in Belarus.
- *Change in the directions of activities.* International development programmes influence the choice of direction and subject of activities of civil society organisations. Organisations have started developing projects according to areas and directions actively financed by international foundations and organisations rather than those aimed at resolving current problems.
- *Spreading of servile attitudes.* In working with a donor, organisations begin to adopt commercial relationships, where the donor is treated as the customer and the organisation is viewed as

the contractor performing services that have been ordered. In this situation, civil society organisations begin sacrificing their own goals in favour of the goals of the donor organisations. This “servile” pattern of relationships replaces the partnership relations where the donor and civil society organisation act as equal stakeholders.

- *Exclusion from the system of programme planning.* Civil society organisations are excluded from the processes of the development and planning of programmes for a number of reasons<sup>11</sup>. As a rule, they deal with decisions that have already been made and priorities which have already been set and are unable at the launch and implementation of these programmes to influence their appropriateness for application in country.
- *Increasing role of intermediaries.* A number of redistribution foundations and organisations have formed around Belarus. These intermediary structures receive financial resources from big international funds and redistribute them to Belarusian organisations. At this level there is a special layer of international experts, specialists in Belarusian issues, etc. There exists a particular system for the redistribution of financial resources for achieving goals and tasks that meet the interests of the foundations and intermediary organisations, but these goals and tasks do not coincide with the interests of Belarusian civil society.
- *Narrow range of programmes and opportunities for Belarus.* Belarus at the moment needs the support of innovative solutions taking into account the specifics of the Belarusian situation rather than through the export of traditional social technologies. When designing and programming activities of European institutions the focus must be shifted from the rendering of foreign assistance to the establishment of partnership and equal relations between the Belarusian and European stakeholders. In creating a local (Belarusian) agenda, priorities of proposed thematic programmes need to be expanded taking into account the actual political, economic and social situation in the country<sup>12</sup>.

11 | This is affected to a large extent by the isolation of Belarus owing to violations of human rights and a lack of democracy.

12 | Also see: Conference Resolution for “Strengthening of Participation of Citizens’ Associations and Local Self-Government Bodies in EU Programmes: Problems and Outlooks”, Minsk, 2 December 2008, *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.livejournal.com/922.html>, access date: 1 September 2010 (in Russian).

## Belarusian-European relationships

The change in Belarusian-European relations had a significant impact on the life and activities of civil society in 2008–2009. The development of Belarusian-European dialogue (especially the inclusion of Belarus in the Eastern Partnership Initiative) has opened new opportunities for civil society in Belarus. This did not and does not mean, however, that the possibility of internal dialogue existed in Belarus or that civil society has acquired more extensive possibilities for influence. Since European standards of conducting dialogue provide for the involvement of all parties concerned, the opinion of the part of Belarusian society opposed to the government should also be taken into consideration. Accordingly, a place for the civil society has potentially emerged in the narrowest part of Belarusian-European relations.

The establishment of the Civil Society Forum within the framework of the Eastern Partnership Initiative has institutionalised a special place for the “voice” of civil society within the context of dialogue between Belarus and the EU<sup>13</sup>. The formation of permanent bodies of the Forum (such as the Coordinating Committee and technical working groups) created space for developing goals of civil society development in Belarus and countries of the Eastern Partnership. In a certain sense, representatives of civil society were at the level of making political decisions in the Eastern Partnership and through this were offered the opportunity, albeit limited, to influence the course of Belarusian-European cooperation and external policy. Active participation

13 | For more detail, see: Matskevich, V. “Belorussko-evropeiskie otnosheniya. Itogi goda” [“Belarusian-European Relationships. Year in Review”], *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/2527/53/>; Yahorau, A. “Uchastiye grazhdanskogo obshchestva v initsiative vostochnogo partnerstva: problemy i mehanizmy” [“Participation of Civil Society in the Eastern Partnership Initiative: Problems and Mechanisms”], *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/2938/53/>; “Consortium EuroBelarus Proposals on the Organisation of the Civil Society Forum”, *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/2977/53/>; Yahorau, A. “Vostochnoye partnerstvo: deistviya novye — problemy te zhe” [“Eastern Partnership: New Approaches, Same Problems”], *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/3152/53/>; “Mneniye EVROBELARUSI: Forum grazhdanskogo obshchestva VP: protsedury selektsii uchastnikov” [“The Opinion of EUROBELARUS: The Civil Society Forum of the Eastern Partnership: Procedures for the Selection of Participants”], *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/3415/53/>; Vodolazhskaya, T.; Yahorau, A. “Povestka dnia Foruma grazhdanskogo obshchestva” [“Agenda for the Civil Society Forum”], *International Consortium “EuroBelarus”*, URL: <http://eurobelarus.info/content/view/3552/53/>; Yahorau, A. “Nesluchainyi uspeh” [“Non-Accidental Success”], *Nashe mneniye [Our Opinion] website*, URL: <http://nmnby.eu/pub/0912/02m.html>; access date: 1 September 2010 (all texts in Russian).

of Belarusian civil society organisations in the preparation and institutional formatting of the Civil Society Forum of the Eastern Partnership formalized the leadership of two structures: the Consortium "EuroBelarus" and the Assembly of NGOs, which have representation in the permanent bodies of the Forum. The establishment of the National Civil Society Platform in July 2010 has indicated significant progress for civil society in Belarus<sup>14</sup>.

In resolving Forum procedural issues, Belarusian civil society gained access to the discussion on important issues for Belarusian-European cooperation and the Eastern Partnership through the structures of the Eastern Partnership. But gaining such access does not guarantee its appropriate use. The act of placing issues on the agenda of thematic platforms of the Eastern Partnership does not yet mean that those issues will be resolved there. Civil society will not only have to put forward its suggestions or to articulate problems, but will have to propose methods and mechanisms for resolving them. This will require the long and painstaking work of experts and professionals. And here Belarusian civil society encounters serious problems. Over the many years of marginalisation and survival in a hostile environment, regular civil society staff have considerably lost the ability to work with purpose. Belarusian civil society fosters courageous and tough fighters, but it unfortunately does not contribute to professional development. Here, Belarusians are behind their civil society counterparts from other member countries of the Eastern Partnership, and the preservation of leadership will require considerable effort. Moreover, such efforts should be addressing new challenges.

Gaining access to the political level of decision-making within the framework of the Eastern Partnership, in addition to the advantages it offers, also carries with it a certain amount of obvious risks. The amorphous Belarusian civil society starts to stratify organically with the emergence of organisations and leader figures, their inner circles and the remainder of the mass of civil society organisations. This in and of itself is not bad. It is important to understand though that leadership is not permanent and that it can change. And there are a number of dangers, including the desire to avoid explicit leadership and to create the appearance of absolute equality for all; the gap between leaders and "masses" of civil society and loss of control over Forum delegates, which nullifies all achievements; and the potential for conflicts among

14 | "Natsyianalny Forum gramadzianskai supolnastsi" ["National Civil Society Forum"], *International Consortium "EuroBelarus"*, URL: [http://eurobelarus.info/images/stories/Eastern\\_partnership/National\\_Forum2010/Resolution\\_rus\\_final.pdf](http://eurobelarus.info/images/stories/Eastern_partnership/National_Forum2010/Resolution_rus_final.pdf), access date: 1 September 2010 (in Belarusian).

leaders and jockeying for position and authority rather than aiming for real action and decisions.

Mechanisms of the Civil Society Forum work only in cases when the following are maintained: (a) a minimum level of unity, (b) the ability of a core of organisations to control their leaders and (c) openness and publicity of all processes of the activities of the Forum and its structures. This means that in the future all positive factors which led to the success of the Belarusian delegation at the Forum of the Eastern Partnership should be maintained and that those negative factors which impeded it should be eliminated to the extent possible.

The following should be maintained and developed:

- the level of consolidation achieved in Belarusian civil society, the key to which should be the “indissoluble unity” of the leader organisations of the Assembly of NGOs and the Consortium “EuroBelarus”;
- a link between Belarusian “think tanks” with the “breakthrough group” of civil society; first of all, the link between analytical centres of the Agency for Humanities Technologies and the Belarusian Institute for Strategic Studies (BISS) with the consolidated portion of NGOs; and
- openness and public transparency within civil society. Formation of the national civil society forum should be started through a broadening of public consultation mechanisms.

Some things will have to be organised from scratch or newly created:

- A platform for dialogue between the government and civil society within the country. The country needs a place for internal political dialogue between the state and civil society. The public advisory board is not bad in and of itself, however it has failed to perform its functions as an intermediary between the state and society.
- Expert working groups for the development of substantive proposals for topical working platforms and the Civil Society Forum. When the first Forum had to resolve procedural issues of its structure and functioning, the following (second) Forum will have to propose ways for resolving relevant issues of concern ranging from human rights to contacts between people.

Against the background of the development of Belarusian-European relations, the state has suspended the policy of direct repressions against civil society. There have been inconsistent and slight shifts in the direction of improving the situation regarding freedom of association. In particular,



it includes the creation of the Public Advisory Council under the Presidential Administration (as well as several other public councils), which includes the involvement of representatives of civil society organisations and independent experts<sup>15</sup>, the introduction of a simplified registration procedure for non-commercial institutions, registration of the Movement "For Freedom", partial improvement in the situation of registration of civil associations in general, etc. However, none of the steps made by the state are irreversible and all changes seem to be more symbolical arguments in bargaining with Europe that say nothing about real democratisation and liberalisation of the political regime in Belarus<sup>16</sup>.

## **RECOMMENDATIONS FOR REFORMING THE PUBLIC SECTOR IN BELARUS**

Recommendations on the approach of Belarusian civil society to European standards can be addressed to three key stakeholders: official structures of the EU and international organisations responsible for developing civil society programmes; Belarusian authorities; and Belarusian civil society. The main goal of the new policy of Belarusian civil society is to achieve greater involvement of civil society organisations at all levels of decision making on the future of the country: international, regional, national and local. Multilateral dialogue among all parties should become a key element of such a policy.

### **Official EU institutions and international organisations**

*Objective:* To increase the effectiveness of programmes for the development of civil society and to make them more appropriate for Belarus.

*Set of actions:*

1. Develop and adopt a framework document normalising and regulating the partnership interaction (dialogue) of European structures, donors and civil society institutions with the Belarusian government and civil society. The Paris Declaration and Accra Agenda for Action of 2005<sup>17</sup>

15 | The inconsistency of governmental actions in liberalisation is clearly characterised by the temporary suspension of activities of the Public Consultative Committee from autumn 2009 to spring 2010.

16 | Vodolazhskaya, T. "Tretii sektor: shans na vyzhivaniye ili na razvitiye?" ["The Third Sector: A Chance for Survival or Development?"], *Belarusian Yearbook*, compiled and edited by: V. Kostyugova, A. Pankovskiy, Belarusian Institute for Strategic Studies; Belarusian Public Policy Fund, Minsk, 2009 (in Russian).

17 | "Paris Declaration and Accra Agenda for Action", *Organization for Economic Co-operation and Development (OECD)*, URL: [http://www.oecd.org/document/18/0,3343,en\\_2649\\_3236398\\_35401554\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html), access date: 1 September 2010.

can serve as a prototype in this process, but with the mandatory participation of not only state actors but also civil society institutions.

2. Organise a standing collegial body for the realisation of this dialogue (for example, a public council, round table, etc.) with special expert groups functioning under it that would be empowered to implement organisational, methodological, legal and assessment functions and would contribute to the development of cooperation between Belarus and the European Union. The participation of such a collegial body is necessary at all stages of development of European programmes, from analysis and design to performance evaluation and monitoring of effectiveness at all levels of inter-institutional interaction. The organisation of such a body is appropriate in the framework of functioning structures of the Civil Society Forum of the Eastern Partnership and is possible in the form of a permanent committee of Belarus and the EU.
3. Sign an intergovernmental memorandum on the registration of integrated international EU programmes in Belarus with the goal of eliminating the need for registering separate projects within the framework of these programmes, implementing the notification principle of registration instead of the current system that is based on receiving a permit or license.
4. Support the activities and initiatives of the Civil Society Forum of the Eastern Partnership and its standing working bodies from an organisational, infrastructural and financial standpoint, specifically:
  - promote regular meetings of the CSF Steering Committee;
  - promote the launch of thematic expert working groups to develop substantive proposals and concepts for thematic platforms and civil society forums;
  - facilitate the implementation of recommendations of the Forum in the framework of the Eastern Partnership; and
  - expand contacts and interaction with leader organisations, in particular to facilitate the expansion of contacts with diplomatic representatives and with representatives of leading civil society organisations in Belarus<sup>18</sup>.

18 | Also see: Conference Resolution for "Strengthening of Participation of Citizens' Associations and Local Self-Government Bodies in EU Programmes: Problems and Outlooks", Minsk, 2 December 2008, *International Consortium "EuroBelarus"*, URL: <http://eurobelarus.livejournal.com/922.html>, access date: 1 September 2010 (in Russian).

### **Belarusian authorities**

*Objective:* To develop dialogue between civil society and the government, expand freedom for the activity of civil society organisations and terminate the practices of discrimination and violation of human rights.

*Conditions and restrictions:* Understanding that possible actions of Belarusian authorities to liberalise the situation in the country are dictated, first of all, by the necessity (a) to maintain a stable and sustainable situation and (b) to prevent a radical change in the existing system of state power, we propose a phased implementation of recommendations.

*Set of top-priority actions:*

1. Discontinuing the practice of repression and unlawful restrictions on organisations and civil society activists.
2. Changing odious provisions of the Belarusian legislation, in particular Article 193–1 of the Criminal Code, and provisions of the legislation on the registration of foreign assistance, etc.
3. Starting a platform for dialogue between the government and civil society.

*Long-term changes:*

1. Change in the registration procedure and conditions of public organisations, specifically:
  - introduction of a notification procedure for registration;
  - lifting the ban on registration of legal addresses of public organisations in the private sector, introduction of preferential rental rates for public organisations, etc.;
  - expansion of civil society participation in decision making at the national and local level, and development of mechanisms of social order; and
  - liberalisation of the receipt of donations and funding for NGOs;
2. development of a transparent system of financing NGO activities from the state budget<sup>19</sup>;

19 | Also see: "Kantseptsiya razvittsia gramadzianskai supolnastsi Belarusi — Assambleya niaradavuh demakratychnyh ab'iadnanniau" ["Concept for the Development of Civil Society in Belarus. Assembly of Non-Government

3. introduction of a system of local self-government based on principles of the European Charter of Local Self-Government; and
4. further democratisation and liberalisation.

### **Civil society**

*Objective:* To increase impact, sustainability and effectiveness of civil society organisations and to improve the ability of civil society to join a dialogue at the national and local level.

#### *Set of actions:*

1. Expert, educational and informational activities. Ontological perceptions of civil society, processes of civil action, of NGOs, etc. must be changed. With this it would be possible to create PR content in the third sector; change the content of education in the third sector, ranging from educational events within community groups, seminars and training activities of NGOs to educational events with leaders at the national level and selection procedures and competition among leaders.
2. Development of a mechanism of broad consultations of civil society organisations and expert organisations. The Belarusian third sector needs its own centre for goal-setting for civil society activities as a whole, some permanently operating infrastructure for the creation and critique of goals as well as decision-making and development of national programmes in the form of an "agenda for Belarus", "roadmap for civil society", etc. This kind of infrastructure requires broad participation of CSOs, mass media, think tanks and, of course, a negotiating process between sectors, at least between the first and third sectors<sup>20</sup>.
3. Securing the consolidation of civil society organisations reached during the course of the preparation for and participation in the Civil Society Forum for the Eastern Partnership. The primary task

Democratic Associations"], 6 July 2009, *Nashe mneniye [Our Opinion] website*, URL: <http://nmnby.eu/pub/0907/06m.html>, access date: 9 September 2010 (in Belarusian).

20 | Matskevich, V.; Vodolazhskaya, T.; Shelest, O.; Yahorau, A. "Potentsial tretiego sektora v Belarusi: analiticheskii document po materialam issledovaniya" ["Potential of the Third Sector in Belarus: Analytical Document Based on Research Materials"], *Agency for Humanities Technologies — Centre of Social Innovations*, Minsk, 2008, p. 31 (in Russian).

here is to create an alliance between the consortium "EuroBelarus" and the Assembly of NGOs based on representatives of these organisations elected to the Coordinating Committee of the Civil Society Forum.

4. Increased dialogue within civil society in Belarus, organising and launching of a national Civil Society Forum as an essential element of the Civil Society Forum of the Eastern Partnership.
5. Deepening of the efforts on the launch and development of mechanisms for the Civil Society Forum of the Eastern Partnership, including<sup>21</sup>:
  - establishment of a system of coordinators according to thematic platforms at the national level;
  - launch of the work of expert groups to develop substantive proposals for thematic platforms for the Eastern Partnership;
  - establishment of regular relations both between national platforms and between coordinators of the activities by platforms in each of the member countries of the Eastern Partnership;
  - launch of the mechanism of interaction between national experts and experts from the members states of the Eastern Partnership and EU Member States for the development of common output for the Civil Society Forum;
  - launch of a dialogue platform of government and civil society on the basis of the National Platform of civil society (possibly with the direct involvement of the Community Advisory Board of the Presidential Administration).

21 | Also see: "AHT-"EuroBelarus" — Strategicheskiye predlozheniya po deyatelnosti v ramkakh Foruma grazhdanskogo obshchestva" ["Agency for Humanities Technologies — "EuroBelarus". Strategic Proposals for Activities within the Framework of the Civil Society Forum"], *International Consortium "EuroBelarus"*, URL: <http://eurobelarus.info/content/view/3611/53/>, access date: 1 October 2010 (in Russian).



**Dr. Svetlana Matskevich**  
(Belarus), Expert,  
Agency for Humanities  
Technologies

## **EDUCATION IN BELARUS: REFORM AND COOPERATION WITH THE EU**

### **ANALYSIS OF THE EDUCATION SECTOR IN BELARUS**

#### **Status of education reform in Belarus**

The system of education has not been a development priority for Belarus since independence, though it has always been given great attention by the state. The following political tasks were set for the education system by the Belarusian political regime (up until 2003):

- preservation of all characteristics of the Soviet education system that can be maintained in a sovereign country;
- creation of a common education space primarily with Russia as well as with other CIS countries;
- ideological control of young people and prevention of youth and students from participating in political protests and in politics in general;
- keeping young people under 20 or even under 25 in educational institutions in order to curb unemployment among youth;
- reformatting the range of specialisations and disciplines studied according to the needs of Belarusian economics and economic entities.

The education system that had formed by 1991 in Belarus was incomplete and fragmented. The Ministry of Education of the BSSR had a regional management structure whose goals and objectives were set by Moscow and the Soviet Ministry. There were no independent scientific, analytical or research and design institutes in Belarus, which made it impossible to making develop the education system of a sovereign country. Such institutes (Scientific Institute of Education, National Institute for Higher Education, National Institute for Vocational Education, Institute for Continuing Education and Development of Regional Education, and the National Senior Examination Board) were established after 1991, but their advance was stopped in the mid-1990s when education system development programmes established in the early 1990s began to be curtailed. In 2003, the state needed new development programmes, concepts and research as those in place were already irrelevant. The opportunity, however, was missed. Belarus had not participated in international cooperation programmes, including education programmes, for more than 10 years. Integration and innovation in European education (Bologna Process, Copenhagen Process and EU programmes) did not affect the Belarusian education system, which has led to the deepening of differences in standards and approaches that had already been quite deep since the Soviet era. To date, administrative, scientific and pedagogical staff of the Belarusian education system are practically incapable of participating in pan-European processes.

By 2009, the general education reform launched in 1994 was completed and officially recognized as ineffective. The previous form of general education (11 years of study) was restored. Reform was completely suspended. New trends in reform cannot be seen, as there is a lack of constructive ideas coming from the government. With general public dissatisfaction with the entire education system, new changes are accepted by neither the pedagogical community nor by the Belarusian people and government.

The Belarusian vocational education system experienced little reform at all levels from 1998 to 2007, essentially working off the potential created during the Soviet period. There has been no radical change in the objectives and content of vocational education. The centralised public management system of vocational education has been maintained. Belarus has preserved archaic forms of admission and graduation from post-secondary schools, mandatory work programs for graduates who received state financial aid, administrative control of the awarding of academic degrees and titles, the ideological framework for creating state curricula and censorship of textbooks. University autonomy and academic freedom has also been eliminated.

The private sector in vocational education is insignificant and cannot fully compete with the public sector. The existence of the private sector can be seen as a compensatory measure to address the increased demand for education highly qualified specialists for the labour market and meeting the needs of employers. With a general increase in the number of students, the number of educational institutions remains the same and the variation in the structure of specialisations in higher education institutions is insignificant and is not oriented toward changes in the labour market.

With the call for development, there can be seen a tendency towards bureaucratization of the system of higher education, innovation and an expansion of investment. The quality of education in the state system is decreasing while the demand for educational services remains high. The decrease in quality is partly offset by the expansion of services in business education, non-formal education, the network of student exchange and internship programmes, etc. However, the non-systemic and short-term nature of these services does not fully cover all gaps in education.<sup>1</sup>

Issues of the quality of education are usually substituted for quantitative indicators. According to enrolment criteria, access to education, returns seen on education, the composition of student bodies, number of educational institutions, financial costs, etc., Belarus is one of the leaders among post-Soviet countries. However, international comparative studies carried out using standard methods of assessing educational potential do not identify the specific features and character of the quality of education in Belarus. In 1997–2000, Belarusian specialists conducted random studies to assess the level of functional literacy in Belarus.<sup>2</sup> These draft studies showed a catastrophically low level of functional literacy among teachers and the adult population of the country. Over the past ten years the situation has gradually improved, however indicators of the level of civil-law, communicative and linguistic literacy remain critical.

Since 2000, research commissioned by the Ministry of Education has included the development of a methodological framework for assessing the quality of education. This work has allowed for fairly accurate

- 1 | Matskevich, S. "Obrazovaniye: razvitiye ili stagnatsiya?" ["Education: Development or Stagnation?"], *Belarusian Yearbook*, Belarusian Institute for Strategic Studies, Belarusian Public Policy Foundation, Minsk, 2008, p. 188–200 (in Russian).
- 2 | Krupnik, S.; Matskevich, V. "Funktsionalnaya gramotnost v sisteme obrazovaniya Belarusi" ["Functional Literacy in the Education System of Belarus"], *Academy of Postdiploma Education*, Minsk, 2003 (in Russian).



estimates of quality assessments of education in relation to European standards, but is unable to focus on the main problems of the Belarusian education system in terms of education management. It is certainly clear that further theoretical and practical work on issues of quality of education in Belarus is impossible without inclusion into European processes such as the Bologna and Copenhagen agreements, among others.

The system of higher and vocational education as a whole is unable to cope with the task of building and accumulating human resources for Belarus, but does solve the problem of producing a labour force and eliminating staff shortages in the existing system of industrial relations.

### **Education legislation**

The legal framework of the system of education in Belarus includes the following:

- *Law On Education* No. 1202-XII of 29 October 1991, significantly amended and appended over the course of 17 years (about ten times). The main feature of these changes was the consolidation of reform and continual updating of principles of education management. In accordance with Article 44, management in education in Belarus is of a state and public nature and is based on the principles of transparency and democracy. In reality, this principle is limited to public administration. Relative to the public focus of administration there is the possibility for creating self-governing bodies in educational institutions (councils, boards of trustees). A new innovation is that self-governing bodies must be approved by the Ministry of Education.
- *Law On Higher Education* No. 252-3 of 11 July 2007. This measure establishes a typology of higher education institutions, their structure and procedures for public administration. This law does not contain any article on academic freedom in the system of higher education. However, such an article is included in the basic law *On Education*: "Autonomy in management of institutions providing higher education is provided for in the right to form self-governing bodies, to appoint officials and exercise control over their activities and to establish priorities in scientific, academic and economic activities". In practice, university rectors are appointed and approved by the Ministry of Education.
- *Law On General Secondary Education* No. 141-3 of 5 July 2006 and *Law On Vocational and Technical Education* No. 216-3 of 29 June 2003 specify and supplement the basic law *On Education* in specific areas and in principle do not contradict it.

In 2009, the Ministry of Education and Belarusian Parliament reviewed in a first reading the Code of Education of the Republic of Belarus, which brought together all of the laws above. However, no new procedure or ideas for implementation were included in the Code. Even the inclusion of new articles on adult education to a great extent formalized non-formal education and introduced instruments of government control rather than laying the foundations for its development and autonomy. The Code cannot be regarded as an innovative piece of legislation that stimulates the processes of change in this area. In 2010, the review of the Code on Education in its second reading was suspended following an official declaration by the government of its intentions to join the Bologna Process.

### **Conceptual framework for education reform**

In its 17 years of independence, Belarus has acquired a number of intellectual and organisational resources for the realisation of education reform. The Concept for the National School of Belarus (M. Husakouski), the Concept for Modernising Humanities Education (V. Matskevich), and the Organisational Scheme of Educational Reform (V. Matskevich, B. Palcheuski, et al.) were developed in the 1990s. However, all these concepts and proposals were considered by the Ministry as alternative options and were not accepted for implementation in education reform. In 2003, reform scenarios were developed and reviewed within the framework of a project conducted by the Stefan Batory Foundation<sup>3</sup>. One of the chapters of the published collection was related to a review of education reform taking into account new conditions. A distinguishing feature of the proposals made on education reform, as opposed to other sectoral reforms, was that they clearly defined objects of reform, the scope of their authority and means of cooperation as well as presenting an action plan for transforming the education system. However, despite having such a detailed reform scenario, the adoption of this programme was cut short for political reasons.

Works available on education reform have not lost their relevance and can potentially be used in today's situation in Belarus provided they are assigned by management decision makers. Cooperation of Belarus with the EU as well as the processes under the European Neighbourhood and Eastern Partnership Programmes<sup>4</sup> create favourable conditions for forming negotiation platforms and

3 | "Belarus: Reform Scenarios", *Stefan Batory Foundation*, Warsaw, 2003.

4 | Yahorau, A. "Vostochnoye partnerstvo: deistviya novye — problemy te zhe" ["Eastern Partnership: New Approaches, Same Problems"], *International Consortium "EuroBelarus"*, URL: <http://eurobelarus.info/content/view/3152/53/>, access date: 8 June 2009 (in Russian).

for attempts to negotiate the launch of a new round of reforms in the education system. However, the format for such negotiations must be considered. The essential participation of a third party in negotiations between the EU and the Belarusian government — civil society — becomes necessary in order to ensure further public control of the course of education reform. Creating a public focus on education management (for example, through the Community Council) is a long and complicated process. Attempts to imitate the creation of such authorities under the control of the Ministry of Education have already resulted in the so-called Council of Chancellors of Higher Education Institutions and the Community Council under the Ministry of Education. In autumn 2010, a number of state-controlled public organisations declared the creation of a public education platform (Y. Zahumionnau et al.)<sup>5</sup>. However, the procedure of creation of such councils through government bodies turns them instantly into a subunit of the vertical education management system and does not ensure democracy in the reform process.

### **International cooperation in education**

Almost all of the foundations and international programmes (UN, UNDP, UNESCO, EC, etc.) working in Belarus are, to a greater or lesser extent, education-oriented. Although education is not the main goal of these programmes, it is considered an instrument to solve questions of intercultural cooperation and global issues. The work of international and donor organisations allow for the defining of relevant issues and the setting of an agenda for humanities and economic spheres. Currently, the main issues are poverty prevention, demography and migration, gender issues in employment, standardisation in the field of labour, etc. However, the inclusion of global issues in a list of relevant issues does not guarantee that the former will become part of systematic and programmatic domestic government policy.

The main weaknesses of international programmes on education are the fact that they are unsystematic and lack flexibility and reflexivity in adapting programme goals for Belarus.

Some of the programmes which directly specialise in education issues are the following:

1. *Tempus/TASIS, Erasmus programmes*. The Tempus programme has been in operation in Belarus since 1993. Since then, over 40 million

5 | *Belorusskii portal [Belarusian portal]*, URL: <http://news.tut.by/society/197546.html>, access date: 17 September 2010 (in Russian).

euro have been invested in Belarusian higher education. Projects of three types have been implemented under the Tempus programme: improvement of the system of university management, development and improvement of curricula and programmes and institution building<sup>6</sup>. It is too early, however, to discuss the effectiveness of these programmes. Local and individual tasks related to student exchange and teacher internship programmes are tackled, while issues of institutional and management nature remain unsolved.

2. *Programmes implemented by governments and foundations of individual countries.* Programmes implemented by Poland, Denmark, Sweden, Germany and the United States are especially worthy of attention. For example, the strategic and tactical plan of the IBB Support Programme, which has undergone various transformations during its long period of operation in Belarus, has in effect remained unchanged. Programmes of the U.S. Government (Community Connections, Fulbright Scholarships, etc.), the German DAAD programme and other academic and civil exchange programmes have a local rather than systemic character.

The Presidential Order No. 460 adopted in 2003 *On International Technical Assistance Provided to the Republic of Belarus*, has created significant barriers for grant recipients in registering international projects not only for non-governmental organisations, but also for universities and education institutions. Full state control of international cooperation in education was in fact introduced and has not yet been revoked. The majority of cooperation programmes were seen by the state as simply sources of additional funding and did not have any impact on the target functions of the Ministry of Education and universities.

The closure and exile of the European Humanities University clearly demonstrates that even efficient programmes and investments in the education system can abruptly be terminated and discontinued for purely political reasons.

A change in the attitude towards programmes of cooperation with Europe in the field of education took place only within the past few years (after 2007–2008). However, the process has stopped at the level of declaration. The further expansion of cooperation programmes in education is only possible with a change in European donor procedures for interaction with the state and civil society. The mandatory condition for existence of a dialogue between society and the state

dictated by European bodies can easily be imitated by government authorities. "A tendency observed on the part of government organisations and governing bodies is not the exclusion of representatives of public organisations from discussions, but the exclusion of individual independent experts and professionals. In order to avoid full exclusion of experts' opinions, a public dialogue must be conducted in a non-standard way. That is, representatives of the EU and donors must enter a dialogue with government authorities in cooperation with representatives from society and such coalitions must be formed before entering the dialogue. Requirements of mandatory participation of Belarusian independent experts must be set for the government. Furthermore, the main condition of preparation for negotiations is the organisation of negotiations on neutral platforms; that is, the right to organise such negotiation platforms must be given not to public but to independent organisations such as EU delegations in Minsk, UN platforms, private companies, education institutions, NGOs, etc."<sup>7</sup>

The main issues in the framework of which a dialogue can now be developed are related to the inclusion of Belarus in the Bologna Process, creating and expanding the private education sector, academic freedoms of universities, establishing independent education institutions of different types (web-based and distance education institutions, etc.), various legal issues (ending the employment ban, creating conditions for student mobility, etc.), investing in the expansion of the informational and cultural space, introducing separate education programmes, conducting independent assessments of the quality of education and other research, etc.

### **International standards in education (Bologna and Copenhagen Processes, Lisbon Agreements, "Common Framework")**

Belarusian universities do not follow the Great Charter of European Universities adopted in 1988. Belarus did not immediately ratify the 1997 Lisbon Convention on the mutual recognition of qualifications concerning higher education and joined the Convention only in April 2002. At that time, the 1998 Sorbonne Declaration launched the creation of an open system of higher education in Europe and the 1999 Bologna Declaration launched the Bologna Process. The Bologna Process was developed so rapidly that non-participation resulted in an enormous gap between the education systems of Bologna Process participants and non-participants.

7 | Yahorau, A. "Predlozheniya po formirovaniyu strategiy podderzhki razvitiya grazhdanskogo obshchestva Belarusi" ["Proposals on the Formation of Strategies of Support of Civil Society Development in Belarus"], *AHT-EuroBelarus*, Minsk, March 2010.

In 2002, Belarus in effect terminated cooperation with the European Training Foundation in vocational education. In November 2002, the Copenhagen Declaration was adopted to launch the Copenhagen (Bruges-Copenhagen) Process, which expanded the goals and provisions of the Bologna Process to vocational education.

In 2003, when Russia joined the Bologna Process, all earlier efforts to create a common education space in the CIS countries and in the so-called Union State of Russia and Belarus completely lost their significance. The Belarusian education system turned out to be completely isolated. Taking into account the rapid pace of European integration, including that of the Bologna and Copenhagen Processes, the ten-year loss of cooperation led to a complete freezing of reform processes in the Belarusian education system. It is clear that the intellectual and organisational resources of a small country are inadequate for keeping pace with the rapid changes taking place in Europe without being directly involved in these changes. Individual episodes of cooperation of Belarusian higher education institutions, scientific institutions, or the Ministry of Education with analogous European institutions do not lead to any positive results, but rather demonstrate a difference in standards and approaches and expose the unpreparedness of Belarusian entities for reform and changes.

In 2010, the Belarusian government officially declared Belarus's entry into the Bologna Process. This news gives rise to a kind of optimism and a hope that changes in higher education will finally be launched. However, the inclusion of Belarus in the Bologna Process demands that the state make certain efforts and show a professional attitude toward accepting the format of relations with Europe. To what extent are officials ready to handle this issue? What are the pragmatic reasons behind such official statements? At any rate, this will become obvious in the near future. It can be stated so far that despite any positive progress made towards the Bologna Process, there have been categorical statements made by the government that no education reforms are to be expected.

### **Subjectivity in education**

The centralisation of state power in Belarus over the past fifteen years has led to the elimination of autonomous actors in all spheres of the public life and government policy. The Ministry of Education does not give economic, legal or academic freedom to any higher education institutions, even private universities, in any region of the country. The final step in the elimination of any autonomy of private education

was the adoption of procedures for the approval of rectors of higher education institutions by the Ministry, which in Belarus has in fact meant the appointment of rectors. The only higher education institution that refused to waive the right to select a rector independently was forced to move from Minsk to Vilnius and is now the only European university in exile (EHU).

All agreements or contracts of Belarusian universities, educational institutions, or regional education authorities have no legal force without the approval of and confirmation by higher state authorities. They lack power even after legal approval though, as universities, educational institutions, and local authorities cannot independently manage their budgets and resources.

Without removing the current power structure in Belarusian education there will be no legal or otherwise competent entities other than the state.

A disassembly of the current system can be effected not only through political changes in power structures, but also through gradual evolution of independence and autonomy of universities and other educational institutions from the Ministry of Education. To accomplish this, there are still some legal options. However, they can only be used if there is financial independence and civic courage. Creating this kind of independent educational institution, including universities, is possible under the patronage of either churches or consolidated civil society. EHU, despite its financial independence and civic courage, lost the support of the Orthodox Church and was also not supported by society.

## **PRELIMINARY CONCLUSIONS**

An analysis of the Belarusian education system's preparedness for reform and for making use of European cooperation tools has shown that a new stage of educational reform is unlikely to be initiated by the government. The education system of Belarus continues to retain the intellectual, informational and material and technical potential for reform, but the country lacks political will and qualified management personnel to implement such processes. The initiative and additional resources necessary for education reform can be provided only from outside the public education system.

Education reform in Belarus could potentially be initiated by representatives of civil society, experts, trusted individuals and

representatives of business and international society. However, their actions, uncoordinated and separated from each other, are unable to achieve the desired effect. In addition, all bodies that function and act beyond the bounds of the public education system are organisationally very weak and their institutional existence to a large extent depends on direct and indirect rules of the game established by authorities. Overcoming these contradictions and institutional problems is the primary task for the launch of new education reform.

Tools for cooperation between the EU and Belarus can positively impact the launch of new education reform relative to the preliminary creation of an inter-professional (super-sector) communication platform within the education system. Here, both favourable and unfavourable conditions are created:

1. First, all Belarusian political entities and civil society entities demonstrate high interest in cooperating with the EU. However, despite the high level of interest, there are still significant differences in views on priorities and mechanisms for the development of education.
2. Second, there is a certain inertia in the understanding of the actual situation in Belarus on the part of Europe. In particular, it is extremely difficult to demonstrate to European partners the need for cooperating at all levels not just with institutions, but with people. Any attempts to start such cooperation on the institutional level leads to resource monopolization by the Belarusian state, simulated activity by organisations and bodies and concept substitution, and does not lead to achieving of the programme goals of cooperation.

For example, one of the conditions for participation in academic exchange competitions is a mandatory requirement to work or study in any Belarusian higher education institution. However, in 2009 a tacitly applied employment ban in the higher education system resulted in the dismissal of a majority of qualified specialists from higher education institutions. International programme support of instructors with qualifications produces a contrary effect, that is encouraging loyalty and the inventing of status bonuses for unqualified personnel.

Despite all of the difficulties and the particulars of the Belarusian situation, there is undeniable potential for moving forward in solving necessary political steps in education and in finding tools for its development.



## **DESCRIPTION OF CONCRETE MEASURES TO STRENGTHEN COOPERATION WITH THE EU**

The range of possible actions for the reform of the Belarusian education system and for involving it in common European processes is quite narrow.

First is encouraging the Belarusian government to join the main conventions determining the course of changes in education in Europe (from the Bologna Declaration and Paris Convention to specific agreements under EU programmes: Erasmus, Comenius, Leonardo da Vinci, Grundtvig, etc.).

We recommend:

1. Highlighting the education reform issue under two platforms of the Eastern Partnership ("Democracy, Good Governance and Stability" and "Contacts Between People") and including the issue in the agenda.
2. Initiating the inclusion of this issue in the agenda of the Civil Forum under the Eastern Partnership. The Civil Society Forum, which took place in Brussels on 17–18 November 2009, and national conferences on preparation for the Forum, conducted earlier, solved a number of procedural and organisational issues and laid a foundation for the inclusion of relevant issues (including education reform) on the agenda. However, it is necessary to take into account that the inclusion of education issues cannot be the main focus of the Eastern Partnership Programme on account of its broader goals and other pragmatic concerns of this programme.
3. Creating a task force for this issue with the participation of independent experts and representatives of civil society.
4. Formulating a goal for the task force for the development of an organisational scheme of education reform in accordance with actions that need to be taken in order to ensure full-fledged participation of Belarus in the Bologna and Copenhagen Processes.
5. Organising support for civil society initiatives in Belarus on lobbying and promoting ideas, goals and values of the Bologna and Copenhagen Processes.
6. Identifying from existing social initiatives in Belarus a leading partner for this issue (on a competition or tender basis).
7. Deciding with the leading partner selected on the involvement of all necessary stakeholders in the process of lobbying Belarus to join the Bologna and Copenhagen Processes as well as advocacy of interests of all groups and parties concerned.

Second, encouraging and supporting civil society structures in their participation in these programmes together with government institutions.

We recommend taking the following first steps in this direction:

1. In developing mid-term and long-term programmes of European assistance and support to Belarus (both government programmes and programmes of private and independent foundations), to take into account policy paper analysis conducted by Belarusian analytical centres and think tanks or contract this kind of analytical work and research.
2. Supporting initiatives of Belarusian civil society formed at a 22 April 2009 conference<sup>8</sup>.
3. Introducing the role, place and purpose of the civil forum in political documents of the Eastern Partnership Programme.

Third, providing support for the creation of autonomous educational institutions by non-governmental bodies and churches (interconfessional unions) according to Bologna and Copenhagen standards.

We recommend:

1. Using existing precedents in Belarus aimed at bottom-up transformation of the education system as cases and conditions for a negotiation process under the Eastern Partnership Programme and within the framework of bilateral interstate relations between EU member states and Belarus.
2. Precedents selected could include the following: a) the return of EHU to Belarus, b) local initiatives for the founding of universities independent from the state (keeping in mind that initiatives of private investors can easily be quashed and risk to investors are too high under current conditions in Belarus); therefore, initiatives proposed by society or churches that receive financial and organisational support from European institutions and foundations can be viable. However, decreasing risks for private investors must be a criterion for successful implementation of these initiatives. Private independent universities must exist under guaranteed standards common to private business and must respect human rights.

Fourth, launching the implementation of a possible action plan on the reforming and adaptation of the Belarusian educational system to European processes, described in detail in the Organisational Scheme for

8 | International consortium "EuroBelarus", URL: [www.eurobelarus.info](http://www.eurobelarus.info), access date: 24 May 2009. Proposals of the "EuroBelarus" consortium for the organisation of the Civil Society Forum, URL: <http://ru.democraticbelarus.eu/node/1040>, access date: 24 May 2009 (in Russian).

Education Reform (Minsk, 1996). The Scheme is still relevant and can be applied to the process of even slow democratisation and liberalisation of public management. The Scheme provides a list of necessary documents, a procedure of their preparation and approval, and cites institutions that should develop and approve these documents. Currently, all necessary draft documents need only be brought into agreement with today's reality and lined up with existing European conventions and agreements.

The Organisational Scheme for Education Reform provides for a two-stage reform of the management of the education system. The first stage suggests adapting existing management structures to tasks of the transition period and tasks of the management of the reform process itself. The second stage provides for the creation of legal mechanisms and permanent management structures that meet the standards of a democratic society.

Currently, it is appropriate and advisable to initiate the creation of transitional education management institutes within the framework of the negotiation process on two out of the four Eastern Partnership platforms, whereas a transitional management structure can be proposed at the Civil Forum.

Experts understand the limits and insufficiency of tools created with public participation to include education reform issues in an agenda for Belarusian and European cooperation under the Eastern Partnership. It should also be noted that the organisation of multiple channels and inter-sector interactions is only possible within the framework of a systematic and reflexive approach, taking into account all emerging tendencies and opportunities. Only if this condition is met can issues of education system transformation be linked to the economy and labour market reform and later included in a practical plan for implementation both in Europe and in Belarus.

### **POSITIVE AND NEGATIVE CONSEQUENCES OF BELARUS-EU COOPERATION IN EDUCATION**

The long exclusion of Belarus from European integration processes on the whole and in education in particular has significantly increased the cost of future reform.

**The positive sides** of European integration are quite well known to citizens of the European Union, specialists and the democratically inclined portion of Belarusian society. All positive aspects can be divided into several large groups:

- Guarantees and protection of human rights and freedoms (including the right to a quality education, freedom of movement, choice of profession, career planning, etc.);
- Economic benefits of free trade (including those related to a knowledge economy, protection of intellectual property, participation of Belarusian universities in economic processes and increasing education results);
- Accessibility of the cultural potential of a unified Europe to citizens of Belarus.

However, the majority of Belarusian society is poorly advised and informed on the positive aspects of European integration, including those in education. A broad PR campaign for informing Belarusian society is needed.

### **Negative consequences**

1. An obvious negative aspect is the high cost of reform processes and the transformation of education. However, since Belarus does not have the option of integration with Europe (even considering that integration with Russia is now popular among a segment of Belarusian society), it needs to be understood that each year of lateness and delay significantly increases the cost of reform. Even in the early 1990s Belarus needed external assistance to transform and reform its education system. Currently, it is not support that is needed, but rather the shifting of costs to European institutions. However, European institutions, governments and civil society need to understand the expediency of these costs. Today, the Belarusian government cannot justify such a need. European support to Belarus, therefore, raises legitimate doubts and criticism. Tens of millions of euros have already been spent for various programmes with no visible result. If the Belarusian government fails now to formulate a clear doctrine for the development of the country and national system of education that would be understandable for Europeans, then the Europeans will be inclined to reduce assistance and support. Already Belarus receives the least amount of support under the Eastern Partnership Programme.
2. If the transformation of the Belarusian education system were to be commenced in accordance with the Bologna and Copenhagen processes, several generations of teachers and administrative staff will at once be identified unqualified and functionally incompetent. They will be the first opponents of the beginning of reforms. This social group will require more attention from the state and European partners, which can be reduced to the following two types of actions:

- launching mass training and retraining of personnel with a partial loss of their social status and accumulated social capital;
- launching employment and social protection for this social group.

The matter is complicated by the fact that the group is quite large. And in the short term there are no adequately qualified specialists who could replace these people. This problem could partially be solved through the return of labour migrants to their native countries. However, this is hindered by various economic factors.

3. Another negative consequence may be brain drain. Although today this factor is relevant not only for Belarus, it can acquire decisive importance in a period of intensive transformation and with exacerbated shortages of qualified workers. Therefore, reform of the Belarusian education system and its integration with the European education system can be carried out only in conjunction with other reforms.

### **HOW CAN THE COST OF ADAPTATION BE REDUCED OR OFFSET, THEREBY IMPROVING THE PERCEPTION OF DEEPENING COOPERATION WITH THE EU?**

Negative consequences of certain sector reforms can be offset and reduced only with comprehensive, systemic reform, in which sectoral reforms should not cancel each other out or compete with each other for already limited resources, but rather that at each stage of reform of one sector a resource for the reform of another sector should be created.

Another, possibly decisive, factor that reduces any negative impact could be high consistency and synchronisation of actions of Belarusian and European partners. The Eastern Partnership Programme provides favourable conditions in this context. However, the favourable conditions of the Eastern Partnership Programme will start functioning at their fullest only if society is highly active and organised. So far, this aspect is given little attention, although the events of 2009 suggest positive dynamics in this regard.

The third factor that reduces costs is the mutually beneficial exchange of human, knowledge and information resources. At present, the intensity of such exchange is quite low. It is often perceived not as exchange, but as unilateral support. Neither Europe nor Belarus has sufficient reliable and positive knowledge of each

other that could be used in order to increase the intensity and efficiency of exchange. In the past, Belarus attracted little attention from European researchers and politicians. Now the situation is changing for the better. Nevertheless, it would be desirable to develop a Belarusian Studies programme in European universities and research centres with a focus on the contemporary situation as well as inform Belarusian society about modern Europe and intensify bilateral partner relations.

## **THE QUESTION OF THE AGENDA**

Previous experience in lobbying for education reform on the political level shows that politicians and managers traditionally follow a stereotype when determining an order of issues on the agenda — economic reform first and then education and social reform. Reflecting on the carrying out of reforms in new EU countries (Latvia, Lithuania, Poland, etc.) suggests that economic and political system reform are made more difficult by a lack of specialist training and if parallel reforms of the systems of higher and secondary school education are not conducted. The “correctness” of reform agenda priorities in post-Soviet countries is not something that can be discussed. Many factors and conditions should be taken into account, including social, political, resource and programme aspects. Without insisting on education reform in Belarus as a high priority, experts say that the order of the agenda is a subject for negotiations, agreements, expert consultations and inter-professional communication.

As history shows, any European nation is able to overcome an existing gap within a relatively short period of time. Hence, it is also possible for Belarus. Mistakes in politics of the 1990s on the part of both Belarus and Europe have led to a marked widening of the gap, however. These mistakes, not least of all, were related to the underestimation of the role of education in integration processes. Short-term, low-cost, episodic and non-systematic action is not able to influence the dynamics of public opinion, overcome alienation and distrust among nations and form a sustainable humanities base that provides for integration and cooperation. Only formal education at the national level is able to cope with such tasks.

It is not enough to simply include education reform and transformation into an agenda on Belarusian and European relations. Education issues should be raised to the top of the agenda and given top priority in events and activities within the Eastern Partnership Programme and in bilateral relations between Belarus and the EU.



**Valeri Fadeev** (Belarus),  
Distinguished Jurist of the Republic  
of Belarus, retired Deputy President  
of the Constitutional Court

## **STATE BODIES, CONSTITUTIONAL REALITY AND FORMS OF RULE**

### **CURRENT SITUATION**

According to Article 1 of the Constitution of the Republic of Belarus (hereinafter referred to as the Constitution), the Republic of Belarus is a unitary, democratic, social state based on the rule of law. The people are the sole source of state power and the repository of sovereignty in the Republic of Belarus (Article 3).

“State power in the Republic of Belarus is exercised on the principle of the division of powers among the legislature, executive and judiciary. State bodies, within the confines of their powers, shall be independent: they shall co-operate among themselves acting on the principle of checks and balances” (Article 6).

In practice, however, the principles of the organisation of power as stated in the Constitution have not been observed. This applies first and foremost to the principle of the division of powers.

According to the Constitution, as entered into force in 1994, the Republic of Belarus is a presidential republic with a rather “strong” President whose powers, however, are counterbalanced by the powers of the Parliament and courts, especially the Constitutional Court.

As a result of the November 1996 referendum, which can be characterised as unconstitutional, the Constitution as established in 1994 was amended. According to the amendments, the powers of the President were broadened significantly, while the powers of the legislative and judicial authorities were limited. This changed the whole balance of state power in Belarus. With the President possessing such powers the role of other branches of government is reduced to that of extras. Currently the legislative and judicial authorities to a large extent play the role of theatre scenery in the President's power vertical. In fact, an authoritarian model of power has developed in Belarus.

The President of the Republic of Belarus is the Head of State and the guarantor of the Constitution of the Republic of Belarus and the rights and liberties of people and citizens (Article 79). Owing to the Constitution and the practice of law implementation the President falls outside of the branches of power and remains above them. At the same time the President unilaterally performs the functions of the legislative, executive and even judicial branches of power. The President has the right to veto laws adopted by the Parliament and to issue decrees that have the force of law. The President sets national referenda, appoints members of the government, eight of fifty-four members of the Council of the National Assembly of the Republic, six of twelve judges of the Constitutional Court, other judges of the Republic of Belarus, half of the Central Commission of the Republic of Belarus for Elections and National Referendums and chairmen of the regional executive committees and of the Minsk City Executive Committee.

The Parliament of Belarus consists of two houses: the House of Representatives and the Council of the Republic. Elections to the House of Representatives are carried out according to majority votes, whereas elections to the Council of the Republic are carried out through local soviets (councils). Some of these "senators" are appointed by the President. The legislative powers of the Parliament are limited by the right of the President to issue decrees and also by the fact that the decrees and edicts of the President are held equal to laws by their force and, in certain cases, even have greater force.

The Parliament of Belarus is represented in a number of European structures, including the OSCE Parliamentary Assembly. It is believed, therefore, that out of all the branches of power, it is the Parliament that would be able to facilitate cooperation between



Belarus and the EU for the purposes of the promotion of European values and development of civil society. It is necessary, however, to take into account the fact that irrespective of the absence of factions in the Parliament and the specifics of elections in Belarus, the House of Representatives is far from being homogenous. A considerable number of the deputies are clear-headed people, many of whom are professionals in their fields striving towards democratic values.

The government of Belarus is accountable to the President and responsible to the Parliament. The responsibility towards the Parliament is formal because the House of Representatives only gives its consent to the President for the appointment of the Prime Minister and may express its vote of non-confidence in the government at the initiative of at least one-third of the deputies. The President, while not officially being the head of the government, nevertheless has the right to invalidate acts and, most importantly, adopt acts on the issues lying within the scope of the government's competence. Furthermore, a number of bodies in the state administration are subordinate directly to the President rather than to the government.

If speaking of relations with the European Union and the prospect of cooperating on improving the activities of the Parliament, one should first of all take into account the fact that the EU is the second most important trading partner of Belarus. Currently, the government of Belarus is very concerned with three basic problems: the consequences of the global financial and economic crisis, the withdrawal of EU preferences associated with problems in the activities of trade unions identified by the ICL and the need for strengthening the inflow of foreign investments. In addition, the government is working on the task of the accession of Belarus to the WTO as well as the harmonisation of national economic legislation with EU legislation. Currently, working dialogues between the EU and Belarus are being conducted with the participation of representatives of the government. Closer cooperation with the EU is most likely possible primarily in the aforementioned directions. Here, as well as in respect to the Parliament, one should note that there are those advocating for democracy for and consolidating the market economy — people who understand the need for changes and cooperation with the EU both in the government and other bodies of the state administration, including the Presidential Executive Office. Frequently, however, they are not able to implement their ideas because of the strict vertical structure of power in Belarus.

The judicial system of Belarus consists of general courts, economic courts and the Constitutional Court. Irrespective of the fact that the Constitution and the Code of Court Organisation and Status of Judges claim independence for the courts, in practice courts are heavily dependent on the executive authority. To a great extent this results from the system of appointment of judges and their material and technical support. After the 1996 referendum, the Constitutional Court became a formal organ, as the right of access to this Court is granted only to state bodies dependent on the President, which almost never address the Court. Ordinary citizens, on the other hand, are deprived of this right, as a system of constitutional complaint does not exist. As a result, in order to utilise the potential of this Court at all the President granted it powers in addition to those provided for by the Constitution, including the right of preventive constitutional control of draft laws (Decree No 14 dated 26 June 2008).

In addition, Belarus has a number of agreements with other countries as well as with the EU concerning the activities of courts and the Constitutional Court of Belarus takes part in the work of the Conference of European Constitutional Courts. These factors as well as the strengthening of the integration of Belarus into Europe have expanded the possibilities for interaction with the EU in the judicial field.

Local self-government in Belarus is characterised by strong dependence on the central bodies of the legislative authority. The role of local soviets (councils) is limited, and this limitation also applies to the formation of bodies of local executive power (which are accountable to local soviets (councils) only formally), the formation of the financial and material base of the local self-government and the resolution of other problems. In Belarus, there exists an absolute "vertical" structure of executive authority. In city districts, elective bodies of self-government do not exist at all. There are only administrations appointed from above that are absolutely unaccountable to the local population.

The problem of reforming the local system of self-government is discussed from time to time in Belarus. Several concepts have been developed, however none have been implemented. Cooperation with the EU in this area is possible both by reforming the local system of self-government on the basis of the European Charter of Local Self-Government and through incorporating bodies of local self-government into various European associations.

## WHAT NEEDS TO BE DONE

It is believed that the ideas proposed are comprehensive and should correlate with individual options.

It should be emphasised that the implementation of the proposed solutions is possible, subject to the active participation of civil society, which requires strengthening its role in the life of the country.

Likely, the post of the President should be maintained in Belarus in the near term. This is related to specific aspects of the mentality of the people as well as the fact that presidential power, despite its existing "imbalances", may become an effective instrument of reform because of its responsiveness. One should also take into account that the formation of pre-election blocks when electing the President can compensate to a large extent for the underdevelopment of civil society and relative weakness of political parties. The jurisdiction of the President, however, should be amended with a view to the establishment of a semi-presidential or parliamentary-presidential republic. Restoration of the Constitution as in force in 1994 appears to be the best option. Nevertheless, the transition to a parliamentary regime following the example of Germany or England is possible in the future. This option allows for the possible formation of a government of the parliamentary majority. The post of the President may be maintained for representative purposes (the German option). This idea finds strong support from a considerable part of the Belarusian opposition.

Hereafter, we will consider an option of short-term reforms, the implementation of which enables the realisation of all or part of the 12 requirements of the EU.

### The President

The President should remain the head of the state and have the following basic powers:

- to represent the country in the international arena;
- to set parliamentary elections and referenda;
- to present to Parliament candidacies for Prime Minister, heads of the senior courts and the Chairman of the Board of the National Bank and to appoint other judges;
- to be the Commander-in-Chief of the Armed Forces;
- to have the right to dissolve Parliament in case of failing twice to

- confirm the Government or its programme of activities; and
- to sign laws and to have the right to veto.

The President should have the right to issue decrees and orders in strict accordance with the Constitution and laws of the country. Strict barriers preventing the issuance of unconstitutional acts should be clearly defined. The President may be impeached by the Parliament subject to a decision of the Constitutional Court on a Constitutional violation as well as removed in the event a long-term illness inhibits him in exercising his powers.

The President should have guarantees of a legal, material and technical nature in case of dismissal.

Cooperation with the EU in this regard would be possible through examination of prepared regulatory acts and involvement of EU experts in work groups.

### **Parliament**

At the first stage, the bicameral Parliament could be kept, however it is likely that the upper house may be abandoned in the future. Parliamentary elections at the first stage should be held on the basis of a mixed proportional and majority vote election system. Abandoning the majority vote system at this stage appears to be unreasonable, taking into account the diverse composition of the political spectrum and relative weakness of political parties. Additionally, it is necessary to establish barriers for access of representatives of parties to the Parliament. Factions should be formed in the Parliament. The Parliament should become the supreme and sole legislative body of the country.

In addition to the adoption of laws, the Parliament should have the following basic powers:

- to approve the composition of the government or the programme of its activities;
- to elect the heads of the senior courts and the Commissioner for Human Rights;
- to appoint the Chairman of the Board of the National Bank;
- to have the right of a vote of no confidence in the government;
- to have the right of parliamentary control over the execution of adopted laws and to form the Audit Chamber; and
- to have the right of impeachment of the President in cases provided for by the Constitution.

Cooperation with the EU is possible through the expansion of parliamentary relations, the participation of the Parliament of Belarus in various inter-parliamentary structures, the exchange of parliamentary delegations, the rendering of assistance in expert evaluation of the most important draft laws and in having parliament members gain work experience in various bodies of the EU.

### **The government**

The Government should be responsible to the President and accountable to the Parliament. It should have all powers of the executive authority, that is to have the right to adopt, in accordance with the law, all necessary decisions for governing the country, to have the right of legislative initiative and to put the question of confidence to a vote by the Parliament. The Government should propose to Parliament a law on the national budget for each fiscal year and report on its implementation.

Each newly formed government should present to the Parliament the programme of its activities. In order to coordinate work with bodies of local self-government, the Government should have its plenipotentiaries at the local level. They should not, however, be entitled to interfere with the decision-making process of local authorities. The practice of the subordination of separate ministries to the President must be abandoned. All ministries should be subordinate to the Council of Ministers. Moreover, the functions of ministers should be expanded: on the model of the EU, they should turn from "technical" bodies into political ones. This requires the introduction of amendments into the law *On the Council of Ministers*.

It would seem that the EU can provide the government with assistance in the training of modern civil servants, including through internships or work exchanges abroad, as well as in the preparation of legal acts to facilitate the integration of Belarus into the global economy. Here it would be possible to coordinate the activities of the EU with international financial organisations (World Bank, International Monetary Fund, International Finance Corporation and the European Bank for Reconstruction and Development) and to utilise their potential. Technical consultation between the EU and government must also be continued and the Eastern Partnership Programme must also be used in order to strengthen the influence of the EU on the government of Belarus and the reforms being carried out.

## Judicial system

Independence of the courts should be ensured in practice by changing the procedure of the appointment of judges and the material and technical provision of courts. The role of judicial self-administration should be strengthened and all appointments and dismissals of judges should be made only on the basis of recommendations by bodies of judicial self-administration. These bodies should also make decisions on the distribution of funds among courts.

Judicial and legal reform (a concept begun in 1992) needs to be completed. Specialised courts and administrative justice that will serve as an additional guarantor of the rights and freedoms of citizens must be established.

The Constitutional Court should in fact become the body of supreme constitutional control. In addition to the control of the constitutionality of regulatory legal acts, the Court should have the right to consider the following cases:

- interpretation of the Constitution;
- constitutionality of the objectives and activities of political parties;
- division of competence of superior bodies of state power; and
- infringement of the Constitution of the Republic of Belarus by the President.

Citizens must be granted the right to apply to the Constitutional Court (the institution for constitutional complaints).

The EU can render assistance in reforming the judicial system through participation and expert evaluation of prepared draft laws, programmes of international trainings and work exchanges of judges in European courts and the participation of judicial bodies of Belarus in international judicial associations, including the Conference of European Constitutional Courts. In addition, the number of agreements between judicial bodies on mutual assistance on civil and criminal cases needs to be increased. The EU can also assist in the development of an alternative system of justice (international arbitration, courts, etc.). Taking into account the poor material and technical base of courts, the EU could lend technical assistance in its further development. In the case of admission of Belarus to the Council of Europe, the country should be subject to the jurisdiction of the European Court of Human Rights.

### **Local self-government**

The role of local self-government must be strengthened while expanding its rights. The vertical structure of power and excessive centralisation must be laid aside. The formation of local bodies at all levels, both representative and executive, should be carried out in accordance with the expressed will of Belarusian citizens. Local executive authorities need to be fully accountable to representative authorities and relations between local self-government authorities and central authorities should be built on the basis of the observance of national laws rather than through subordinate relationships.

Plenipotentiaries of the government at the local level should not interfere with the activities of local authorities, and should simply coordinate with them the work of the central authorities. They should have the right to control the observance of the national law and, if necessary, raise the question on the abolition of unlawful resolutions of local authorities.

Decisions on the aforementioned reform can be made not only through constitutional reform, but at the level of established laws, with which EU experts can provide assistance.

The EU could also provide assistance to local self-government authorities in the form of relevant associations in Belarus as well as in the integration into similar structures in Europe. Furthermore, the EU could offer support in the establishment of non-governmental organisations engaged in problems of local self-government and with local self-government authorities to build corresponding structures to those in EU member states. The accession of Belarus to the European Charter of Local Self-Government appears to be a very promising step.

### **Commissioner for Human Rights**

The introduction of the institution of the Commissioner for Human Rights is extremely necessary. The Commissioner should serve as one who has all the necessary powers for the protection of the rights of citizens, including the right of access to courts up to the Constitutional Court.

When introducing the institution of the Commissioner for Human Rights, the assistance and experience of the EU member states can be invaluable both in terms of the preparation of the relevant draft law and the organisation of work, including work exchanges for the members of the staff of the Commissioner in EU member states.



**Dr. Andrei Kazakevich**  
(Belarus), Director, Institute  
for Political Studies —  
*Political Sphere*, Editor-in-  
Chief, Palitychnaya Sfera

## JUDICIARY AND LAW ENFORCEMENT AUTHORITIES

Over the past two decades, the legal system of Belarus has undergone gradual reform. The establishment of an authoritarian system of governance after 1996 had a remarkable influence on the dynamics of reforms but did not stop them, especially in the judicial system. Thus, the judicial branch is the only one which saw structural changes after 1996.

The changes were largely aimed at improving the effectiveness of the judiciary in the existing state system, the introduction of elements of professional self-government, the protection of rights of citizens unless these rights directly affect the interests of the ruling elite, etc. A number of essential changes were also related to other law-enforcement agencies. The reform was carried out with the intent of improving the operating efficiency of the authoritarian system. This, on the one hand, provides significant opportunities for improvement while, on the other hand, imposes serious limitations on the dynamics and depth of such changes.

### **GENERAL INFORMATION ON THE STRUCTURE OF JUDICIAL POWER AND LAW-ENFORCEMENT AUTHORITIES**

#### **System of general courts**

The system of general courts has three levels (see Figure 1). The upper level is represented by the Supreme Court of the Republic

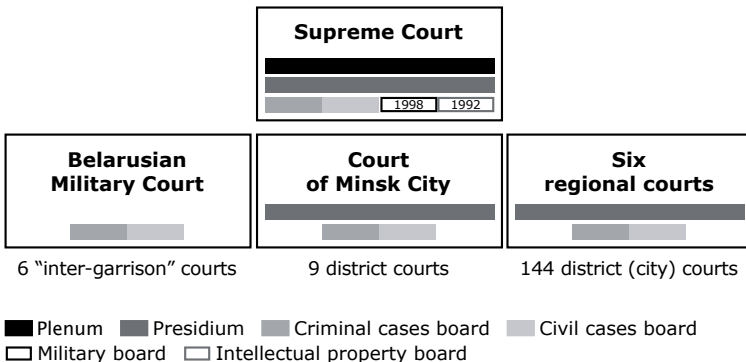


of Belarus. The functions of the Court are rather broad and range from general administration of the judiciary to review of certain categories of cases as a court of first instance. Accordingly, justice is dispensed by specialised judicial boards on civil cases, criminal cases, on patents and intellectual property and the military board. The Supreme Court is also a key supervisory body, providing guidance on the application of legislation required for use by all courts and performing a variety of expert and analytical functions. The second level of the Belarusian judicial system consists of six regional courts, the Minsk City Court and the Belarusian Military Court. Specific cases are considered within the framework of specialised boards on civil and criminal cases. The lower level of the judicial system is represented by district (city) courts and "inter-garrison" courts. The system of general courts of Belarus consists of around 160 judicial institutions at various levels, the functioning of which is ensured by approximately 1100 judges. All judges of general courts are appointed by the President of Belarus. The appointment of the judges of the Supreme Court requires the approval of the Council of the Republic (the upper house of the Parliament), but this procedure, by established practice, is simply a formality. General courts handle all civil, criminal, and administrative cases and serve as first, appellate and supervisory courts. Valiantsin Sukala has been the Chairman of the Supreme Court since 1997.

Among the major trends which have determined the development of the judicial power of Belarus in recent years include an increase in civil and administrative proceedings, a change in the policy of criminal punishment and a sustained tendency toward an increase in courts' autonomy from other law-enforcement agencies (the prosecutor's office and the Ministry of the Interior).

Figure 1.

**The system of general courts of the Republic of Belarus**



## **The system of economic courts**

The system of economic courts of Belarus has two levels. The first level consists of the Supreme Economic Court and the second consists of the economic courts of the region and city of Minsk. Thus, the system consists of eight courts staffed by approximately 120 judges. Judges of economic courts are appointed by the President. The appointment of the judges of the Supreme Economic Court is subject to the approval of the Council of the Republic. Economic courts consider disputes between legal persons and other economic entities. Viktor Kamiiankou has been the Chairman of the Supreme Economic Court since 2001.

## **Constitutional Court**

The Constitutional Court is comprised of 12 judges. Six judges are appointed by the President and another six are elected by the upper house of Parliament. The Chairperson of the Court is appointed by the President subject to the consent of the Council of the Republic. The term of office of the Constitutional Court is 11 years. The main function of the Constitutional Court is to provide opinions on the conformity of normative acts across various levels.

Opinions are made with input from the President, the House of Representatives, the Council of the Republic, the Supreme Court of the Republic of Belarus, the Supreme Economic Court of the Republic of Belarus and the Council of Ministers of the Republic of Belarus. In the absence of a competitive political arena there is little need for this function. As a result, since 1997 the basic work of the Constitutional Court has been offering advisory judgements on its own initiative. The functioning of the Constitutional Court in the existing political system is a problem. In order to resolve this problem, the Court was vested with additional functions beyond those enshrined in the Constitution through a Presidential Decree dated 26 June 2008. Specifically, they include a constitutional review of draft laws. Piotr Miklashevich has been the Chairperson of the Constitutional Court since 2008.

## **Prosecutor's office**

The prosecutor's office is headed by the General Prosecutor's Office. The second level consists of separate regional prosecutor's offices, city, the military and transport prosecutor's offices, each of which has its own regional departments. The system is comprised of around 270 institutions of various levels, employing more than 1000 individuals. The functions of the prosecutor's office of Belarus are determined by a Soviet tradition, which is somewhat different from the European. The main functions include the representation of the interests of the state in court (including serving

in defence of the state), investigation for certain categories of cases and supervision of compliance with the law. Ryhor Vasilevich has been the Prosecutor General of the Republic of Belarus since 2008.

### **The Ministry of Interior**

The Ministry of Interior has a branched structure which corresponds to the administrative-territorial division of Belarus. In addition, it includes traffic police, numerous functional structures, special units (including internal security troops) and educational institutions. Police functions include maintaining public order, operational-search activity, investigation, etc. Anatol Kuliashou has been Minister of Interior since 2009.

The Ministry of Interior is also responsible for the penal system. Organisationally, the penal system is a part of the Department for the Execution of Sentences of the Ministry of Interior and includes pre-trial detention facilities, penal colonies, penal colony settlements and juvenile correctional facilities, prisons and rehabilitation centres. Over the course of independence, the system has not undergone any significant structural and qualitative changes. Violence against suspects, defendants and prisoners persists and their conditions of detention have been criticized by human rights organisations. In addition, penal colonies and investigatory detention facilities are chronically overcrowded. Only in recent years has there been any practical implementation of measures for changing the criminal justice policy in the direction of reducing the imposition of prison sentences and reduction in the number of prisoners. Currently, punishment by imprisonment is characterised by representatives of the judicial power as clearly ineffective.

### **STATUS AND CONDITION OF THE JUDICIARY AND LAW ENFORCEMENT AUTHORITIES IN THE STATE (POLITICAL) SYSTEM**

Formally, the judicial system in Belarus is independent, and the police act only within the limits of the law. The legal framework and certain guarantees of this are established in the Constitution, laws and other regulatory acts. In reality, courts are dependent on political bodies. The degree of dependence is high, however executive bodies use their ability to influence courts only in limited cases<sup>1</sup>. Dependence is primarily associated with established rules of interaction between the

1 | Dependence is based on relationships of informal subordination and is not reflected in the legislation. A judge can be independent when serving verdicts on an absolute majority of cases. Authorities interfere only when a specific case has political, economic or social significance for representatives of the political elite. In these instances, the judge is in effect prevented from deciding a case.

political elite and state bodies, the authoritarian model of governing and lack of a competitive political system and balance among the branches of power. The mechanisms that promote dependence are also contained in the procedure for appointing judges and their material and technical support (see Table 1). In the relationships between courts and executive authorities, formal rules (established in regulatory acts) are complemented by a wide range of informal rules based on political influence and organisational dependence.

Table 1.

**The shift in the authority to appoint judges  
(Constitutions of 1978, 1994 and 1996)**

	1978 (1990-1994)				1994				1996				
	1	2	3	4	1	2	3	4	1	2	3	4	
President					■		■	■	■	■	■	■	■
Chairperson of the Supreme Council	■												
Parliament	■	■	■		■	■			■	■			
Local soviets (councils)				■									

**Note:** 1 — appointment of the Chairman of the Supreme Court; 2 — appointment of judges to the Supreme Court; 3 — appointment of judges to regional courts; 4 — appointment of judges to district courts.

■ Authority to appoint judges    ■ Authority to coordinate and/or provide consent for the appointment of judges

In general, Belarusian courts have a relatively low level of corruption (possibility for bribery) and judges enjoy relative independence in making judgements on most cases. Dependence of judges is associated primarily with the practice of administrative exclusion (full or partial exclusion of a judge from ruling on certain cases). This practice is established in Belarus and covers a relatively small number of cases that have for any number of reasons taken on political, social or economic significance. In these cases, decisions are actually taken by executive authorities rather than by a judge, although formal procedures are observed. In addition to administrative exclusion, the assignment of courts with additional legislative, expert, analytical and ideological functions, which are not provided for by law, is another distinctive feature of the Belarusian judicial system. Such functions include the executions of Presidential instructions, preparation of

regulatory acts, execution of directives, etc. Currently, the judicial system is organised hierarchically and the key role in the management is played by chairmen of courts serving at various levels (forming a sort of a judicial vertical).

There are also less strict forms of the dependence of judges on executive bodies, especially at the local level. For example, as a rule, the chairman of the executive committee can easily obtain information on the review of specific cases, consult on punitive measures, postpone consideration of civil cases, predict their outcome and perform other actions contrary to the law but which do not affect the administration of justice directly. The judge (presiding judge) in turn can expect a variety of services from the executive power, including prompt resolution of issues of technical support to the court, assistance in settling personnel issues, motivation in the form of gifts and relatively minor services. The distribution of access to subsidies for the construction of state-funded housing is also often mentioned among forms of dependence of judges on local authorities. Such a model for the organisation of interaction with judicial bodies is negative, but it is perceived as relatively socially secure. Participants in these relationships perceive them as "normal", "traditional" and as an additional instrument guaranteeing legal order and social and political stability at the local level.

As in many non-democratic systems it is not only the formal status of an agency or body that is relevant. Informal relationships and the personality of the leader also play a significant role. The influence of certain judicial and law enforcement authorities can vary significantly depending on the personality of the leader, although the significance of such practices has been decreasing in recent years (with a peak in the second half of the 1990s to the beginning of the 2000s).

Valiantsin Sukala, Chairman of the Supreme Court, if looking at his biography, can be considered a representative of the Belarusian Soviet nomenclature (Minister of Justice of the Byelorussian Soviet Socialist Republic in 1988–1989 and Head of the State and Law Department of the Central Committee of the Communist Party of Byelorussia in 1989). Sukala is quite a stable figure with a certain legitimacy and has the capability of lobbying for various decisions through executive agencies and the Presidential Administration.

The Constitutional Court has next to no direct influence on the development of the political and legal system. As noted above, there are significant problems in the functioning of the Belarusian system. Attempts

to raise its status for the purpose of considering public appeals and issuing advisory opinions by the Constitutional Court on its own initiative have had limited effect (see Table 2). This practice was introduced and actively supported by Ryhor Vasilevich (the Chairman of the Constitutional Court in 1997–2008). After the reshuffle of the leadership in 2008, the functions of the Constitutional Court were expanded to some extent by Presidential Decree, but it has not fundamentally changed the situation.

Table 2.

**Key indicators of the activities of the Constitutional Court of Belarus (1997-2009)<sup>2</sup>**

	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09
Conclusions		1											
Decisions					6	5	2	8	8	9	2		
Preliminary control												2	4

Law enforcement agencies (the Ministry of Interior and the prosecutor's office) are generally dependent on executive (political) structures. The political status of security agencies, which is traditionally higher for non-democratic systems, is a distinctive feature. In addition to ensuring order and justice, security agencies are considered to be an important guarantee of the stability of power and an instrument of control over possible threats. This point was especially important from the second half of the 1990s to the beginning of the 2000s, though now the significance of security agencies as a factor seems to be decreasing. The Ministry of Interior is viewed by most Belarusian analysts as an important structure which has its own economic (commercial) interests and broad possibilities for their lobbying and advocacy. The large influence of the Ministry of Interior is also felt at the regional and local levels. For a long time (2000-2009), the post of the Minister of Interior was held by Uladzimir Naumau, a figure personally close to Aliaksandr Lukashenka.

The influence of the prosecutor's office as a security agency has declined considerably in recent years. Growth in its political and administrative significance fell from 2000 to 2004, when the post of the Prosecutor General was held by Viktor Sheiman (on the team of Aliaksandr Lukashenka since 1994). Afterwards, the status of the prosecutor's office was

2 | Only published conclusions were taken into account when compiling the table. Only those judgements which were made as a result of the consideration of regulatory acts were taken into account. Numbers on the consideration of regulatory acts within the framework of preliminary control are indicated in accordance with the Messages on the Status of Constitutional Legitimacy for 2008 and 2009.

balanced to some extent. The trend towards decreasing the role and functions of the prosecutor's office continued after Ryhor Vasilevich was appointed to the post of Prosecutor General (2008). The transformation of the status and functions of the prosecutor's office is carried out mostly in the case of non-regulatory factors such as adjustment of supervisory functions, ignoring the position of the prosecutor in judicial proceedings, etc. A decrease in opportunities for the prosecutor's office to have an impact on judges in judicial proceedings has been observed during recent years and judges have received more freedom in evaluating evidence and acquitting those charged.

### **EXPERIENCE IN REFORMING THE LEGAL SYSTEM**

The reform of the legal system was put on the agenda as soon as Belarus gained its independence. In 1992, the Supreme Court of the Republic of Belarus adopted the Concept for Judicial Reform. Despite significant policy changes and alternative projects, this concept is still in effect. Though they have not all been fully implemented (the organisation of judicial self-administration, for example), certain provisions have been gradually put into law (see Table 3).

Major structural reforms of the judicial system include the establishment of the state-based system of economic courts of arbitration (1991), the integration of military courts into the system of general courts of Belarus (1992) and establishment of the Constitutional Court (1994). During the political crisis and confrontation of powers in 1994–1996, the Constitutional Court became an important participant in the political process.

Despite the fact that legislative conditions for the establishment of specialised courts have been issued under law in recent years and, moreover, that the need for such courts has been repeatedly confirmed in documents and speeches of officials, this process has come to a halt. Specialised boards, as an intermediate step for the establishment of courts, were also not established.

The same situation has emerged in relation to the establishment of appellate courts to review civil and criminal cases, as independent boards or special juries. Although the need for appeal is reflected in various documents and has been confirmed in publications by officials (specifically the Chairman of the Supreme Court and the Minister of Justice), these structural transformations were not implemented. Among the main factors cited for the lack of structural reform have been inadequate institutional and regulatory training as well as the need for additional funding. The resistance of the judicial community is also significant.





After the establishment of the authoritarian regime, the Constitutional Court underwent serious reorganisation (see above). In 2008, an attempt was made to reform the Constitutional Court by transferring to it additional functions not provided for by the Constitution. First of all, this concerns obligatory preliminary control of draft laws, the procedure for which was stipulated in a special Presidential decree. Table 2 shows that after 2008, the issuance of advisory decisions decreased significantly, and the main activities of the Constitutional Court consist of performing auxiliary functions in the lawmaking process. Ideas for the development of the institute of indirect access of the public to the constitutional justice put forward by the Chairman of the Constitutional Court have not yet been implemented.

The main problem of the Constitutional Court in the modern political system is that it is not functional — a problem that can be effectively overcome only by amending the Constitution, which seems unlikely in the near future. Reorganizational initiatives after 2008 may have contradictory effects, however it is unlikely they will change the situation drastically.

The existing practice of preliminary control on the whole also contradicts the logic of organisation of constitutional justice in most countries, which provides for concentration on specific problems documented by authorised entities rather than assembly-line monitoring of a large volume of laws.

The effectiveness of the preliminary control procedure may be questioned because, after having reviewed 206 acts over the course of two years, the Court never came to a conclusion that any of them contradicted the constitution and, therefore, never contributed to the redress of a possible error. And this occurs in a situation when, as it was noted above, preliminary control has become the main form of constitutional justice.

Staff and organisational changes since the establishment of an authoritarian regime has affected general and economic courts; however, judicial reform has continued, albeit in an altered form. In fact, the judicial system is the only branch of government that saw qualitative changes after 1996. The logic of reform can be defined as an attempt to improve the efficiency of justice while maintaining the political system. In 1997–1998, the Presidium and a specialised system of boards of the Supreme Economic Court were established, the state significantly expanded commercial courts and the Minsk City Court was formed. In 1998, the first congress of judges of the Republic of Belarus was held

and new procedural economic and civil codes were adopted (1998). In 1999, a new criminal procedural code, criminal code and civil procedural code were adopted. In 2000, a new penal code was passed. Certain provisions of the reform of the legal system were reflected in the Concept for the Improvement of Legislation (2002), which contained separate sections on the judiciary and prosecutor's office. In 2006, the Code of Judicature and Status of Judges was adopted. In recent years, several law enforcement principles (working with public appeals, public attitude, etc.) saw certain changes. Additionally, the functions of the prosecutor's office saw gradual transformation.

It should be noted that many of the aforementioned changes are positive and aimed at the improvement of the system's efficiency and guarantees of rights and freedoms, although the positive effects have been limited, especially when considering politically and socially important matters.

It should also be noted that not all rules and principles, even those stipulated in legislation, are implemented. The most telling example is the situation concerning bodies of the judiciary (self-administration). The second congress of judges, which elected bodies of judicial self-administration, was held in 2002. The third congress was scheduled for 2006 but was never held, despite the fact that corresponding provisions are established in the Code of Judicial Organisation. A sort of meeting held with the President (2007) became a substitute for the congress; however, it did not have the necessary legitimacy. Therefore, the judicial community is actually deprived of legitimate self-administration and an absolute majority of relevant provisions of the legislations fail to work. The main reason for the delay in holding the congress is said to be a lack of funds, but this explanation is unlikely to fully reflect the real motives.

### **RECOMMENDATIONS ON THE REFORM OF THE JUDICIAL SYSTEM, PROSECUTOR'S OFFICE AND MINISTRY OF INTERIOR**

The reform of the judicial system and law enforcement authorities can be carried out according to two models.

The first regards increasing efficiency in the functioning and defence of rights by courts, the prosecutor's office and internal affairs agencies, while maintaining an authoritarian political system. The second would require reform of the judicial system and law enforcement agencies while making the political system more democratic (which would require amending the Constitution). The second is

significantly more effective for guaranteeing protection of citizens' rights and optimisation of the functioning of law enforcement agencies, but reform both in the first and second case could have a positive impact on society and realisation of the principles of "good government".

In any case, reforms should take into consideration not only the regulatory aspect of the problem (to propose changes to the legislation), but also the availability of political will, legal culture, actual practice of the relationships among law enforcement agencies, as well as the importance of informal relations of subordination, corporatism and cooperation in the Belarusian legal system.

Reform should target convergence with European Union standards, which would improve the efficiency of the legal system, will create favourable conditions for economic development and for protecting the rights and freedoms of citizens. In this case, it is important that any reform not interfere with the functioning of law enforcement agencies. Changes, therefore, should be carried out gradually, and possible consequences should be calculated.

### **Appointment procedure**

To secure additional guarantees of judicial independence it is essential that procedure of decision-making on personnel issues be changed. A procedural change is not a sufficient measure, but it is an important mechanism of guarantees of judicial independence. Changing the appointment procedure should be based on (1) the balance of power and (2) the exclusion of third parties from the procedure. Judges of higher courts (Supreme Court, Supreme Economic Court) should be appointed by the parliament. In the future, chairpersons could be elected by judges of these courts. Other judges can be appointed by the President. Regional executive committees, ideological bodies, etc. must be excluded (even formally) from the appointment procedure. (Participation of these bodies is currently allowed for by the Ministry of Justice<sup>3</sup>) The procedure of vetting candidates for the position of a judge by national security agencies should be limited to the legislative framework. The appointment of judges should be based on public competition with transparent criteria for evaluating candidates.

3 | Resolution of the Ministry of Justice *On the Approval of Instruction on the Terms and Conditions of the Passage of Materials for the Appointment (Dismissal) of Judges of General Courts of the Republic of Belarus and Conferring of Qualification Classes.*

The Prosecutor General of Belarus should be appointed by Parliament and the Deputy Prosecutors General should be appointed by the Parliament on the recommendation of the Prosecutor General.

The Minister of Interior should be appointed by the President with the consent of Parliament (either following a separate procedure or when approving the whole of the government).

### **Reform of the Constitutional Court**

Currently, the Constitutional Court fails to perform its functions and is in need of serious reform. This includes changing the procedure for appointing judges, expanding the circle of potential court applicants, and broadening its jurisdiction. Judges of the Constitutional Court should be appointed by Parliament on an alternate basis. The Chairman of the Constitutional Court and his deputy should be elected by the judges.

The scope of potential court applicants for binding decisions should be expanded. This should be done, first of all, by involving members of Parliament, local councils and citizens (for example, in the form of a collective appeal).

### **Reducing the management role of court chairpersons**

To increase the independence of judges the dependence of judges on court chairpersons must also be reduced. This in particular relates to the reduction of their role in assessing the performance of judges (payment of bonuses, etc.), distribution of duties among judges, formation of the composition of courts, organisation of activities for developing qualifications of judges, supervisory functions and approval of the composition of examination commissions. Reducing the managerial role can be achieved by means of having stricter specialisation of judges, through the formalisation of managerial relations, and by transferring a part of chairpersons' functions to judicial self-government.

### **Enhancing the role of judicial self-government**

It is necessary to further develop judicial self-administration bodies (judicial bodies). This primarily applies to the nomination of candidates for judges, nomination of candidates for court chairpersons, distribution of financial resources, conducting qualifying examinations, etc.

Judicial self-government should have a clear budget approved, financed in full from the state budget. Decisions to organise judicial self-administration events should be made formally and in reality by the judicial community. Events of judicial self-administration bodies, enshrined in law, should be funded in full (in particular, as relates to the congress of judges).

### **Practice of assignments**

The practice of orders to courts (individual judges) from executive bodies (most often such orders are given by the President) and obligating them to take part in the activities of various commissions, bodies, etc. should be completely eliminated. This also concerns cases related to the development of regulations, their expert evaluation, etc. Executive bodies should not view courts (judges) as expert and analytical authorities that can be given orders.

### **Practice of administrative exclusion**

The practice of the administrative exclusion of judges in making decisions on specific cases needs to be eliminated. It seems that in this case, reform is not so much in changing the laws as in the availability of political will on the part of senior leadership to abandon it and to act exclusively within the limits of legislation.

### **Balancing court case loads**

At present, the problem of the growth of civil, administrative and economic judicial proceeding remains urgent. This problem requires an integrated solution through the balancing of the staff of courts at all levels as well as the improving incentive mechanism for pre-trial settlement of cases and the use of a simplified procedure for court proceedings.

### **Specialisation of the judiciary**

The need for the specialisation of the judicial system is stipulated in the law, but it requires practical implementation. The most important here would be the establishment of a system of administrative courts (for the consideration of cases arising from administrative legal relations). Before establishing specialised courts, it is necessary to continue and financially secure the practice of assigning specialised compositions of courts and to intensify the process of creating specialised boards.

### **Territorial reorganisation of law enforcement and the judicial system**

In order to ensure further development of the legal system and to lessen the impact of informal relationships with executive bodies there needs to be some territorial reorganisation of courts and law enforcement bodies. The organisation of the legal system should not correspond to the administrative territorial division in order that this may reduce dependence on executive authorities. This reform is a difficult undertaking in terms of organisational activities and requires further study of the problems of logistics, economic costs, staffing support, and public adaptation. The reorganisation should apply to all law enforcement agencies.

### **Educational programmes and research**

Three factors in the sphere of the improvement of legal education deserve attention: (1) introduction of subjects related to the law and legal system of the EU to educational programmes and improvement of their teaching quality; (2) increased language training for students of legal professions (currently foreign language skills are extremely low); and (3) abandonment of the regulatory approach in the organisation of legal education, which should include not only the studying of laws, but also their application, development of standards and their functioning in a real social and political context.

A precise understanding of the state of the legal system as well as evaluation of its effectiveness requires regular, comprehensive research. Currently, the study of law enforcement in Belarus takes two forms: internal research (collection of court statistics, discussion of practice, exchange of experience) and studies of legal norms, which regulate the activity of law enforcement. This practice is insufficient and should be expanded to include regular social, economic and political studies of the judicial system and law enforcement agencies. In particular, this means the study of the practice of administrative decisions, personnel policies, corruption, distribution of power within the system, relationships between law enforcement authorities, motivation, etc.

### **Abolition of capital punishment**

Full cooperation between Belarus and Europe is impossible without the abolition the death penalty. It should be noted that capital punishment is regarded as exceptional in Belarus and is used until a complete overturn. Moreover, Belarusian authorities have often declared their readiness to discuss the possibility of the abolition of capital punishment.

The number of people who are sentenced to death is few and the practice itself does not have any significant impact on the judicial system. For the most part, Belarusian society supports capital punishment. In addition, the abolition of capital punishment would require a national referendum. Therefore, the abolition of capital punishment will require considerable concentration of political will.

### **Reform of the correctional system and penal policy**

Belarus needs considerable reform of its correctional system. First of all, this concerns the guarantees of rights to convicts, reducing incidents of violence and informal enforcement. It would be appropriate to withdraw the correctional system from the jurisdiction of the Ministry of Interior. Policies aimed at optimising measures of criminal liability (in particular, a reduction in the number of persons in prison and wider application of alternative sanctions) should be continued and enhanced.

### **Budgetary sufficiency and independence**

Judicial power should have a transparent and independent budget. The implementation of the budget should not depend on the position of executive authorities (primarily the Ministry of Justice). Activities and programmes related to the activities of the judiciary (especially by legislation) should be funded in full, but only from the state budget. To avoid the dependence of judges on local authorities, it is advisable not to allow the implementation of regional programmes for the strengthening of the material and technical base of general courts due to local material and technical and financial resources<sup>4</sup>.

### **Creating a single Investigative Committee**

Another suggestion includes the exclusion of investigating functions from the range of the authorities of the Prosecutor's Office, the Committee for State Security, the Committee for State Control, and the Ministry of Interior. In order to carry out criminal investigations, an independent investigative committee subordinate to the government must be created. In the interim, independence of the investigating authority from local police offices must be restored in the form of a separate Investigating Committee under the Ministry of Interior. The establishment of the Investigative Committee should be carried out

4 | The possibility for this is foreseen by the Decree of the President of the Republic of Belarus *On the financing of general courts of the Republic of Belarus* dated 13 April 2001.

gradually, as it is associated with considerable organisational difficulties and will require significant changes in legislation.

## **COOPERATION WITH THE EU**

Currently, law-enforcement agencies of Belarus and the EU carry out cooperation in various forms, particularly through Interpol, in the area of border control, combating illegal migration, drug trafficking, etc. Cooperation includes a direct working relationship as well as internships, exchange, technology exchange and, in some fields, technical assistance. This leaves considerable potential for the deepening of cooperation, for which the platform of the Eastern Partnership can be used.

Cooperation should include practical measures for the mainstreaming of this deepening of judicial and legal reform in Belarus at the political level, preferably through the defining of stages, terms and mechanisms for the assessment of effectiveness. This especially concerns safeguards for judicial independence and judicial self-administration.

In order to improve the effectiveness of judicial and legal reform, additional programmes of material and technical assistance to courts, law-enforcement authorities and the correctional system need to be developed. Parallel to these efforts, training programmes, internships and exchange experiences should be improved and expanded.

Cooperation should facilitate the formation of a concrete plan of preparation for the abolition of capital punishment in Belarus. The plan should include working with public opinion in Belarus, civil initiative and media campaigns.

For development of an assistance programme for the modernisation of the system of legal education and research in Belarus it would be appropriate to cooperate with European universities.

A separate programme should encourage and strengthen direct contacts and cooperation between the judicial authorities of Belarus and EU member states.

Given that new EU member states are currently implementing significant measures to improve police services, combat corruption, etc., this experience can be interesting and useful for Belarus, which faces similar problems. A working group consisting of representatives of EU member states and Belarus could be established to discuss current challenges and in order to exchange information and experience.





**Dr. Mikhail Pastukhou** (Belarus),  
Professor, Member of the Board of the  
Belarusian Association of Journalists,  
Constitutional Court Judge (April  
1994 to January 1997)

## MASS MEDIA IN BELARUS: THE HARD WAY TO FREEDOM OF SPEECH

### INTRODUCTION

According to Article 19 of the Universal Declaration of Human Rights, each person has the right to freedom of convictions and to their free expression. This right includes the freedom to hold opinions without interference and the freedom to seek, receive and impart information and ideas through any media regardless of frontiers.

This norm was specified in Article 19 of the UN Covenant on Civil and Political Rights. Paragraph 1 of this article establishes the right of each person “to hold opinions without interference.” Paragraph 2 states that “this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” According to paragraph 3, the exercising of these rights may be subject to certain restrictions, “but these shall only be such as are provided by law and are necessary 1. For respect of the rights or reputations of others, and 2. For the protection of national security or of public order (*ordre public*), or of public health or morals.”<sup>1</sup>

1 | See The United Nations International Covenant on Civil and Political Rights,  
URL: <http://www.hrweb.org/legal/cpr.html>, access date: 28 July 2011.

Corresponding norms are also set forth in the legislation of the Republic of Belarus. However, they do not fully ensure the right to freedom of opinion and expression. This is most evident when studying the situation in the field of mass media.

As of 1 September 2010, 1320 periodical print publications (653 newspapers, 623 magazines, 36 newsletters, 7 catalogues, and 1 almanac) and 9 news agencies were registered in Belarus. Of these, 397 publications were established by government agencies, businesses and institutions. In the system they form a unique “ideological vertical”: national, regional and district (city) press as well as departmental publications. Significant subsidies for press development are allocated from the state budget every year. The majority of non-governmental print publications consist of highly specialized literature, entertainment and advertising. According to calculations made by the Belarusian Association of Journalists, non-governmental publications specializing in general politics (independent mass media) number not more than 20, whereas there were over 50 publications in 2001.

The field of electronic mass media is dominated by the National State Television and Radio Company which is the “central state institution of the Republic of Belarus that ensures television and radio coverage of state policy and performs other individual functions of a national public administration body within the scope of their authority established by legislative acts”<sup>2</sup>.

236 television and radio programmes are registered in Belarus (78 television programmes and 158 radio programmes). The majority of electronic mass media (164) is state-owned. Stakeholders of regional television and radio programmes, as a rule, consist of local authorities. The information policy of non-state television and radio is under the strict control of the authorities, to the extent even of approving broadcasting programmes.

The media situation in Belarus raises a high level of concern among international experts. For example, according to Reporters Without Borders (World Press Freedom Ranking) in 2008 Belarus was ranked 154 out of 173 countries. According to Freedom House's report on global media freedom, Belarus took 188<sup>th</sup> out of 195 countries. In 2009, Freedom House named Belarus among countries where freedom of speech was most infringed upon (189 out of 196).

2 | Decree of the President of the Republic of Belarus No. 174 of 24 April 2003 *Regarding Some Issues Concerning the National State Television and Radio Company of the Republic of Belarus with amendments and supplements*, National Register of Legal Acts of the Republic of Belarus — 2009, No. 118, 1/10688.

## **LEGISLATION OF THE REPUBLIC OF BELARUS ON MASS MEDIA**

The Constitution of the Republic of Belarus has two articles directly devoted to freedom of expression and freedom of information. Article 33 of the Constitution guarantees freedom of thought and beliefs and their free expression. No one may be compelled to express his beliefs or to deny them. Monopolisation of the mass media by the State, public associations or individual citizens and censorship are prohibited. According to Article 34 of the Constitution, everyone is guaranteed the right to receive, store and disseminate complete, accurate and timely information on the activities of state bodies and public associations; on political, economic and international affairs; and on the state of the environment.

It is true, however, that Part 3 of this article provides for the possibility of limiting through "legislation" information "...in order to protect the honour, dignity, personal and family life of citizens and the full enjoyment of their rights."

The constitutional provisions on freedom of expression and freedom of information were developed to a certain extent in the law *On Mass Media* adopted by the Belarusian Parliament on 17 July 2008 and entered into force on 8 February 2009 (National Register of Legal Acts of the Republic of Belarus, 2008, No. 196).

Compared with the previous law *On the Press and Other Forms of Mass Media* of 13 January 1995 (as amended), the new law expanded the scope of legal regulation of activities associated with the activity of mass media. In particular, it refers for the first time calls for state registration of mass media distributed through the global internet network. Moreover, the regulations of these issues should be carried out at the level of a government resolution (see Article 11). This is a serious departure from international standards in the media.

The law retains a rather complicated procedure of state (re)registration of mass media (Chapter 2). First, an editorial board needs to be created and registered as a legal entity. Then, an application accompanied by other relevant documents needs to be submitted to the national state administration responsible for mass information. This agency then makes a decision on registration (or non-registration).

Under the new law foreign legal entities as well as foreign citizens and stateless persons who do not reside permanently in the Republic of Belarus may establish forms of mass media only in cooperation with citizens and legal entities of the Republic of Belarus. Among those excluded from founding a media outlet are those serving a court sentence, those who have founded a mass media outlet that was subsequently closed (within three years following entry into force of the court's decision) and those deprived of the right to be engaged in activities connected with production and release of mass media (paragraph 3, Article 10). At the same time, the possibility of exemption of certain mass media from the state registration procedure is allowed for (paragraph 7, Article 13). This means specifically mass media specially created by government agencies and other governmental organisations to disseminate their official reports as well as for official publication of legal acts; radio and television programmes distributed over networks that are limited by their facilities or territory to one organisation or those that have no more than 10 subscribers; and print mass media whose circulation is not more than 299 copies. The last case concerns small-circulation publications that also have a limited geographical distribution.

The new version contains an article on the accreditation of mass media and journalists. According to Article 35 of the law, journalists may, by request of the media outlet they represent, obtain accreditation through appropriate state bodies. This formulation results in denials of accreditation to journalists of independent newspapers without any kind of explanation. In reality, journalists of foreign media are forced to work illegally as the law (paragraph 4, Article 35) prohibits their activities without appropriate accreditation.

Dissemination of mass media in Belarus should be performed exactly in accordance with the procedure established by law. Each issue of any print media, therefore, must specify corresponding output data (name of the print media, its founders, the name of the editor-in-chief, serial number, date for issuance, as well as the time of going to print, price, circulation and other data).

The law (Article 17) states that foreign mass media, distributed in the Republic of Belarus without changing form and content, may be distributed only after obtaining appropriate permission from the Ministry of Information.

The law (Article 23) establishes the obligation of print mass media to send free copies to a number of state bodies and

institutions in accordance with a list determined by the Council of Ministers of Belarus.

Chapter 9 of the law is devoted to liability for violating the law on mass media. Depending on the "severity of the offences", the law establishes three types of measures that can be applied to mass media: 1) written warning; 2) print (or other) suspension; 3) termination of issuance.

A reason for sanction can be any violation of the law on mass media. One of these reasons can be "spreading false information that could harm state or public interests" (paragraph 1.2 of Article 49).

The release of mass media may be suspended for a period of up to three months by decision of the Ministry of Information of Belarus in the following two cases: 1) if a written warning was issued to the editorial board or to the founder of the media outlet and the board or founder did not remove the violations that served as a ground for issuance of the written warning or did not inform the Ministry of Information about their removal with supporting documents; or 2) the Ministry of Information has filed a lawsuit to stop the release of the media.

Grounds for the termination of mass media are provided for in the following cases: 1) a single violation of provisions of the current law on mass media that establishes the procedure for dissemination of foreign media products, official information reports and/or materials, products of an erotic character, as well as of the procedure for television and radio broadcasting; 2) issuance of two or more written warnings over the course of a year to the person responsible for the functioning of the editorial board of the media outlet or to its founder(s); 3) receipt of a state registration certificate for the media outlet by knowingly providing false data in registration documents.

As a general rule, it is the Ministry of Information that may initiate the termination of the release of a form of mass media. However, this right is also granted to public prosecution authorities. Thus, the prosecutor may file a lawsuit to terminate the release of media if officials of the legal entity responsible for the functions of the editorial board or the founder(s) of the media outlet received two or more official warnings from the prosecutor within a year on the unacceptability of repeated offenses liable for prosecution established by the present law or other Belarusian laws (paragraph 4, Article 51).

The final provisions of the law require that all media re-register within one year after the law came into force. In order to implement this requirement, the Ministry of Information demanded that the editorial boards of registered media outlets provide necessary information in the prescribed form — print or electronic.

According to Ministry of Information data, 1075 print mass media, 211 television and radio programmes, and 6 information agencies have undergone the re-registration process. At the same time, 230 print mass media (of which 179 are non-governmental mass media), 17 electronic mass media, and 3 information agencies have failed to re-register (primarily due to the failure to submit or for late submission of required documents).

As regards the registration of new mass media, at first there were few denials. The situation changed on 7 October 2009 when the Ministry of Information amended the application form for state registration of mass media by including the requirement to provide additional information on the qualifications of the editor-in-chief (at least five years of work experience in management posts in mass media is required) as well as on the premises in which the editorial board of the media outlet is located (required compliance with all requirements for office premises).

The requirement to provide this information has created a barrier for the registration of new independent publications. According to the Belarusian Association of Journalists, since early 2010 at least eight founders of newspapers were refused registration due to the lack of appropriate qualifications for the position or non-compliance with requirements for premises.

The government resolution mentioned in the Law on Mass Media (Article 11) that was expected to establish a procedure of state registration for internet resources was replaced by Decree of the President No. 60 of 1 February 2010, *On Measures to Improve the Use of the National Segment of the Internet Network*.

The decree was issued “in order to protect the rights of citizens, society and the state in the information field, to create conditions for the further development of the national segment of the global internet network and to improve the quality and accessibility of information provided to citizens and legal entities about the activities of government agencies, other organisations and internet services”.

This act contains a number of measures aimed at restricting the rights of internet owners and users. State registration of information networks, systems and resources of the national segment of the internet hosted in Belarus is introduced. Internet providers are also obligated under this act to identify any subscriber information as well as to account for and store information about information about services provided. Responsibility for user identification is placed on the owners or authorized individuals of collective internet access points (e.g., internet cafés). They are also required to account for and store their personal details and information about internet services provided by the centres for collective use.

A characteristic feature of the decree is that subscriber information, personal details of users and information about internet services must be provided upon request of agencies carrying out investigations, prosecutors' offices and preliminary investigation agencies, the State Control Committee, tax authorities and courts.

Another new provision of the decree is that upon the request of internet users (e.g., education institutions or parents), internet providers may restrict user access to information if its content has the following objectives: 1) conducting extremist activity; 2) illegal trade in arms; ammunition; explosive devices; explosive, radioactive, poisonous, virulent, toxic, narcotic and psychotropic substances and their precursors; 3) promotion of illegal migration and human trafficking; 4) dissemination of pornographic materials; and promotion of violence, cruelty and other acts prohibited by law.

The decree states that the location and distribution of internet messages and/or materials taken from an information resource of an information agency or another media source distributed via the internet must carry an address (hyperlink) to the source of information and/or media source that initially distributed the information and/or materials, provided the owner of these messages and/or materials has not set any other conditions for their distribution (paragraph 9).

Any violation of the requirements set forth in the decree is considered a gross violation of the law and carries legal responsibility. Thus, regulatory authorities may issue orders against legal entities and businesses committing violations, indicating the period over which they must be eliminated. In cases where gross violations of the law are detected as well as in cases of repeated violations within a 6-month

period after an order was issued, the provision of internet services to the legal entity or business may be suspended.

A specially authorized agency on the safe usage of the internet is the Operational and Analytical Centre under the President of Belarus, which has significant and coordinating authority (paragraph 13).

On the basis of and for the purpose of developing Presidential Decree No. 60, Resolution by the Council of Ministers of the Republic of Belarus No. 644 of 29 April 2010, *On Some Issues Concerning the Improvement of the Use of the National Segment of the Global Internet Network* was adopted.

According to this resolution, a state register of information networks, systems and resources of the national segment of the global internet network hosted in Belarus was established. The Ministry of Communications and Information was asked to ensure state registration of the aforementioned networks, systems and resources before 1 July 2010.

In practice, implementation of the decree has led to serious difficulties. These stemmed from the short time period within which it was required to conduct a registration campaign for a relatively large number of internet resources (more than 30000 resources as of 1 June 2010 — author's note). According to the data available, the Ministry of Communications and Information received more than 25000 applications for registration of information networks, systems and resources.

On 29 June 2010, the Operational and Analytical Centre under the President of Belarus (a body established based on classified acts of the President) in cooperation with the Ministry of Communications and Information adopted Joint Resolution No. 4/11, *On Approval of the Order to Restrict Access of Internet Users to Information Prohibited for Distribution in Accordance with the Law*.

In accordance with this resolution, Belarusian internet providers must institute a system of restricting access to certain internet resources and ensure quality in the functioning of this system. The ban includes information that is prohibited by Belarusian law, including extremist and pornographic materials; materials on the illicit trafficking of arms and ammunition; and information that promotes human trafficking and violence.



Internet providers must, without exception, limit access of users to prohibited information upon the demand of state agencies and educational and cultural institutions. For all other user groups such services are provided upon request.

Under this act, the preparation of a restricted access list is assigned to the State Inspectorate for Telecommunications based on decisions of “the heads of the State Control Committee, General Prosecutor’s Office, Operational and Analytical Centre under the President of Belarus and national state administrative agencies”.

### **ANALYSIS OF THE STATE OF FREEDOM OF SPEECH AND INFORMATION**

The new law On Mass Media, despite its proclaimed democratic principles, has not become a legal guarantee of freedom of speech and information. It, on the other hand, has established a number of restrictions on mass media and journalists.

As earlier, the field of information is dominated by Belarusian state print and electronic mass media. They receive significant financial subsidies from the national budget. 55 mil. USD are allocated for the development of mass media in the 2010 budget. More than 80 percent of this amount was allocated for television and radio broadcasting.

Independent news media are forced to work at their own risk. Moreover, business entities put up every form of obstacle in the way of media operation. Thus, almost all independent publications have been removed from the system of distribution. The return to circulation of the newspapers *Narodnaya Volya* and *Nasha Niva* as well as the regional publications *Bobruisky Kuryer* and *Gantsavitski Chas* has not solved the problem on the whole.

State agencies’ unwarranted refusal to provide journalists of independent mass media with information have become commonplace. The basis of this position is an amendment to the law *On State Service in the Republic of Belarus* (Article 22–1). In accordance with this amendment, state officials must receive permission from the head of the state agency before any materials can be published (voiced) in mass media. The issue of accreditation of journalists under state administration agencies remains relevant. Representatives of independent mass

media are often denied accreditation. Accreditation for foreign journalists in Belarus is provided for by the Ministry of Foreign Affairs. The Ministry is also responsible for granting permits to establish news bureaus in Belarus. The Ministry of Foreign Affairs grants these permits quite selectively. For example, the Polish television channel Belsat has had its proposal to establish a news bureau in Minsk denied many times.

Working as a foreign journalist in Belarus without accreditation is considered an infringement of the law. Public prosecutors work in cooperation with state security agencies to identify these journalists and officially warn them about the prohibition of such activity.

In the case of violations of mass media legislation, written warnings may be sent to by the Belarusian Ministry of Information. Thus, on 16 and 17 November 2009 such warnings were sent to four independent newspapers: *Narodnaya Volya*, *Nasha Niva*, *Komsomolskaya Pravda v Belorussii* and *Va Bank*. On 24 January 2010, the newspaper *Narodnaya Volya* received a second warning.

Journalists of independent mass media are periodically harassed for denunciations of authorities. Thus, in February-March 2010 law enforcement officers conducted searches at the work place and apartments of *Narodnaya Volya* reporters Maryna Koktysh and Svetlana Kalinkina, at the *Khartyia '97* (Charter '97) website office and of the apartment of its editor-in-chief, Natallia Radzina, and of the apartment of journalist Iryna Khalip. In all cases media, including computers, discs, USB-memory sticks and camera memory cards, were searched and confiscated. Searches were conducted in a criminal libel case against Ivan Korzh, former head of the Gomel Regional KGB Bureau. The journalists were suspected of involvement in disseminating defamatory information. They were repeatedly called in for questioning. The media devices confiscated during the searches were sent for examination. After analysis they were included in the criminal case files as material evidence.

On 18 May 2010, in many regions in Belarus police raided the offices and apartments of activists of the Tell the Truth campaign as well as of journalists associated with this campaign. Computer hardware, media devices, printed material and cash were confiscated during the searches. As a result, the leader of the campaign Uladzimir Niaklyaeu and two campaign activists were detained. They were

later released, but remained under investigation in a criminal case instituted under Article 250 of the Criminal Code (distribution of false information on goods and services).

In summer 2010, the Ministry of Information issued a number of new warnings to independent media outlets. The newspapers *Narodnaya Volya* (3rd warning), *Salidarnasc*, *Novy Chas* and *Nasha Niva* (two warnings at once) were all singled out.

On 13 September 2010, the newspaper *Narodnaya Volya* received one more warning (its fourth) for publications that criticized the KGB — “The KGB Knocks Out the State Control Board” and “New Corruption Scandal Flares Up at KGB”. As a result, the most influential independent newspaper in the country with the highest circulation is under threat of closure.

The Belarusian authorities continue to harass journalists who cooperate with foreign mass media not accredited in Belarus. First and foremost, this means the independent television channel Belsat which broadcasts to Belarus from Poland. Correspondents of this channel have repeatedly been issued warnings by the prosecutor’s office and the KGB. On 3 February 2010, the police tried to enter an apartment in Minsk that was being rented by Belsat representative Mikhas Yanchuk. The journalists who were in the apartment at the time resisted the police siege for about an hour and a half.

The police also keep control over distributors of independent publications. Under current law they must be licensed for retail, trade in specially equipped areas and distribute only registered publications. In the event of violation of these requirements, distributors can be held administratively liable and printed materials are subject to confiscation. In the summer of 2010 police in Vitebsk repeatedly detained distributors of the non-registered newspaper *Vitebsky Kuryer* and found them administratively liable. All attempts to register the newspaper with the Ministry of Information have met with failure. The newspaper was subsequently published in Russia and brought over to Belarus, which is a violation of the law on mass media.

Another case of persecution of the newspaper took place on 8 October 2010 when police confiscated an entire circulation of the newspaper *Vitebsky Kuryer* (11000 copies). The courier Viktor Remnyov was fined 1225000 BYR by the court for “illegal distribution of a print publication”.

In the context of the media situation should be mentioned the mysterious death of Aleh Bebenin, a well-known journalist, public figure and the head of the opposition news website Charter '97. On 3 September 2010, he was found hung in his own summer cottage. The death has been ruled a suicide by authorities, however the journalist's friends and colleagues have expressed doubts concerning this version, especially as Aleh Babenin took active part in the presidential campaign of candidate Andrey Sannikov. The investigation of the circumstances of this case continues and has been closely monitored by the community of journalists in Belarus, the OSCE and other international organisations. This has already been the third suspicious death of a Belarusian opposition journalist over the last ten years.

### **INTERNATIONAL COOPERATION IN THE FIELD OF MASS MEDIA**

The Republic of Belarus enjoys full rights of membership to the United Nations and a number of regional organisations as well as the Organisation for Security and Cooperation in Europe (OSCE). As a result, Belarus has committed itself to fulfilling international agreements adopted in the framework of these organisations.

One such agreement related to mass media activity is the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE adopted on 29 June 1990. The participating States reaffirmed that "everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards".

A number of guarantees of mass media freedom are provided for in the 1999 OSCE Istanbul Summit final documents. In particular, the heads of the member-states committed themselves "to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-state flow of information..."

However, it needs to be recognized that in practice the Belarusian authorities ignore their obligations to the international community. Independent mass media outlets are forced to function under unequal economic conditions compared to the

state media, have problems of access to and dissemination of information and experience serious pressure from government authorities.

Unfortunately, the Republic of Belarus is still not a member of the Council of Europe and, therefore, is not subject to documents adopted within the organisation.

At the same time, Belarus has applied for membership to the Council of Europe. This obliges the Belarusian authorities to take measures aimed at bringing national legislation in line with the standards of the Council of Europe, including the rules of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms. Article 10 of the Convention declares that "everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".

On the more positive end, it should be noted that there have been developments in the dialogue between the authorities of Belarus and the European Union. A European Commission Representation Office was established in Minsk in April 2008. Relationships between the main EU institutions (European Parliament and European Commission) with Belarusian society are being developed quite successfully, in particular projects aimed at expanding the exchange of information in different spheres as well as projects promoting student mobility and postgraduate education. A number of EU member states have initiated projects in mass media (for example, the Polish projects Belsat and Radio Racyja).

New opportunities for the development of cooperation between Belarus and the European Union have been opened by the Eastern Partnership Programme, which was launched in Prague on 7 May 2009. The Declaration adopted following the Summit noted that the Eastern Partnership initiative would be based on commitments to the principles of democracy, the rule of law and respect for human rights and fundamental freedoms. The main goal of the Eastern Partnership is to bring six countries of the former Soviet Union — Moldova, Ukraine, Belarus, Azerbaijan, Armenia and Georgia — closer to the European Union.

One of the priorities of the partnership with the European Union is ensuring freedom of speech as one of the fundamental rights of a

human being and as a basis for implementation of all the rest of human rights.

Belarusian authorities have demonstrated their preparedness to partner with the EU in exchange for economic preferences. However, no real steps on liberalisation of the situation in have been taken. No nationwide dialogue with society has been organised by the authorities. On the contrary, repression against political opponents has intensified, no new public organisations and initiatives have been recognized and persecution of independent print publication and freelance journalists continues.

It is believed that no dialogue between European bodies and Belarusian authorities is possible under such conditions. In order to begin a dialogue, the authorities must recognize European standards as the basis for all spheres of activity, including mass media.

#### **PRIORITY MEASURES FOR IMPROVING THE MASS MEDIA SITUATION**

The following should be undertaken immediately:

- 1) ensuring equal economic conditions for media of different types of ownership;
- 2) simplifying the procedure for the establishment of new media and discussing the issue on the introduction of a declaratory principle with regard to print mass media;
- 3) halting attempts to “invade” the national internet segment;
- 4) ensuring journalists’ access to mass information on the activities of state bodies and holding state authorities accountable for the denial or evasion of providing information;
- 5) removing unnecessary barriers to the accreditation of journalists at state agencies and other government organisations as well as simplifying the procedure for the opening of news bureaus (representative offices) of foreign media in Belarus; and
- 6) bringing existing legislation on mass media in line with international (European) standards.

The aforementioned proposals can be made more specific:

1. The main challenge now facing independent media is economic discrimination relative to state media. The situation is contrary to Article 13 of the Constitution of the Republic of Belarus which states: "The State shall grant equal rights to carry out economic and other activities, except those prohibited by law, and guarantee equal protection and equal conditions for the development of all forms of ownership."

It has therefore been proposed to undertake a programme of privatisation of entities that provide for the production of media (printing houses, businesses engaged in the distribution and sale of newspapers, facilities that provide for the broadcasting of television and radio programmes) and, thereby create equal conditions for the economic activity of media of all types of ownership.

2. In order to implement the provisions of Articles 33 and 34 of the Belarusian Constitution the procedure for the establishment of mass media needs to be simplified. The existing procedure is complicated, time-consuming and, most importantly, politically oriented. In this regard, registration functions should be transferred to the Public Council on Mass Media. A supervisory council for television and radio broadcasting can be established for the allotment of broadcasting frequencies.
3. Information activities over the internet could also be controlled by the Public Council on Mass Media. The Council should also be responsible for the review of complaints from persons related to the use and dissemination of information over the internet.
4. Article 34 of the Constitution of the Republic of Belarus guarantees citizens the right to receive, store and distribute complete, accurate and timely information on the activities of public authorities, on political, economic and cultural and international life and on the state of the environment. All barriers, including the aforementioned legal acts (Article 22-1 of the law On State Service in the Republic of Belarus), should therefore be removed.
5. The accreditation institute exists to promote journalism and not to create obstacles. Denial of accreditation should be justly motivated and should be subject to judicial review. Obstacles on the path to establishment of news bureaus (representative offices)

of foreign mass media in Belarus should also be removed. For this purpose, a declaratory principle should be introduced to settle cases by providing for the possibility to appeal denials in a court of international arbitration.

6. Bringing Belarusian mass media legislation in line with international and European standards will require that laws recognized as non-constitutional will have to be overturned and new, more democratic laws will have to be adopted. In addition to legislation directly related to mass media activities, rules that significantly restrict freedom of speech and information should be removed from the legislation. This means, in particular, the following odious articles of the criminal code: Defamation of the President of the Republic of Belarus (Article 367), Insulting the President of the Republic of Belarus (Article 368), Insulting a Government Official (Article 369) and Defamation of the Republic of Belarus (Article 369–1).

New laws on mass media should be drafted with the participation of the journalist community in close cooperation with international experts in this field.

#### **FOLLOW-UP MEASURES TO IMPROVE THE SITUATION IN MASS MEDIA**

A necessary condition for improving the situation of the media is its democratisation and liberation from the yoke of the state. Subject to this condition it would be possible to talk about next steps in transforming the media into independent and pluralistic information sources.

At this new stage of development of the sphere of mass media, the issue of privatisation of the so-called state mass media (print and electronic) needs to be discussed. As for the centralized state television and radio, they should form the basis for the creation of public and private broadcasting.

The activities of all mass media should be controlled by self-governing bodies of journalists rather than by state bodies. The position of an Ombudsman for the Press who would be responsible for preliminary settlement of information disputes should be introduced.

The situation of mass media in Belarus can dramatically change for the better only when there is new legislation to fully comply with international and European standards.





**Leonid Kalitenya** (Belarus),  
Director, Centre for  
Social Innovation

## **BELARUS–EU: MIGRATION, BORDER POLICY AND VISA ISSUES**

### **BACKGROUND AND RESEARCH**

Over the past ten years, visa policy in relations between the EU and Belarus have been under the influence of large-scale political processes: the accession of neighbouring countries (Poland, Lithuania, and Latvia) to the Schengen Area with the expansion of the EU and a political crisis in relations between the EU and Belarus that ignited sanctions imposed by the EU on a number of Belarusian senior officials.

### **EU ENLARGEMENT AND STUDY OF ITS INFLUENCE ON VISA POLICY**

The expansion of the EU to the east was the decisive factor in the development of visa policy. The transition process of the candidate countries towards membership in the EU and ultimately the issuance of Schengen visas can be considered a key historical moment. In this respect, the most sensitive for Belarus was the transition of its two closest neighbour countries — Lithuania and Poland — as these countries are the most likely destinations for the majority of those who want to visit the EU.

The countries of “old” Europe (Germany, France, Italy, etc.) started issuing Schengen visas to Belarusian citizens as far back as the first years of Belarus’s independence. The neighbouring Eastern European countries (Poland, Lithuania, Latvia, Estonia, Czech Republic, and Hungary) until 2003 formed their visa policies on the basis of bilateral agreements with the Ministry of Foreign Affairs of Belarus. Starting in 2003, they had to bring their visa procedures in line with the rules of the Schengen Agreement. Formally, these rules are executed as Common Consular Instructions (CCI), establishing rules, procedures and conditions for the issuance of short-term visas.

Poland maintained a visa-free entry regime for Belarusian citizens longer than any other country (until 1 October 2003). During this period, most countries of Eastern Europe (Lithuania, Latvia, Estonia, Czech Republic, Hungary, etc.) were already issuing their national visas, which did not grant the right to visit Schengen countries. This was a necessary transitional step, with a view towards the issuance of Schengen visas by consulates of these countries.

The Czech Republic, Hungary, Poland, Slovakia, Slovenia, Estonia, Latvia, and Lithuania joined the European Union on 1 May 2004. This moment can be seen as an indicator for the formation of the foundation of the visa regime we have currently. The transition from the national to the Schengen visa (2008) made obtaining a visa more expensive and time-consuming, but it also was a more convenient option in terms of the number of available countries to visit as compared to a national visa.

The new Visa Code<sup>1</sup> that came into force 5 April 2010 represents a new phase in the optimisation and harmonisation of application of EU visa law. The innovations adopted in this document were mainly aimed at the facilitation of consular services of Schengen countries and unification of the process for receiving these visas. From an applicant standpoint, the changes resulted in more stringent requirements for passport validity dates, significant streamlining of the visa application form, standardisation of the conditions for obtaining visas free of charge, abolition of transit visas, fixing the maximum review period at 15 days, etc. The most progressive innovation was the opportunity to appeal a consul’s decision to deny visa<sup>2</sup> issuance based on a required justification of a refusal by the consulate.

1 | Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

2 | To be applied as of 5 April 2011.

The influence of these changes on public opinion in the neighbouring EU member states was followed during the whole process of formation of the visa policy. Since 2004, the Stefan Batory Foundation (Poland) has regularly conducted sociological surveys and monitoring in Belarus, Ukraine, Moldova and Russia. The project has aimed to enhance the standards of services for foreigners at the external border of the EU and to improve the functioning of the visa system. Non-governmental organisations (NGOs) of the countries where studies were conducted were selected as partners<sup>3</sup>. Therefore, for a relatively low cost the monitoring of the process of receiving a visa to countries of "old" Europe and candidate countries for accession to the EU was successfully conducted over a five-year period.

A comprehensive report called "Visa Policies of the European Union Member States"<sup>4</sup> was prepared and presented in 2006 based on studies of the consulates of Belgium, Great Britain, Germany, Poland, Finland, France and the Czech Republic.

The main results of the research can be summarized as follows:

1. In Schengen countries, on the one hand, there are applicant-friendly procedures (as exemplified by the consulates of Finland); there are, however, also those whose procedures are complex and confusing (for example, France).
2. The rate of visa issuance refusals is 28% for Belarusian citizens applying individually (the refusal rates for Ukrainians, Moldovans, and Russians is 14%, 10% and 2%, respectively).
3. Applicants' assessment of the burden of the visa procedure depends, to a great extent, on the attitude of consular officers towards visitors rather than on such "objective" factors as the waiting time in a queue or percentage of rejected applications.
4. The image of the European Union in the eyes of its eastern neighbours is to a great extent created by the visa policy of the EU as it is a policy that affects hundreds of thousands of ordinary citizens. Consular procedures and practices are treated by citizens of Eastern Europe as a confirmation of declarations of friendly relations with real meaning by EU member states.

3 | Public Association Centre for Social Innovations was a project partner in Belarus for 5 years (2004–2009).

4 | Boratyński, J. "Visa Policies of the European Union Member States — Monitoring Report (2006)", *Stefan Batory Foundation*, Warsaw, 2006, URL: <http://www.batory.org.pl/doc/monitoring-of-eu-visa-policies.pdf>; access date: 19 September 2010.

In 2008, when the transition process of consular systems of the “new-comer” countries to Schengen visas was completed, another study of nine visa issuance systems was conducted in the EU and covered the Czech Republic, Germany, Finland, France, Italy, Latvia, Lithuania, Poland and Great Britain<sup>5</sup>.

The most important findings include the following:

1. There has been a strengthening of the role of Poland and Lithuania in resolving the issue of the quality of visa procedures (in 2007 the Polish and Lithuanian consulates issued more than 444000 visas as compared to 142000 visas issued by the French, German and Italian consulates together).
2. With the adoption of the Schengen visa regime by Lithuania and Poland there has been a worsening perception by applicants on almost all aspects of consular services in these countries.
3. Compared to 2007, the number of visas issued to Belarusians drastically decreased, mostly in respect to those for entering Poland (by 73%) and Lithuania (by 52%).
4. The cost of Schengen visas for Belarusians is one of the highest in the region (60 euro as compared to 35 euro for Ukrainians, Moldovans and Russians).
5. The percentage of visa refusals to Belarusians decreased to 10–15%.

It should be noted that over the course of the whole formation period for existing visa policies, Poland has been advocating for liberal visa issuance. As far back as 2003, in the context of the introduction of a whole-scale visa regime between Poland and Belarus, Poland proposed a “visa asymmetry” option. Visa asymmetry consists of the readiness of the Polish side to not charge any visa fee provided that Belarus waives its visa regime<sup>6</sup>. This option, unfortunately, was not supported by the MFA of Belarus.

After joining the EU, Poland continued this policy through issuing Polish national visas while charging a minimum consular fee. This, according to Paweł Kowal, the Vice Minister of Foreign Affairs of Poland, was

- 5 | 1,062 interviews were collected and processed. Chajewski, L. “Changes in Visa Policies of the EU Member States. New Monitoring Report (May 2009)”, *Stefan Batory Foundation*, Warsaw, 2009, URL: [http://www.batory.org.pl/doc/Visa\\_Report\\_2009.pdf](http://www.batory.org.pl/doc/Visa_Report_2009.pdf), access date: 19 September 2010.
- 6 | “Polsha predlozhila “vizovuyu assimetriyu”” [“Poland Proposes “Visa Asymmetry””], *Belorusskaya delovaya gazeta [Belarusian Business Daily]*, 27 February 2003, URL: <http://bdg.by/news/news.htm?39823,3>, access date: 19 September 2010 (in Russian).

done for the following reason: "After the country joined the Schengen Area, it remained open to its eastern neighbours, and Poland's soft visa policy should contribute to the promotion of the values of European democracy in the post-Soviet space".

Another important and notable move in this direction was the adoption of the Parliamentary Bill on the "Polish Card" (23 September 2003). Polish Card holders are entitled to receive long-term multi-entry visas for legal work and study in Poland and even receive a 37% discount on national train tickets. Non-citizens whose father, mother, grandmother, grandfather, or great-grandmother and great-grandfather are Polish may apply for the Card. A basic knowledge of Polish is also required. According to Polish statistics, 900000 persons of Polish origin who are in theory eligible to apply for the Polish Card reside in Belarus.

The significance of the visa policy for the general political situation should not be underestimated. A study conducted by the Belarusian Institute for Strategic Studies (BISS) published in 2010 notes a strong relationship in Belarusian public opinion between the possibility of visiting EU member states and the support of European values and policies. Significant for us, the researchers came to the following conclusion: "Increasing the resource of support for Belarus's orientation toward the EU lies primarily in weakening visa barriers between the Union and Belarus" as "...frequent visits to the EU lead to greater support for European integration in all age groups by at least several tens of percentage points".

**The visa policy of the MFA of Belarus in relation to EU member states** is stated quite simply. In repeated statements of representatives of the Belarusian Foreign Ministry made at the end of 1990s and towards the beginning of the 2000s, it was declared that "the visa policy of Belarus in relations with other countries is implemented on a parity basis. The procedure for the entry of citizens of most countries of the world to Belarus is comparable to the visa procedure used by those countries in respect to our citizens and is constructed, as a rule, on the principle of reciprocity applied, among other matters, to the rates of consular fees for visas".<sup>8</sup> Currently (as

7 | Silitski, V.; Melyantsov, D.; Pikulik, A. "Belarus i mir: geopoliticheskiy vybor i bezopasnost skvoz prizmu ekonomiki i kulturey" ["Belarus and the World: Geopolitical Choice and Security in the Context of Economy and Culture"], *Belarusian Institute for Strategic Studies*, URL: [http://belinstitute.eu/images/doc-pdf/sa\\_010610\\_ru\\_geopolit.pdf](http://belinstitute.eu/images/doc-pdf/sa_010610_ru_geopolit.pdf), access date: 19 September 2010 (in Russian).

8 | Comment of the Press Service of the MFA of Belarus on the unification of rates of consular charges for the issuance of entry visas to Belarus. See: *of-*

of 01 January 2010), the cost of a single-entry Belarusian visa for citizens of EU countries is 60 euro.

The dynamics of the number of Belarusian visas issued during recent years:

- 2006–419000 visas
- 2007–447000 visas
- 2008–463000 visas

Interestingly, of those who visited Belarus in 2008, 5.7% (around 24000), were issued tourist visas. This is about two times less than compared with 2007, when they were about 11% (52000). This means that a twofold decrease in the number of citizens travelling outside of Belarus to Lithuania and Poland was accompanied by a twofold decrease in the number of tourists visiting Belarus. Following the paradigm of “parity” response, Belarus also set the cost of an entry visa for foreigners at 60 euro, although the benefit from such a move is highly questionable. This fact probably indicates that Belarus does not yet have an independent and clear strategy for visa policies towards EU member states. According to statements made by officials of the Ministry of Sports and Tourism of Belarus, the cost of entry visas should be expected to be reduced in order to bolster tourism, however, based on statements made by the MFA, one would expect “parity” actions. The fact that the negotiations on border traffic with Lithuania, Latvia and Poland were so protracted and complicated can serve as a case in point. Progress in this matter was made only in 2010 and was due more to certain changes in the foreign policy context.

**Labour migration** for Belarusians is a difficult factor to study and control but it is also an important and, in many cases, underestimated factor of politics in general.

As opinion polls conducted in Belarus show, up to 30% of the economically active population wants to leave the country for employment. There are no accurate statistics kept on migration; however, indirect data of Russian sources indicate that around 300000 migrant Belarusians work in Russia<sup>9</sup>.

*official website of the MFA of Belarus*, URL: <http://www.mfa.gov.by/ru/press/news/d0cd60ee1f495c11.html>, access date: 19 September 2010 (in Russian).

9 | Pavel Borodin: “Currently, 300000 Belarusians work in Russia, and 100000 Russians work in Belarus”. Source: Internet-conference on the labour market and employment security in the Union State “Union. Belarus-Russia”, № 240 of 17 November 2005, URL: <http://www.rg.ru/2005/11/17/konferencia.html>, access date: 19 September 2010 (in Russian).

According to the estimates of the World Bank for 2005, approximately 400000 Belarusians worked abroad and they brought to the country around 1 billion USD, which accounted for 5% of the country's GDP. Most of these people work in Russia<sup>10</sup>.

Men account for about 60% of migrant workers. Most of these are in between the ages of 40 and 49, comprising about one-third of all migrant workers. 45–50% of those travelling abroad to work have higher education.

There is a growing number of students studying in Lithuania, where there is an offsite Belarusian university, in Poland, where many universities reserve places for Belarusian students, and in other countries.

Recent studies of the labour market in Belarus<sup>11</sup> confirm the thesis that labour migration and the diaspora have no significant effect on the development of the country's economy and society. However, despite the fact that migration involves just a small part of the workforce, a considerable portion of young people and the employable population considers emigration an acceptable option.

It is important to bear in mind that labour migration is not so much an economic factor as a cultural and political factor. Belarusians working outside their own country bring back not only money but also cultural skills, especially labour organisation, etc. Another factor to be taken into account is that cultural diffusion in Belarus is mainly just with its eastern neighbour. According to sociological data, about 65% of Belarusian citizens have never been to Europe or other countries outside the former Soviet Union and today's CIS. Frequent travel to Europe affects only part of the Belarusian population, namely those who are involved in cross-border trade and business, political and social activists, students and tourists.

10 | Shahotko, L. "Nezaregistrirrovannaya trudovaya migratsiya iz Belarusi: struktura migrantov i ih deyatelnosti, Trudovaya migratsiya v SNG: sotsialnye i ekonomicheskiye aspekty" ["Non-registered Labour Migration from Belarus: Structure of Migrants and Their Activities, Labour Migration in the CIS: Social and Economic Aspects"], Moscow, 2003 (in Russian).

11 | Matskevich, S. "Rynki truda i vozmozhnosti trudoustroistva. Tendentsii i problemy v Armenii, Azerbaidzhane, Gruzii, Moldove i Ukraine" ["Labour Markets and Employment Opportunities. Trends and Problems in Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine"], *ETF (European Training Foundation)*, 2010, URL: [http://www.etf.europa.eu/pubmgmt.nsf/%28getAttachment%29/19664750B47DE48FC12577BD0048DE32/\\$File/NOTE8A9HKF.pdf](http://www.etf.europa.eu/pubmgmt.nsf/%28getAttachment%29/19664750B47DE48FC12577BD0048DE32/$File/NOTE8A9HKF.pdf), access date: 19 September 2010 (in Russian).

Poland's policy towards liberalisation of the visa regime was meant to change the prevailing imbalance of migration, however it would be difficult to call it successful. The Polish Card concerns only ethnic Poles, while a national visa does not make movement within the EU possible. It is obvious that the efforts of a single political actor are not enough to change the situation.

**Interaction between the EU and Belarus in border issues and issues of illegal migration** is progressing quite successfully. If we observe a certain tension between the EU and Belarus in visa policies, the situation in technical cooperation looks much more positive. The State Border Committee actively cooperates with international organisations such as the European Commission, UNDP, OSCE, IAEA, etc. Thanks to the European Commission Belarusian border services were substantially reequipped. Thus, since 2000 around 20 million euro has been disbursed within the framework of joint projects. Belarus successfully participates in international programmes for the prevention of drug trafficking (BUMAD-1, BUMAD-2, and BUMAD-3), organisation of immigration control and border management (BOMBEL-1 and BOMBEL-2) and combating trafficking in women<sup>12</sup>.

Border infrastructure is being improved. Border entry points have been automated, the Dog Training Centre in Smorgon has been renovated, a centre for the temporary holding of immigrants has been created in Brest, several major projects with the EU have been implemented for the demarcation of the Belarusian-Lithuanian and Belarusian-Latvian border, control at the Belarusian-Ukrainian border has been increased, etc. Since January 2010, the second phase of a project on the improvement of the efficiency of separation and handling of migration flows at the border and inside the country (ENEY-3) has been implemented with a budget totalling nearly 900000 euro. The project aims to equip border guards with technical assistance for the fingerprinting of persons detained at the border, creating a system of information on migrants' countries of origin. Therefore, Belarus has been actively engaged in modernising its border service.

The following numbers can serve as quantitative indicators of the activities of the service:

12 | Belitskiy, V.; Smolin, B. (edited by Orlov, L.) "Programma TACIS v Belarussi. Glavnye itogi" ["TACIS Programme in Belarus. Main Outcomes"], Minsk, 2010, p. 169–171 (in Russian).



1. Since 1996, Belarusian border guards detained more than 20000 illegal migrants at the border.
2. In 2008, around 14000 persons holding forged or insufficient documents were not allowed to cross the border.

Although there is no public control over the activities of these projects because of their restricted nature, there is little reason to doubt the smooth and effective character of receiving technical assistance. Military discipline and direct hierarchical subordination of the implementing parties make these projects simple to realise.

### **INFLUENCE OF “MAINSTREAM POLITICS” ON THE VISA ISSUE**

Belarus is in a unique position among the European Union’s new neighbor states: in contrast to the other post-Soviet countries, Belarus has chosen a different path for its future development in that it has opted to return to a more authoritarian political system. This choice marked the beginning of confrontation between the Belarusian leadership and the EU that have naturally had an influence on both parties’ visa policies. The European Union did not acknowledge the results of the Referendum of 1996 and imposed sanctions on Belarus in September 1997. Having become a direct neighbour of the EU, Belarus was only formally included in the European Neighbourhood Policy (ENP).

In 2004, the Council of Europe published a report on the disappearances of politicians and a journalist in Belarus in 1999–2000. Afterwards, Brussels included Belarusian officials suspected to be involved in the disappearances in the list of persons barred for entering EU countries. This list was extended after the parliamentary elections in December 2004. In April 2006, the list was expanded to 37 persons who, according to the EU, were responsible for the abuse of human rights during the latest presidential elections. In October 2006, four people were added to the list — judges and prosecuting officials responsible for the sentence passed on former presidential candidate Alexander Kozulin and activists of the non-registered organisation Partnership. In addition, accounts and assets of all government representatives included in the list were frozen in EU countries and 10 European countries joined in sanctions.

It cannot be said unambiguously that this policy was effective, but as we see from the results of the study carried out by the Stefan Batory Foundation, it also had a certain impact on visa policy and on

Belarusian citizens, seen in terms of the restrictive and sometimes discriminative character of visa procedures and a high rate of refusals.

The complexity of the situation in which consular services of EU countries function in Belarus should be properly respected. Their work is conducted in an undemocratic environment, which affects the relationship between the embassy and consular institutions with representatives of the Belarusian state and Belarusian civil society and is expressed in the following two forms:

1. Diplomatic missions of the EU, expressing the political will of their countries' refusal to acknowledge the results of unfair elections, pushing for the elimination of violations of human rights in Belarus, and imposing sanctions on certain Belarusian officials, de facto are still bound to maintain a certain (and quite high) level of cooperation with Belarusian authorities. This is demanded by economic and security interests in the region and even by norms of democratic procedures that require taking into account the opinion of the other side, whatever that may be. Under such difficult conditions, the activity of embassies and consulates becomes somewhat ambivalent. On the one hand, assistance must be provided to civil society institutions in Belarus, but on the other hand such activities should not harm relations with the Belarusian regime. As a result, policy of the EU and its missions in Belarus from 2000 to 2007 was declarative and rhetorical rather than aimed at a "specific result".
2. Research by the Stefan Batory Foundation demonstrated some inconsistency between the democratic principles declared by the EU and practices of issuing visas for border crossing. Specifically, this refers to the unfriendly relationship of consular staff in respect to applicants, the need to stand in long queues, the length and incomprehensibility of the visa procedure, voluntarism in respect to lists of documents to be submitted, lack of explanations for visa denials, etc. This allows for the following thesis: in the absence of public control, the activity of diplomatic institutions allows for violations of the rights of foreign citizens. Indeed, embassies and consulates, which are located outside the territories of their countries, are subject to civil control only to a small degree and depend only on senior governmental structures of the MFA, becoming closed, opaque institutions. Foreign (in this case, Belarusian) citizens, as a rule, are deprived of the possibility to independently defend their rights. (Only the German system provides mechanisms for judicial protection). Therefore, diplomatic institutions of

European Union countries, while declaring their adherence to the principles of democracy and human rights, in reality often violate these principles in their visa policies<sup>13</sup>.

### **AGREEMENTS ON VISA FACILITATION**

To understand the situation, Belarus and its post-Soviet neighbour countries cannot be treated as “victims” of European visa policy. The EU has political will for visa facilitation, and the signing of the Agreements on Visa Facilitation between the EU and Ukraine and between the EU and Russia in the June of 2007 serve as the best examples.

These Agreements provide for the following:

- reducing the visa fee to 35 euro;
- facilitating reciprocal procedures for issuing of short-term visas for persons intending to stay in the country for a period of up to 90 days;
- providing free visas for certain categories of citizens; and
- the possibility of issuing multiple-entry and long-term visas for a period of up to five years.

An agreement on readmission introduces the procedure for the identification and return of illegal migrants and simplification of transit. The agreement does not apply to Denmark, Ireland and Great Britain and of course does not solve all of the problems identified in studies conducted by the Stefan Batory Foundation, but it has, however, significantly reduced the number of complaints regarding the actions of consular officials. Belarus has not signed such an agreement because it does not yet have an independent and clear strategy for visa policies towards the EU and is not interested in expanding opportunities for citizens to get acquainted with Western values. The visa issue has become a hostage to conflicts at the highest political level. It is important to understand that it is common Belarusian citizens who have lost in their eyes and not the political leadership of Belarus. According to case studies collected by the Stefan Batory Foundation, Belarusians were inclined to bring visa complaints only against the EU. A relatively low political awareness among Belarusians and the ideological campaign in Belarus’s

13 | Yavorau, A. “Vizovaya politika stran Evrosoyuza v otnoshenii Belarusi” [“Visa Policies of the Member States of the European Union towards Belarus”], analytical report given during the presentation of the monitoring report of Stefan Batory Foundation, Minsk, July 2006 (unpublished document, in Russian).

state-controlled and pro-governmental mass media (which dominate the local media space) have created this kind of public opinion. It is important to understand that simplification of the visa regime with the EU is not a concern for the Belarusian government and that its passivity in the process of facilitation is not a mistake made by the government but a consequence of its policy.

Understanding this has led the European Commission to propose a mandate of an EU delegation at talks in the fall of 2010 on a draft agreement for visa facilitation and readmission agreements between the European Union and Belarus.

Independent actions of governments of neighbouring countries have already yielded results. In 2010, in visits to Poland and Latvia, Belarus Foreign Minister Siarhei Martynau signed agreements on the facilitation of travel of residents of border areas. A document on a similar agreement with Lithuania was signed 20 October 2010 during a visit of Lithuanian President Dalia Grybauskaitė to Minsk.

These agreements have not yet been ratified by all parliaments and, therefore, cannot be considered as marking definitive change in the situation. Negotiations on border movement were quite lengthy and complex, with the Belarusian side serving as not a driving force but as quite the opposite. Most likely the process of final settlement of this issue will not be simple, but a positive result appears to be not far off.

## **GEOPOLITICAL ASPECT**

The geopolitical aspect, characterized by Belarus's transit position between Russia and the EU, cannot be overlooked when considering Belarusian border policy.

The Belarusian economy is heavily focused on the Russian market and the markets of CIS member countries; however, the past 10 years have shown a strengthening toward the West. While in 1999 nearly 61% of Belarus's exports were shipped to CIS member countries with 54.5% being shipped to Russia, the situation was different in 2008: only 32% of exports were sent to Russia. However, Russia remains the dominant market for Belarusian goods. Exports to countries outside the CIS totalled 56.2%, including 44% to the European Union.

Belarus and Russia have had a common customs space since January of 1995; however, a new agreement on the Customs Union (CU)

was signed in 2009 for the purpose of putting an end to trade “wars” between the countries (gas war in 2004, oil war in 2006, and milk war in 2009).

The political problem is that the relations between Russia and Belarus throughout the last 15 years have been highly uneven — the alternation of “union-building” agreements with a series of trade wars.

The fundamental reason for this economic warfare has been a constant vacillation of the Belarusian leadership from making political decisions for the sake of short-term propaganda gains to a reluctance to pay the price of the economic consequences of the political decisions they failed to calculate in advance. The long-standing practice of personal agreements between the countries’ authorities as opposed to the establishment of transparent institutional mechanisms for conflict resolution contributes to the development of conflicts<sup>14</sup>.

Belarus expects to benefit from the Customs Union over the long term through participation in the Common Economic Space, while Russia continues to move its national protectionist barriers to the external limits of the Union. Aside from rather vague economic benefits, the consolidation of the technological backwardness of the economies of the Union member countries could become a real result of the CU. 70% of Belarusian exports to the EU consist now of only three kinds of goods — oil products, potash fertilisers and iron products. The lack of technological progress makes the prospect of the Belarusian economy in the international division of labour very unenviable.

Therefore, geopolitical factors set an ambivalent tone to the policy of Belarusian authorities, but this situation cannot continue indefinitely. Sooner or later a choice will have to be made on a preferred political direction — Russian or European. Failure to make a decision automatically pushes Belarus toward Russia with all the attendant risks to its national identity, economy, etc.

However, numerous internal structural Belarusian barriers exist to the integration into the European economic space and community, especially in the long term: an authoritarian political system, a centralised economy, the weakness of civil society, etc. One fact is

14 | Quotation from the interview of S. Chaly to the publication on Lenta.Ru on 21 January 2010, URL: <http://www.lenta.ru/conf/chaly/>, access date: 19 September 2010 (in Russian).

worthy of emphasis, however: according to opinion polls in 2009, there was a definite turning point in the public consciousness. For the first time in the history of independent Belarus, the number of supporters of Europe exceeded the number of supporters of a union with Russia. Understanding the situation this way, it is possible to formulate proposals that are not only acceptable but also in some respects helps facilitate the process of decision making by the Belarusian government.

### **POINTS OF CONVERGENCE WITH THE EU/ENP/EAP**

The relationships between the EU and Belarus in the turning aside of visa and border policies described above represents a kind of deadlock in the further development of relationships formed in the mid-1990s. This is also evident by the indicators documented in figures and facts in the longitudinal study conducted by the Batory Foundation.

The situation between the EU and Belarus changed following the introduction of the Eastern Partnership (EaP) Programme on 3 December 2008.

The fundamental, substantive openness and flexibility of the Programme facilitates the resolution of issues identified above:

- 1) the gap between the declared and actual visa policy of the EU in relation to Belarusian citizens;
- 2) a lack of understanding and coordination between the MFA of Belarus and relevant structures of the EU in the mutually beneficial implementation of their obligations; and
- 3) the existence of barriers in contacts among ordinary people.

In order to resolve these problems, the EaP proposes a dual system of bilateral and multilateral actions allowing for the consideration long-term of all nuances and particularities of each partner country for the purpose of "political approximation and economic integration". Clause 3.3 of the Communication from the Commission to the European Parliament and the Council "Eastern Partnership" states directly that "mobility is a key litmus test for engagement with the EU and promoting mobility in a secure environment should be a priority for the EaP"<sup>15</sup>.

15 | Communication from the Commission to the European Parliament and the Council "Eastern Partnership" {SEC (2008) 2974}, URL: [http://ec.europa.eu/external\\_relations/eastern/docs/com08\\_823\\_ru.pdf](http://ec.europa.eu/external_relations/eastern/docs/com08_823_ru.pdf), access date: 19 September 2010 (in Russian).

It provides:

1. Negotiations on visa facilitation.
2. Waiving the visa fee for all citizens.
3. Negotiations on a visa-free regime.
4. Targeted opening of the European Union labour market for citizens of partner countries.
5. Mobility in a secure environment (exchange in technologies and information in the area of security).

To realize these rather ambitious plans, the EU is committed to:

1. assisting partners in developing high-quality border management procedures at the external borders;
2. supporting partners in establishing an effective data protection regime which would allow them to share information with Europol and Eurojust in the context of bilateral agreements;
3. granting partners special status in relevant EU agencies, as appropriate; and
4. supporting partners in the adoption and effective implementation of national strategies in line with EU standards to fight decisively organised crime, trafficking and high-level corruption, and to prevent money laundering and the financing of terrorism.

Thus, we see that actually all questions related to the problems identified above can be solved within the framework of the EaP.

Problems can be solved, as correctly noted in the document itself, "with strong political will". This political will must exist on both the EU and Belarusian side. However, we understand that we are in the presence of a unresolved conflict between the democratic values of the EU and the authoritarian political regime of Belarus, which casts doubt on the feasibility of the aforementioned good intentions. It is understood that these intentions are feasible under certain conditions, and they cannot be achieved "automatically", "by themselves", or through the simple signing of documents.

This aspect of the problems in the relationship between the EU and Belarus is related to another specific feature of the EaP Programme — the presence of the dilemma between pragmatism and democratic values<sup>16</sup>. The inclusion of the Belarusian regime to relationships of partnership and cooperation with the EU means

16 | Vodolazhskaya, T.; Yahorau, A. "Povestka dnia Foruma grazhdanskogo obshchestva" ["Agenda for the Civil Society Forum"], *International Consortium "EuroBelarus"*, URL: <http://eurobelarus.info/content/view/3552/53/>, access date: 19 September 2010.

acknowledging it as capable of maintaining dialogue with its own civil society, respect for democratic principles, etc. At the same time it is clear to European politicians that, instead of dialogue, there will at best be an imitation of dialogue and democratic reforms in exchange for economic and infrastructure preferences in the short term should not be expected. The contradiction between pragmatism and values requires a measured solution or a system of measured solutions designed to maintain the delicate balance between pragmatism and democratic values.

## **RECOMMENDATIONS**

If discussing the need to reject a conventional dead-end policy approach (support in exchange for democratic reforms) inherent to programmes of the second half of the 1990s, the Eastern Partnership (EaP) offers an instrumental approach, that is the creation of potential tools of cooperation without any preconditions. The main highlight of the EaP initiative can be seen as an instrumental approach instead of a conditional approach. The use of this characteristic of the EaP allows for the resolution of the dilemma between pragmatism and values.

Proposed actions can be divided and ranked by the following categories depending on their simplicity and projections for returns:

1. Short-term (technical)
2. Medium-term (PR)
3. Long-term (political and diplomatic)

### **Short-term tasks**

The top-priority tasks that would demonstrate the seriousness of the EU in advancing to partnership relationships can be started right now. Such decisions would be significant for a wide range of ordinary Belarusian citizens, which is clearly needed. Short-term tasks, for the most part, are technical in nature. The restrictive character of visa procedures for a long time now not so much protected the EU against illegal migration as reinforced the negative image of the EU among Belarusians as well as among EU citizens working in Belarus. Therefore, the top-priority technical tasks include the following:

1. Increasing the share of year-long multi-entry visas issued to Belarusian citizens who frequently cross the border; reducing the visa fee to 35 euro (0 in the long term); expanding the list of privileged categories of individuals and entitled to visas free of charge.



2. Improvement of the quality of service provided by consular services by improving workplace competencies and formation of a long-term programme to optimise, simplify and make standard the procedures for obtaining Schengen visas, including on-line registration for a visa application<sup>17</sup>.
3. Introduction of the right of appeal to a decision of visa denial as a rule along with a simple mechanism for exercising this right.

### **Medium-term tasks**

The establishment of closer cooperation of consular services with the civil society of Belarus should be set as a medium-term (results-based) task. This refers to partner interactions rather than donor-recipient relations. For example, it could be regular monitoring of the activities of consular services in Belarus and a public discussion about the results. The improvement of the visa procedure can become an example of a transparent and open discussion on issues of public importance. Such examples are few in Belarus today, while the need for them is great. Many attributes of a democratic culture cannot be conveyed through knowledge but only through skills. The “visa issue” is a case where real discussion is needed by the parties involved — both consular services and civil society.

The development of this process could be through establishing an Infocentre of the European Community jointly with a prominent Belarusian NGO, which would initially ensure the following:

- informing a wide audience about current features of visa procedures, programmes, etc.;
- counselling individuals;
- preliminary preparation of documents; and
- development and implementation of information campaigns in order to encourage a more positive attitude towards the visa process, the EU, its policies, etc.

Thereafter, the centre could be engaged in the facilitation of research and PR programmes for the EU in Belarus. It is clear that a similar problem in part lies on the shoulders of the EU in Belarus, but the practices of its work under “specific” Belarusian conditions shows that:

17 | The consular service of Great Britain was the first to apply this practice. It was followed by Lithuania (2008) and Poland (2009).

- 1) the EU delegation is still a formal structure and it imposes too much responsibility, making staff aversion to innovations, independence and flexibility understandable;
- 2) the experience of Poland (independent liberal visa policy) and Visa Application Centre in Chisinau (an initiative of the Hungarian Foreign Ministry) has demonstrated that their immediate neighbours are more efficient in the implementation of innovative politics; and
- 3) the EaP's platform, Contacts between People, needs at least some infrastructural backing, where the centre could serve as such backing, at least initially<sup>18</sup>.

### **Long-term tasks**

As far as steps aimed at achieving a result in the long term are concerned, there are a number of actions that require long-term effort. These, however, can result in more fundamental effects:

1. First of all, there is the start of negotiations within the EU and with Belarusian authorities on the subject of "opening of the EU labour market for citizens of Belarus"<sup>19</sup>, i.e. the creating of conditions for the reorientation of the most economically active part of Belarusian society to western employment. This especially concerns a highly-educated and highly-qualified labour force. This refers to employment without changing the residence status of these labour resources in Belarus over the long term. It is also important to attract potential investments in the economy of Belarus in the development process.
2. The process that has been started in border policy needs to be supported and maintained, meaning the continuation of joint programmes to combat crime aimed at better integration and harmonisation of border and customs services of the EU and Belarus.

18 | One should bear it in mind that only a description of the functional place named "The Infocentre of the European Community" rather than a certain specific project is presented here. The completion of this place with contents is a separate issue of conceptualisation, discussion with entities concerned etc.

19 | Communication from the Commission to the European Parliament and the Council "Eastern Partnership" {SEC (2008) 2974}, URL: [http://ec.europa.eu/external\\_relations/eastern/docs/com08\\_823\\_ru.pdf](http://ec.europa.eu/external_relations/eastern/docs/com08_823_ru.pdf), access date: 19 September 2010 (in Russian).



**Alexander Chubrik** (Belarus),  
Leading Research Fellow,  
CASE – Centre for Social and  
Economic Research (Poland),  
Deputy Director of CASE-Belarus

## **CURRENT SITUATION AND OUTLOOK FOR COOPERATION WITH THE EU: SOCIO-ECONOMIC AND INFRASTRUCTURAL ASPECTS**

### **ECONOMY**

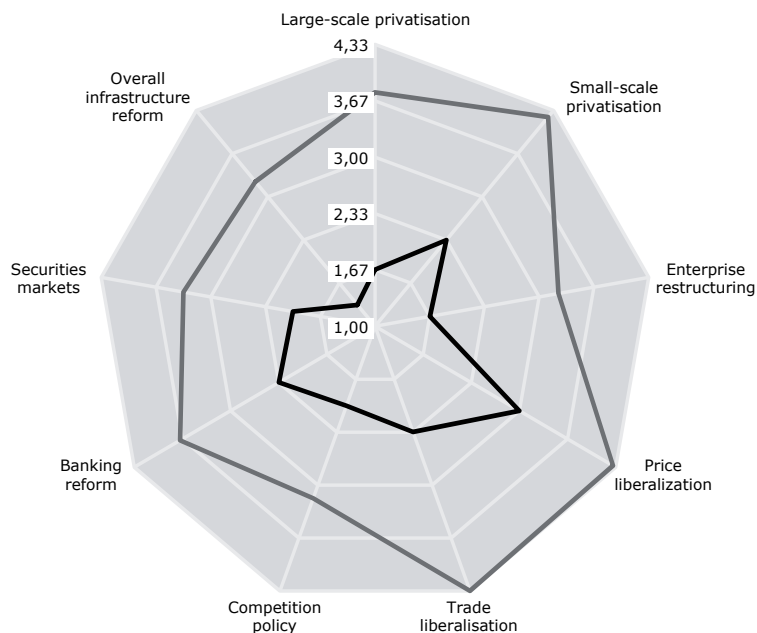
#### **Current situation and key problems**

As far as economic reform is concerned, Belarus falls well below the standards for a “developed industrial economy”. According to European Bank for Reconstruction and Development (EBRD) estimates, the average for nine transformation indicators for Belarus in 2008 was 2 (with 1 corresponding to a planned economy, while 4.33 is the standard for a market economy). The most significant progress was achieved in price liberalisation (with a score of 3-), small-scale privatisation, and on liberalisation of trade liberalisation and the money market (with a score of 2+). Even this progress, however, did not allow the country to reach the level of reform characteristic of new EU member states, which arrived at developed market economy according to all of these indicators (Fig. 1).

Brief outcomes of the transformation of Belarus’s economy are presented in Table 1. Generally, the maximum progress over recent years was achieved in 2008 (+0.15). Belarus received another +0.07 in 2009. However, in 2008 Belarus returned to the level of

Figure 1.

**Progress in Economic Reform: Belarus and new EU member states**



**Note.** The scales interval is 0.33. For example, the value of 1.33 is equal to the EBRD score “1+”, and 1.67 corresponds to a score of “2-”.

■ Belarus ■ New EU Members States.

Source: EBRD (Transition Report 2009: Transition in Crisis).

market reforms which had already been achieved in 1995. The level of reform to which Belarus “rolled back” during 1996–1998 was maintained until 2008, while the improvements observed in 2000–2003 were mostly related to the banking system and some price liberalisation.

Table 1.

**Belarus: Progress by directions for reform**

Indicator / value	EBRD criterion (rating)	Details for Belarus	Recent changes
Large-scale privatisation / 1.67	The programme is almost ready for implementation; a number of transactions have been concluded (2)	In 2008, the list of businesses (around 700) made public and privatised was approved; companies started going public; a number of major enterprises have been sold	2008 (+0.67)

Table 1 (continued).

**Belarus: Progress by directions for reform**

Indicator / value	EBRD criterion (rating)	Details for Belarus	Recent changes
Small-scale privatisation / 2.33	Considerable portion was privatised (2)	Considerable portion of small businesses (especially in the service industry) are privately owned, but small-scale privatisation was practically stopped in 1995	2003 (+0.33)
Enterprise restructuring / 1.67	Moderately tough policy for extending credit and subsidies, but weak compliance with bankruptcy law and insufficient actions for the promotion of competition and corporate governance (2)	A system of mild budget limitation remains in a number of industries and for certain enterprises (direct subsidies and tax benefits). Bankruptcy law is not applied to state-owned enterprises. The rule of "the golden share" — which allowed for state governance even in a privately owned enterprise — was withdrawn in 2008.	2008 (+0.67)
Price liberalisation / 3.00	Considerable progress in the field of price liberalisation, though public procurement at non-market prices remains widespread (3)	Regulation of prices for "socially significant" products and utility services still exists. Businesses must register prices with the Ministry of Economy, and price increases in excess of the standards (in existence since 1998 and revised on an annual basis) must be justified. <sup>1</sup>	2009 (+0.33); previously: 2007 (+0.33), 1999 (-0.33), 1998 (-1.33)

- 1 | In the memorandum signed by Belarus for receiving a loan from the IMF, the Belarus proposed price liberalisation. In 2009 especially were seen some significant improvements (registering prices for new goods was made non-mandatory and the regulation of trade markups for the majority of goods and services was overturned). However, after the devaluation (2 January 2009) the government broke several of its own resolutions at the same time by conducting inspections of organisations which, in its opinion, increased prices excessively (even for goods not listed as "socially significant").
- 2 | In cases of difficulties in the currency market, the National Bank implements special measures that can be considered a limitation of convertibility on current transactions. For example, at the end of 2008 it was prohibited to buy currency at the Belarusian Currency and Stock Exchange for transactions requiring prepayment. This restriction was lifted in April 2009 when the situation improved slightly. It should be noted that in the aforementioned memorandum, Belarus

Table 1 (continued).

**Belarus: Progress by directions for reform**

Indicator / value	EBRD criterion (rating)	Details for Belarus	Recent changes
Trade and forex system / 2.33	Some liberalisation of the control of export and import; theoretically almost full convertibility, but with non-transparent currency exchange regulations (possibly with multiple currency exchange rates) (2)	Mandatory sale of currency earnings remains; regulated currency exchange rate (until 2008, de facto to dollar, and de jure to the Russian rouble; in 2008 — to dollar; since 2009 — to a basket of currencies (dollar, euro, and Russian rouble)); convertibility of the Belarusian rouble by current transactions was introduced in 2002 <sup>2</sup>	2002 (+0.33)
Competition policy / 2	Essential legislation and institutions are in place; lowering of entry barriers and levies on dominant companies (2)	Parameters by which a company can be considered dominant are too strict, as dominating a regional market could also be a sufficient criterion. Measures can be applied to these businesses, including price regulation and especially restrictions on profit. Competition is essentially stifled rather than encouraged.	1994 (+1)
Banking reform and interest rate liberalisation / 2.33	Considerable liberalisation of interest rates and credit distribution; limited use of target-oriented loans and interest rate limits (2)	Practice of regulating interest rates in general throughout the banking system (pegging to the refinance rate) and a complicated system of "preferential" rates remains; the share of state-owned banks in the banking system is about ¾; considerable number of target-oriented loans within state programmes <sup>3</sup>	2009 (+0.33); previously: 2007 (+0.33)

was obligated to not limit the convertibility of the national currency on current transactions.

- 3 | At the end of 2008 to the beginning of 2009, certain improvements were seen. The decision was made to grant through a tender access to the management of funds allocated within state programmes (granted previously to only six authorised banks); the share of foreign capital in the banking system grew considerably and the maximum permissible share of foreign capital in the banking system of Belarus was increased (from 25 to 50%). Further liberalisation of the banking system is also allowed for in the memorandum mentioned earlier. Nevertheless, an important component of the reform, the establishment of a Development Agency to finance state programmes (one of the conditions set by the IMF), has not yet been implemented.

Table 1 (continued).

**Belarus: Progress by directions for reform**

Indicator / value	EBRD criterion (rating)	Details for Belarus	Recent changes
Securities markets and non-bank financial institutions / 2	Establishment of security exchanges and professional securities market players; trade in government securities; inchoate legislative and regulatory framework for the issuance of and trade in securities (2)	In 2008, the Programme for the Development of the Securities Market was adopted and began to be implemented. Measures sought to: <ul style="list-style-type: none"> <li>▪ increase in the number of transactions in corporate securities (gradual phasing out of the moratorium on carving-out shares acquired during the process of preferential privatisation);</li> <li>▪ form new securities market instruments and admission of banks to professional and exchange activities in securities<sup>4</sup></li> </ul>	1992 (+1)
Overall infrastructure reform / 1.33	Moderate progress in telecommunications (2) and roads (2); other components of the indicator (railways, electric power industry, water supply and sanitation — score 1, meaning that the system has mostly not seen change) <sup>5</sup>		1999 (+0.33) <sup>6</sup>

Source: EBRD, IPM Research Centre.

In 2009, the Belarusian government (the Council of Ministers and the Presidential Administration) prepared a joint action plan for economic liberalisation that envisioned the following important directions for liberalisation:

- reduction in the number and simplification of administrative and technical procedures;
- simplification of certification procedures;
- simplification of the tax system and lowering of the tax burden;
- price liberalisation (“expansion of the area of application for control-free prices (rates) and trade mark-ups”);
- transition to the tender system for assigning project lending by banks for state projects;
- development of securities markets;
- some liberalisation of the labour market; and
- widening of access by small businesses to public procurement, etc.

4 | However, all these measures leave securities market development in the “2” range.

5 | For more details see chapters 3, 4 and 7.

6 | Roads (+1) and telecommunications (+1).

The document is supplemented by a Letter of Intent, Memorandum of Economic and Financial Policies and Technical Memorandum of Understanding signed by the Belarusian government and the National Bank on one side and the International Monetary Fund (IMF) on the other. These documents fix the obligations assumed by Belarus in exchange for the Stand-By credit facility from the IMF (conditioned financing). Specifically, this means banking system reforms, change in fiscal policy (planning of a deficit-free budget), improvement of the business and investment climate, etc., as well as the criteria to be used for monitoring progress in these areas.

Privatisation should become the main direction for structural changes. Belarus has assumed a number of obligations towards the IMF, including proposing a draft Privatisation Law to the House of Representatives, establishing a Privatisation Agency and offering to sell five key businesses. There has been little progress to date on these points, though privatisation can be expected to begin in 2011<sup>7</sup> as this can facilitate the resolution of a number of problems faced by Belarus. First, there is a low degree of integration into markets of countries beyond the CIS region, where Belarus exports mostly semi-raw-material goods, while the arrival of foreign investors from these countries could contribute to increasing the presence of Belarus in these markets. Second, the management form is outdated, and more often than not obsolete technology inherited from the Soviet period is employed (foreign investors or national private business can bring both new technologies and new management to formerly state-owned enterprises). Third, large-scale privatisation can become an instrument for raising funds for the budget and the financing of the deficit on the current balance of payments account.

It is obvious that privatisation will bring with it a restructuring of the enterprises that have been sold, which will exert certain pressure on the labour market and social security system. In the medium term, however (as demonstrated by the experience of the new EU member states), it will facilitate the creation of clusters of small businesses servicing privatised enterprises, which will allow for the absorption (at least partial) of the redundant labour force. In addition, privatisation can result in changes in the economic model because it requires the improvement of transparency of administrative procedures, development of contract fulfilment and rule of law and protection of ownership rights.

7 | Currently, the need of privatisation (first and foremost through sale to foreign investors) is promoted by the National Bank.



Table 2.

**Key indicators of Belarus economic development, 2003–2009**

		2003	2004	2005	2006	2007	2008	2009
Nominal GDP	BYR trillion	36.565	49.991	65.067	79.231	97.165	128.828	136.789
Nominal GDP *	USD billion	17.7	23.1	30.2	36.9	45.2	60.3	49.0
Real GDP increase	% y/y	7.0	11.4	9.4	9.9	8.6	10.0	0.2
Industrial production	% y/y	7.1	15.9	10.5	11.3	8.5	10.8	-2.8
Agricultural production	% y/y	6.6	12.6	1.7	6.1	4.1	8.9	1.3
CPI	% y/y AoP	28.4	18.1	10.3	7.0	8.4	14.8	13.0
CPI	% y/y EoP	25.4	14.4	8.0	6.6	12.1	13.3	10.1
PPI	% y/y AoP	37.5	24.1	12.1	8.3	16.2	14.7	14.5
PPI	% y/y EoP	28.1	18.8	10.0	8.5	17.1	16.4	11.3
Exports (goods/services, USD)	% y/y	24.4	35.7	15.8	21.8	24.3	35.5	-33.0
Imports (goods/services, USD)	% y/y	25.1	40.3	3.0	33.0	27.9	37.6	-27.1
Current account	USD million	-424	-1206	510	-1512	-2944	-5263	-6402
Current account	% of GDP	-2.4	-5.2	1.7	-4.1	-6.6	-8.7	-13.1
DFI (net)	USD million	170	163	303	351	1770	2143	2149
International reserves	USD million	474	770	1297	1383	4182	3467	5653
Balance of state budget	% of GDP	-1.6	0.0	-0.6	2.2	0.6	0.9	-0.7
Internal state debt	% of GDP EoP	5.5	5.7	5.8	6.5	6.4	6.7	5.8
External debt (total)	% of GDP EoP	23.7	21.4	17.9	18.6	28.4	24.6	45.0
Currency base	% y/y EoP	50	42	74	20	38	12	-11
Currency exchange rate	BYR/USD AoP	2075	2160	2154	2145	2146	2136	2793
	BYR/USD EoP	2156	2170	2152	2140	2150	2200	2863
(National Bank of the Republic of Belarus)	BYR/EUR AoP	2353	2684	2681	2692	2937	3135	3885
	BYR/EUR EoP	2695	2956	2550	2817	3167	3077	4106

Sources: National Statistics Committee of the Republic of Belarus, Ministry of Finance, Belarus National Bank, IPM Research Centre.

## **Establishing closer cooperation with the EU**

It seems that the model of cooperation with the IMF (conditional financing) could also be more effective in cooperation between Belarus and the EU. Provision of technical assistance in preparing legislation necessary for the reform of competition assurance policies, development of a securities market and enterprise restructuring as well as other structural reforms could become an important direction for cooperation. Financial assistance from the EU could be extended for overcoming the social consequences of the crisis and restructuring (the economy reform plan can be coordinated with the EU and should include clear indicators enabling monitoring of progress in the course of reforms).

Over the long term, the signing of a free trade agreement with the EU would be of definite interest for Belarus. Such an agreement, however, would require Belarus's membership in the WTO and, correspondingly, implementation of a series of economic reforms. In addition, it would require the revision of the Customs Union Agreement with Russia. This provides for uniform customs duties against third countries and, therefore, in the event of establishing a free trade zone between Belarus and the EU, Russia would face the need to combat imports through the territory of Belarus.

## **SOCIAL SPHERE**

### **Status and key challenges**

**Pension system.** Belarus preserves a distribution pension system where the second level (obligatory accumulation schemes) is absent and the third level (voluntary accumulation schemes) is nearly absent. The pension tax rate in Belarus is one of the highest in the world (35% of the payroll fund, 29 percentage points of which is allocated for the creation of the pension fund and the remainder is used for paying various benefits). This is preconditioned by a difficult demographic situation: in Belarus, for every pensioner there are only 1.4 employed people whose employers pay contributions to the Public Social Protection Fund of the Population (a distribution system is considered to be stable when the rate is 1:3). According to estimates made by the IPM Research Centre based on UN demographic forecasts, as soon as several years from now the pension fund will start generating a deficit, which will reach several percentage points of GNP within ten years. The situation can be improved by raising the retirement age, but this will just postpone the problem.

The living standard of a pensioner is an additional problem. Although the vast majority of pensions in Belarus exceeds the minimum subsistence level, the problem of poverty among pensioners can be aggravated as the rates of utility services grow and real wages fall, which is observed in the conditions of the economic crisis. Mechanisms of targeted social assistance, which could mitigate the acuteness of these problems, are insufficiently developed.

**System of social protection.** Despite the repeal of a wide range of social benefits in December 2007, Belarus has maintained a sophisticated system of benefits, which, in many cases, are allocated depending on the affiliation with a social group rather than according to income level. As a result, 20% of the poorest households (that declared receipt of benefits and allowances) received just 37% more benefits and welfare assistance than the wealthiest 20% of the population in 2008. Although the situation improved considerably compared to previous years, the wealthiest households received a larger amount of benefits in a number of areas (public transportation services, housing and utility services, health-spa treatment, medication, etc.).

Moreover, certain vulnerable groups (for example, homeless individuals) do not benefit from the social protection system. The social protection system for other groups (for example, for persons with limited legal capacity) is built to a good level, but the infrastructure for their full-fledged participation in social life is almost absent. Accessibility of social assistance is frequently limited and can depend, for example, on the place of residence or even on the health condition of individuals. For example, people residing in rural areas receive 1.7 times fewer benefits than city residents, irrespective of the fact that the poverty level of the rural population is more than double that for the urban population. Improved access to information and simplification of procedures for applying for social assistance (after the introduction of the "one-stop" principle) should be noted among recent improvements. The low degree of coordination between state bodies and NGOs is one of the problems of the social protection system.

**Health care services.** The health care system has undergone almost no change if compared to the Soviet model (currently the state is not planning a transition to insurance-based treatment). To a great extent it continues to be owned and managed by the state, although a network of private health care institutions have cropped up. Though formal indicators characterising the health

care system (the number of doctors, beds, etc.) are quite satisfactory, the quality of medical services is given a low assessment by a majority of the population<sup>8</sup>. The government has taken steps aimed at improving the effectiveness of state-owned health care institutions, but they remain limited by pressure exerted on the system of primary medical and social assistance as a result of the growth in the number of elderly people. According to World Health Organisation estimates, the average resident of Belarus spends around 11% of his life ill or disabled. In order to extend the period of life in a state of good health, it is the primary medical aid system (i.e., the system for the prevention of illnesses rather for their treatment) that should be developed, and it is also necessary to close the gap between rural and urban areas at the medical assistance level.

### **Establishing closer cooperation with the EU**

The virtually total lack of social support to unemployed people is one of the key problems of Belarus's social protection system. The risk of poverty among this category of the population is as 3–4 times that of other groups. Given the global economic crisis and its negative impact on the economy of Belarus, the transformation of the social protection of unemployed people (and the social protection system as a whole) becomes a matter of key significance. Technical and other assistance could be provided by EU member states. In addition, closer cooperation in the medium term can be established in reforming the pension and health care systems. The most fruitful cooperation in this area could be built between Belarus and the new EU member states that not long ago saw reform.

## **TRANSPORT AND ROAD INFRASTRUCTURE**

### **State of the sector and challenges it faces**

The transport sector of Belarus includes roads, city electric transport systems, trains, air and water transport. The sector is managed by the Ministry of Transport of Belarus, which is also responsible for Belarusian Railways, the sole train operator in the country.

8 | For example, according to a national survey conducted within the framework of the study Particular Aspects of Social Contacts in Belarus by the Belarusian Institute for Strategic Studies, in 2008 more than half (51.3%) of respondents stated that the state failed to provide high-quality medical services, while nearly all respondents (97.5%) stated that the state was required to provide them. Additionally, 14.2% cited the low quality of medical services among five key problems characteristic to Belarus (out of a list of 24 potential problems).

In recent years, this sector has seen a decrease in the effectiveness of its operation as a result of the worsening of engineering support to outdated cargo and transport carriages and a slowdown in the renewal rate of its fleet. Approximately 60% of cargo road vehicles and 70% of buses have been in operation for more than 10 years, while the average operating life of freight locomotives is 12 to 27 years. Freight railway traffic density has been decreasing against a background of growth in economic observed in Belarus over recent years.

Plans for the reform and restructuring of the Belarusian Railway by the government of Belarus notwithstanding, no real steps have been taken in this direction and the entity has retained its status as a monopoly operator. Further development of the railway transportation sector is hindered, first of all, by an insufficient level of investment, existing cross-subsidisation between passenger and cargo transportation, and the existence of other priorities for funding (social infrastructure, including kindergartens, out-patient clinics, housing fund, etc.).

Road transport continued to be more open for competition irrespective of the fact that state-controlled transport enterprises continue to enjoy privileged positions relative to their private company competitors. Traditionally, Belarus has been a transit corridor for cargo transportation from Europe to Russia, and the country handles two-thirds of all transit volume. However, further development of international transit traffic through Belarus is impeded by the high cost of transit, a required customs escort of certain categories of cargoes, a low level of motorway service and regular cargo confiscation.

The poor quality of roads can be named as one of the factors hindering the development of the road transport sector. As a result of chronic underfinancing, deadlines for major repairs and reconstruction have been missed for 84% of roads.

It is important to note a number of other problems hampering the development of road transit traffic and railway transport:

- complicated procedures for customs, quarantine and other types of control at border railway stations resulting from insufficient equipping of control points with modern technical facilities;
- insufficient throughput capacity of road border crossing points and customs clearance, especially resulting from insufficient system automation for the control of vehicle border crossing.

## **Establishing closer cooperation with the EU**

Cooperation with the EU in the transport sector can be implemented in the following directions:

- provision of technical assistance in reforming/restructuring Belarusian Railways with the goal of dividing management functions from transport services;
- provision of technical assistance in establishing an independent regulating body that would ensure the adoption of investment and other decisions irrespective of the influence of transportation services consumers and organisations involved in the construction of railway tracks and infrastructure facilities. In the long term, this body could also regulate the access of private transportation and logistics companies to the railway transport market;
- implementation of joint projects on the development of roads and road infrastructure. Two trans-European transport corridors span Belarus: II (West-East) and IX (North-South) with Branch IX B. Trans-European transport corridor II includes Route M-1/E-30 Brest-Minsk-Russian border and is 606km. It forms a part of the Cretan corridor II with Berlin-Warsaw-Minsk-Moscow-Nizhniy Novgorod connecting Germany, Poland, Belarus and Russia. Because the main flows between the West and East go in this direction, the European Union treats this transport corridor as a top priority. Route M-8/E-95 Russian border-Vitsebsk-Homel-Ukrainian border crosses Belarus from north to south, is 456km and covers Cretan corridor IX connecting Finland, Lithuania, Russia, Belarus, Ukraine, Moldova, Romania, Bulgaria and Greece. Branch B of corridor IX, Homel-Minsk-Vilnius-Klaipėda/Kaliningrad (468km in Belarus) ensures access from Eastern Ukraine and Central Russia to specialised ports in Klaipėda, Ventspils and Kaliningrad. In September 2004, the European Commission formed a high-level group, including Belarusian representatives, for the extension of the main trans-European transport networks into contiguous countries. On the basis of existing and forecasted transport flows, this group approved five transport axes connecting the EU with contiguous countries. Belarus proposed a number of projects for consideration, including the modernisation of Route M-1/E-30. Representatives of Poland, Germany and Russia supported this project and it will likely be included in the list of priority routes. A project on the modernisation of the Homel-Minsk-Vilnius-Klaipėda/Kaliningrad route was supported by Lithuania;
- cooperation in the area of increasing throughput capacity of general road entry and customs clearance points as well as points at border

railway stations and the provision of assistance in equipping them with modern control facilities;

- simplification of visa issuance procedures in embassies of EU issuing more permits for goods transport in the EU to Belarusian road carriers; and
- cooperation with the EU will allow developing the transit industry both in respect to land transport (roads and railways) and pipeline transport.

## **INFRASTRUCTURE (TELECOMMUNICATIONS)**

### **State of the sector and challenges it faces**

The Ministry of Communication and Information is responsible for the development of the telecommunications sector in Belarus. The sector remains centralized and is largely controlled by the state, while services are provided at artificially low prices at the expense of cross-subsidisation. Beltelecom serves as the national telecommunications provider and is directly subordinate to the Ministry of Communications and Information. Beltelecom has a monopoly on external communication channels and local telephone communication (landlines). All mobile providers are required to use Beltelecom for making international calls. Internet access service providers also have to pay Beltelecom for their services. Representatives of the Ministry of Communication and Information admit that Beltelecom's monopoly should be abolished, but they also claim that this process cannot be quick.

In October 2008, the House of Representatives of the National Assembly of Belarus adopted a draft law, *On amending and appending the law of Belarus "On telecommunications"*. This draft law is aimed at further liberalising the sector and eliminating cross-subsidisation and provides for the establishing of equal conditions for economic entities on the telecommunications market, activities in the area of telecommunications in accordance with basic principles stipulated in European Union legislation as well as with requirements of the World Trade Organisation. Nevertheless, it should be noted that this law has remained at the draft stage already for several years. At the same time, according to Ministry of Communication data, should the monopoly of Beltelecom for international communication be eliminated while maintaining existing levels of communication tariffs, losses for Beltelecom could reach 20–30% of existing income, which is to say that keeping cross-subsidies on landlines and granting discounts to certain categories of citizens does not facilitate market reforms and does not promote further

development of the sector. Currently, cross-subsidisation allows Beltelecom to cover losses from the provision of services domestically at the expense of inflated international communication tariffs. For example, the subscription fee for individuals covers only 41% of Beltelecom's costs and for businesses only 64%.

The mobile communications sector of the market is open for competition. The number of mobile communication subscribers in Belarus currently is twice as large as the number of landline subscribers. Competition between mobile operators for existing subscribers is becoming rigorous irrespective of the fact that, in the opinion of analysts, the mobile communications market is not yet saturated. Competition between operators has a positive effect for end users because it leads to a lowering of mobile communication tariffs. At the same time, mobile communication operators with stocks held by the state are required to develop mobile connections in newly created "agro-towns"<sup>9</sup> and rural areas as provided for by the State Programme for Rural Restoration and Development for 2005–2010. Mobile connections in rural areas do not cover the costs of mobile operators but operators continue to implement state programmes and expand mobile service coverage across the country.

### **Establishing closer cooperation with the EU**

Directions for cooperation with the EU in telecommunications can include the following:

- providing technical assistance for the liberalisation of the sector and bringing electricity connections in line with fundamental principles stipulated by EU legislation;
- provision of technical assistance in establishing an independent body for regulating the telecommunication sector; and
- making Beltelecom a public company.

Cooperation with the EU will facilitate the development of the telecommunication sector and assist in creating a competitive and attractive business environment.

9 | Translator's note: the term "agrorodok" ["agro-town"] was introduced as a new type of rural settlements in Belarus by the State Programme for Rural Restoration and Development for 2005-2010. According to the programme, the agro-town is a comfortable settlement, equipped with industrial and social infrastructure to ensure social standards to the population living in it and the residents of adjacent areas.





**Alexander Chubrik** (Belarus),  
Leading Research Fellow,  
CASE – Centre for Social and  
Economic Research (Poland),  
Deputy Director of CASE-Belarus

## **ENERGY, ENVIRONMENTAL PROTECTION AND COMBATING CLIMATE CHANGE: MAIN DEVELOPMENT TRENDS AND PROSPECTS FOR COOPERATION WITH THE EU**

### **ENERGY**

#### **Brief description of the energy sector and challenges it faces**

The Belarusian energy sector plays an important role in the country's economy with its share reaching 30% of the total industrial output and around 10% of GDP. It includes gas, oil, and electricity sectors. The gas sector is represented by Beltransgaz (50% owned by Russia's Gazprom), which is responsible for the transportation and transit of Russian natural gas. The enterprise operates more than 2500km of gas pipeline (in single-line terms). Beltransgaz also operates the Gazprom-owned gas pipeline Yamal-Europe, which stretches 575km. The Belarusian gas sector also includes the state-owned industrial association Beltopgas, engaged in the distribution and retailing of gas inside Belarus. Both enterprises are run by the Ministry of Energy of Belarus. The significance of the gas sector for the Belarusian economy is explained by a high share of gas (65%) in the primary energy consumption, while 98.6% of the total volume of gas is supplied by Russia.

The oil sector is primarily under the jurisdiction of Belarusneft group. It is represented by oil companies (Mozyr Oil Refinery and Naftan) and Belarusneft, which produces gas and oil (around 2 million tons of

oil annually, or 10% of the demand), processing and marketing raw hydrocarbons. The oil sector also includes oil transport companies, which form a part of the main transcontinental oil pipelines for Druzhba, an important transit corridor for Russian oil exports. Gomelttransneft Druzhba provides transit of Russian and Kazakh oil to Poland, Germany, Ukraine, Hungary, Slovakia and the Czech Republic as well as supplies of Russian and Belarusian oil to the Mozyr Oil Refinery and transport of Belarusian oil for export. The length of oil pipelines operated by this enterprise is nearly 2000km in single-line terms. The main objective of Druzhba is to deliver oil to consumers in Western European, Latvia, Lithuania and Belarus from the oil deposits of Tyumen North, Tatarstan, the Volga region and Bashkiria. This company operates 1068km of oil pipelines. The state-owned Belarusian Oil Company (BOC), which exports the main oil products produced by Naftan and the Mozyr Oil Refinery, also form a part of the oil sector.

The electricity sector includes power plants, boiler stations, transformer substations, and electric and thermal networks linked by a common mode and continuous operation. This sector is managed by the state-owned industry association Belenergo, which is under the Ministry of Energy of Belarus. The country's energy system has a high-voltage electric power link between Oblenergo (regional associations) and energy systems of neighbouring countries (Russia, Ukraine, Lithuania and Poland). Belarus can fully cover its own demand for electricity, but a portion is imported because of economic reasons (economic benefit) during the summer. Specifically, 2908 kWh (around 10% of the total amount of power generation) was supplied from Russia in 2009.

Belarus is one of few countries of Eastern Europe where there had been no restructuring of the energy sector and which continues to be fully owned by the state and retains a strict vertically integrated structure. Moreover, to date, privatisation of electric grids and substations is prohibited by law. The sector is regulated by the Ministries of Economy and Energy, where the former is responsible for setting electricity tariffs and for the development of the Belarusian energy system and investment policy. Belarus does not have any special law on electricity, though there is legislation on major pipelines and gas supply. The government of Belarus is considering restructuring the energy sector, however the final decision on this issue is still pending. In particular, the Strategy for the Development of Energy Potential for Belarus approved by a governmental resolution provides for the creation of a national wholesale electric power market by 2015, separation of electric power generation from its transmission, and establishment of an electricity market operator as the focal point for all purchases and sales of power and capacity in accordance with market rules.

The need to restructure this sector arose from the fact that the economy of Belarus faces serious problems. First of all, it should be noted that the energy system is close to peak output for generating capacity. The second problem lies in high dependence on gas imports from Russia and its high share in the portfolio of power plants: 95% of electric power and 78.2% of thermal power is generated with the use of gas. Low efficiency (much lower than western standards) of generating capacities and infrastructure in the energy sector as well as considerable losses of electric and thermal power in networks can be considered a third problem. The fourth problem is chronic underinvestment in the energy sector. The impossibility of assessing the costs of production, transmission and distribution at the business level owing to insufficient transparency of activities and strict vertical integration of the sector should be noted as a fifth problem.

These problems cannot be resolved without making large-scale investments in generating, distributing and transmission capacities, the demand for which cannot be met through sources such as the budget and investment fund of the Ministry of Energy, businesses and loans. There is a need to attract private and foreign investments.

### **Concept of Belarusian energy security**

In response to changes in energy trading conditions with the Russian Federation, specifically a 100% export duty charged on oil supplied to Belarus not intended for domestic consumption, introduced by Russia in 2010, and an anticipated transition to average European prices for gas<sup>1</sup>, Belarus prepared a *Concept for Energy Security until 2020*, which, in contrast to the previous Concept adopted in 2005, is a more ambitious document that takes into account the new situation in the energy market. The new Concept for Energy Security has a balance of energy resources outlined up until 2020, 12 indicators/threshold values necessary for Belarus energy security, and also introduces a special rate of energy consumption, establishing a plan for reducing energy intensity by 31% of GDP in 2010 and by 60% in 2020 compared to 2005.

1 | On 31 December 2006, Gazprom and Beltransgaz signed a contract for the supply and transit of gas in 2007–2011. According to the document, starting 1 January 2008, the price for gas purchased for supplies to Belarus should be calculated according to the formula which provides for the price of supplies to Europe (minus transportation costs and export duties) with a lowering factor of 0.67, 0.8, and 0.9 in 2008–2010, correspondingly. In 2001, Belarus is to determine a new price level, ensuring equal profitability with supplies to Europe.

The diversification of fuel and energy resources is emphasised particularly as an important direction for Belarus. Specifically, the share of gas in the fuel and energy balance is to be reduced from 80% to 50% and coal, brought in from Russia, Poland and Ukraine, will become more widely used, as along with the greater development of nuclear energy. To this end, three coal stations with a capacity of approximately 800–850 MW are planned for construction in the Brest, Hrodna, and Homel regions. Since Belarus's own energy resources currently account for only 16% of the total amount consumed, it is expected that the share of local fuel sources in the generation of electrical and thermal power will increase to 30%. All this will reduce the share of the dominate supplier (Russia) in the balance of boiler and furnace fuel from 90% to almost 60%.

The Concept also provides for a series of measures to diversify energy imports and to find alternative suppliers from around the world. In particular, options for supplying energy resources from the Caspian region, Iran, Venezuela as well as the use of ports on the Black and Baltic seas are being considered.

### **Establishing closer cooperation with the EU**

In 2009, Belarus and the European Union signed a declaration on cooperation in the energy sector. The project *Integration of Nuclear Power Sources in the Electric Power Generation System with a High Level of Cogeneration* will be implemented with international technical assistance.

Further cooperation with the EU on energy in the following areas would help alleviate/solve existing problems:

- provide technical assistance in restructuring the energy sector as well as development of the regulatory legal framework for the functioning of the energy system under new economic conditions;
- provide technical assistance in the development of new (non-gas-based) and alternative energy sources including multi-step channel cascades of small hydropower plants (as well as mini-hydropower plants) as an alternative to the construction of traditional hydropower plants with a reservoir to water fertile lands;
- cooperation in the field of energy transit infrastructure, taking into account the importance of Belarus as a transit country for gas and oil and the feasibility of diversifying sources of energy;
- consideration of the possible inclusion of Belarus into the common European energy system. For example, in the opinion of the Ministry

of Energy of Belarus, it is possible to create an energy transport ring — European Union-Belarus-European Union — by constructing a back-to-back station, utilizing the Ross-Bialystok power line. This will allow not only for the importing of electric power from the EU and for increasing exports to Poland, but also for implementing a non-synchronous interconnection of Russian and CIS member country energy systems (the Unified Energy System (UES) and Interconnected Energy System (IES)) and the European Network of Transmission System Operators for Electricity (UCTE), consisting of 11 system operators from nine European countries (Belgium, Bulgaria, Hungary, Germany, Poland, Spain, France, Slovakia and Romania). The construction of a separate electricity transition line to Latvia is also possible; and

- strengthening coordination between Belarus and the EU in the sphere of energy and in the field of energy policy and to “Europeanize” the energy sector of Belarus. Exchange of information on energy policy, strategies and programmes implemented in the EU and Belarus can become one of the directions of this work.

This kind of cooperation with the EU will lead to greater efficiency and environmental stability of the energy sector, increased reliability and safety of the transit of oil and gas and bring the Belarusian energy sector closer to EU standards.

## **CLIMATE**

### **Status and challenges**

Belarus has joined all major international agreements on climate change. The country became a member of the United Nations Framework Convention on Climate Change in 1992 and signed the Kyoto Protocol in 2005 (Belarus is included in Annex B to the Kyoto Protocol). In accordance with the Kyoto Protocol, the country undertakes commits to keeping total greenhouse gas (GHG) emissions at 92% of the 1990 level. As a member of the United Nations Framework Convention on Climate Change, Belarus regularly provides reports on climate change and policies in this area. (Four national reports have already been prepared.) According to the first national report, by 2020 greenhouse gas emissions are to increase by only 1.5 times, which is 36.5% below 1990 levels. The fourth national report contains information that the total emission of greenhouse gases in terms of CO<sub>2</sub> in 2004 amounted to 61.8% of the 1990 level. This is mainly due to a change in the type of fuel used in Belarus as a result of switching from oil (heavy fuel oil) to gas in energy production. However, this fact also

contains potential threats. The share of heavy fuel oil as well as the use of peat and other local types of fuel (wood) in local boiler houses using outdated equipment and technologies may increase as a result of the growth in prices of gas supplied from Russia. All this may lead to an increase in greenhouse gas emissions.

It is expected that greenhouse gas emissions in Belarus will be increasing at a considerably slower pace than the rates of the GDP growth. Therefore, it is expected that Belarus will meet its obligations to reduce emissions. Given the fact that the Kyoto Protocol provides for international trade in emissions quotas (exchange commitments on emissions) in order to fulfil their obligations are performed, Belarus will be able to sell some of its unused rights for greenhouse gas emissions. According to preliminary calculations, the potential income from sales can be estimated at between 375 million and 1.5 billion USD. However, the sale of the whole assigned amount (AA) of emissions carries risk. If the 1990 level becomes mandatory in the second period of the Kyoto Protocol (2013–2017), the country may face the need (for example, because of the growth in anthropogenic emissions mentioned above) to purchase certified emission reductions abroad.

Therefore, more promising for Belarus is the reducing of emissions and receiving additional income from investments as joint implementation (JI) projects in energy saving or technologies aimed at emission reduction provided by the Kyoto Protocol.

Since the main source of greenhouse gas emissions is the energy sector (74% of the total, 80% by 2020), reducing emissions in this sector can be achieved by reducing distribution losses in energy distribution and conversion as well as through better insulation of hot water and steam pipelines. In addition, there are various options for increasing the use of renewable energy sources such as hydro-resources, wind and solar power in the context of local conditions. Therefore, it can be concluded that the economy of Belarus and its energy sector in particular are of interest for “climate” investments through joint implementation. However, to date, no such project has been implemented in Belarus.

### **Establishing closer cooperation with the EU**

Cooperation with the EU on climate change can be carried out in the following areas:

- climate investments through the implementation of joint projects;
- introduction of resource-saving technologies;

- increased use of renewable energy sources; and
- improving the system for monitoring of air quality as well as the system for the collection, analysis, control, storage and dissemination of climate data, including systems for the inventorying of sources and emissions of greenhouse gases.

Cooperation with the EU of this kind will have only positive consequences, since it will result in a reduction in the level of greenhouse gas emissions into the atmosphere.

## **ENVIRONMENTAL PROTECTION**

### **Status and challenges**

Belarus has a special ministry — the Ministry of Natural Resources and Environmental Protection — in charge of environmental protection. Relations in the field are governed by the law *On Environmental Protection* as well as by industry and sectoral laws (*On Air Protection*, *On State Ecological Expertise*, etc.) and mineral, land, forest and water codes. Belarus is a party to international treaties and agreements concerning environmental issues. The National Strategy and Action Plan for the Preservation and Sustainable Use of Biological Diversity in Belarus was adopted within the framework of the Convention on Biological Diversity (Rio de Janeiro, 1992). Belarus also approved the Pan-European Biological and Landscape Diversity Strategy, joined the Ramsar Convention on Wetlands and participates in the Convention on Long-Range Transboundary Air Pollution.

For the preservation of biological and landscape diversity the Biarezinski Biosphere Reserve, four national parks, 527 preserves of national and local importance as well as around 900 nature sanctuaries were established. There are also 31 recognized forest ecosystem and open marshes.

Despite ongoing measures to protect the environment, in Belarus there are still a number of problems:

- reclamation measures have degraded about 223000 hectares of peat-bogs, mostly in Palesse. This necessitates measures both for the rehabilitation of degraded lands and prevention of further degradation by modernising technically outdated drainage systems;
- a consequence of land reclamation has been that the remaining natural wetland ecosystems are also at risk;
- forests continue to be degraded by the precipitation of about

400000 tonnes of contaminating substances every year; this on top of the fact that nearly 25% of forest areas were polluted as a result of the Chernobyl disaster; and

- a serious burden has been put on the environment by industrial and municipal waste. To date, only 4% of solid municipal waste is processed, which creates problems related to the storage of stocks of waste accumulated over many years in all major cities. Currently, solid municipal waste is not incinerated and the only method of waste management is through storage at specialised landfills. According to the National Action Plan for Environmental Protection, Belarus plans to build 11 waste-processing plants. Specifically, Belarus received a loan in 2009 from the World Bank for the construction of a waste-processing plant in Grodno. However, because of the financial crisis, the implementation of a number of projects remains a question because of the lack of funds from foreign investors.

### **Establishing closer cooperation with the EU**

Directions for cooperation with the EU in the sphere of environmental protection can include the following:

- upgrading outdated drainage systems;
- restoration of degraded lands;
- conservation of natural wetland ecosystems;
- disposal of industrial and municipal waste; and
- cooperation in cases of emergency.

Cooperation with the EU will create a more favourable environment and help to preserve biological and landscape diversity.



## EXPERT THINK TANKS

(IN ORDER BY ARTICLE)

### HUMAN RIGHTS IN BELARUS

The association was founded in Berlin, Germany in 2004. Its aim is to support people and initiatives involved in issues of human rights, rule of law and democracy in Belarus. To achieve this, the association conducts the following:

- information campaigns on violations of human rights in Belarus;
- lobbying governments, parliaments and European institutions for systematic and continuous support of independent civil society in Belarus;
- support of NGOs for defending victims of political persecution in Belarus and those unfairly prosecuted; and
- humanitarian support for victims of human rights violations.

The association publishes yearly strategy papers, thus providing expert analyses and political recommendations to both governmental and non-governmental organizations in Germany and abroad. In particular, Human Rights in Belarus seeks clarification of facts concerning the “disappearances” of opposition figures in Belarus in 1999 and 2000 — politicians Yuri Zakharenko and Viktor Gonchar, businessman Anatoli Krasovski and journalist Dmitri Zavadski.

Internet: [www.human-rights-belarus.org](http://www.human-rights-belarus.org)

**biss**

Belarusian Institute  
for Strategic Studies

### BELARUSIAN INSTITUTE FOR STRATEGIC STUDIES

The Belarusian Institute for Strategic Studies (BISS) was founded in October 2006 by a group of distinguished Belarusian public figures and intellectuals. BISS is a platform for dialogue

inside the Belarusian analytical community and a bridge between experts, Belarusian society and the international community. Through research, publications, and development of the Belarusian expert community, BISS looks to generate a new vision for Belarus. The Institute develops and offers positive alternative scenarios of the country's political, economic and social transformation and sets out ways to enhance the competitiveness of Belarus and the welfare of Belarusian citizens.

Internet: [www.belinstitute.eu](http://www.belinstitute.eu)

### **STIFTUNG WISSENSCHAFT UND POLITIK**

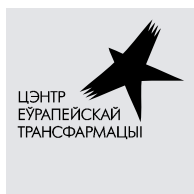
For nearly 50 years, the Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs — SWP) has provided analysis on foreign policy issues not only to the Bundestag and the German Federal Government, but also to economic actors and the general public. While the SWP initially dealt primarily with issues of disarmament, today there is a broad spectrum of analysis ranging from classic security policy issues to aspects of climate protection and the political challenges associated with resource scarcity.

Internet: [www.swp-berlin.org](http://www.swp-berlin.org)

### **GENSHAGEN FOUNDATION**

The Genshagen Foundation's aim is to promote understanding and dialogue in politics, economics, science and culture in order to strengthen Franco-German cooperation in Europe, particularly with participation of their eastern neighbors. The Foundation operates in the space around politics. Its activities help stimulate a process of opinion formation and contribute to policy making. Within the scope of the work of its "European Dialogue", the foundation organizes large public conferences on political, economic and social issues with a European dimension in addition to individual consultations, meetings and solving current problems. Issues of EU external relations, including the Neighbourhood Policy, are a part of the foundation's priority fields.

Internet: [www.stiftung-genshagen.de](http://www.stiftung-genshagen.de)



## **CENTRE FOR EUROPEAN TRANSFORMATION**

Centre for European Transformation (CET) is an independent think-tank established in March 2010 and operating within the framework of the EuroBelarus International Consortium.

The main objectives of the center include:

- conducting research on European transformation processes in the framework of the Eastern Partnership and Eastern Europe;
- organizing discussions involving key stakeholders with the goal of bringing about real progress; and
- providing analytic support and follow-up on decision-making processes for key stakeholders involved in transformation processes.

The key target spheres of research and analysis are European studies and Eastern Policy of EU studies; political and economic transformation; civil society development; transformation in spheres such as education, culture and quality of life. Regional priorities for research are Belarus, the region of the Eastern Partnership (EaP) and Eastern Europe.

At present CET mainly focuses its research and analysis on the Eastern Partnership initiative, in particular on the development of mechanisms for civil society participation in the EaP, strengthening the transformation potential of the Eastern Partnership and relevant issues on culture, education, scientific research and visa policy.

Internet: [www.eurobelarus.info](http://www.eurobelarus.info)

## **AGENCY FOR HUMANITIES TECHNOLOGIES**

The Agency for Humanities Technologies (AHT) is a think tank, operating as a registered NGO since 1994 and as an informal circle and invisible college since 1997. The Agency was initiated by a group of students and colleagues of the methodologist Vladimir Matskevich. The intellectual work of AHT is based on cultural policy and humanities principles, which have been summarized in the paper "Think Belarus". In 2007, the AHT merged with the public association Center for Social Innovations.

Along with traditional methods of intellectual activity, such as analysis, reflection, programming and designing of major spheres of life in Belarus, AHT employs specific methods of work and interprofessional communication, such as organizational and activity games (*orgdeyatelnostnyye igry*) and open methodological workshops. AHT looks consistently to have their plans and recommendations implemented under real conditions in Belarus. AHT focuses its thinking and activities on political analysis and consulting, education reform and management, cultural administration, creation and development of the third sector in Belarus and business and interprofessional interaction.

Currently the priority activities of AHT are the establishing and development of a university in Belarus, setting up Belarusian-European relations, developing local communities and quality of life and creating and strengthening the intellectual space in Belarus.

Internet: [www.methodology.by](http://www.methodology.by)  
[www.eurobelarus.info](http://www.eurobelarus.info)  
[www.worvik.com](http://www.worvik.com)

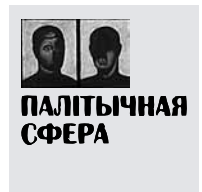
### **INSTITUTE OF POLITICAL STUDIES — *POLITICAL SPHERE***

The Institute of Political Studies — *Political Sphere* was established to conduct integrated studies of Belarusian and East-European politics.

The Institute's fields of interests include domestic and foreign policy, government institutions, elections, political ideas and projects, identity, and political history. Some recent Institute studies have included *The Belarusian Elite: opportunities for change*; *The Phenomenon of Mass Protest Actions in Belarus, 1988–2009*; and *Concepts of the Belarusian Nation, 1988–2008*.

The Institute publishes the journal *Palitychnaya Sfera* [Political Sphere] (established in 2001), the English year-book *Belarusian Political Science Review*, and several book series — "Belarusian Politics", "History of Political Ideas", and "Political Theory".

Internet: [www.palityka.org](http://www.palityka.org)





### **BELARUSIAN ASSOCIATION OF JOURNALISTS**

The Belarusian Association of Journalists (BAJ) is a non-government, non-partisan and non-profit professional union of media workers, united on a platform of free expression and the idea of independent journalism. The association was founded in 1995. BAJ is a unique source of information on the mass media situation in Belarus.

The organisation works to defend the legitimate rights of journalists; assists in capacity building, organizational and other kinds of development of mass media through professional education; is developing a civilized strategy of mass media development which could help the latter function in Belarus; and helps to build contacts with associations of journalists in other countries.

Internet: [www.baj.by](http://www.baj.by)

### **CENTER FOR SOCIAL INNOVATIONS**

The Center for Social Innovations (CSI) is a non-governmental, non-profit organization established in 1996. According to its statute, CSI's objectives are to assist in developing an effective mechanism of social protection and adaptation of citizens, developing at the same time the social and environmental infrastructure of Minsk; and to facilitate the creation of appropriate conditions for intellectual and creative development of individuals.

In its work, the Center employs a systematic intellectual and action approach, which allows for the design and implementation of social innovations as appropriate and necessary and continued monitoring of their sustainability.

Internet: [www.csi.by.com](http://www.csi.by.com)

## CENTRE FOR EUROPEAN STUDIES



The Centre for European Studies (CES) is a European political foundation, representing a new phase in European-wide policy formation and research and a pan-European mindset. The Centre constitutes the official think-tank of the European People's Party (EPP) and serves specifically as a common European framework for national foundations/think-tanks recognized by EPP member-parties. The core activities of the CES are its research and study projects, which are complemented and supported by conferences, seminars, workshops and publications, many of which are conducted in cooperation with its member organisations.

The aim of the foundation is to contribute both to the public awareness of European citizens on the development of European integration and to help decision-makers and opinion leaders, such as EPP heads of states and governments and EPP party leaders, to formulate new and effective policy options. Its role is to bring together like-minded foundations, think-tanks, academics, experts and decision-makers across Europe to debate and exchange views and ideas as well as to disseminate the results of activities conducted to the public and to decision-makers.

## KONRAD-ADENAUER-STIFTUNG



Freedom, justice and solidarity are the basic principles underlying the work of the Konrad-Adenauer-Stiftung (KAS). KAS is a political foundation, closely associated with the Christian Democratic Union of Germany (CDU). Working from more than 80 field offices, local representatives conduct projects to promote democracy in more than 100 countries. KAS maintains a global network of cooperation on political development and works to disseminate information on opportunities and problems connected with developing and embedding democracy.

Due to the current political situation in Belarus the activities of the Foundation there are limited. After being denied registration in Belarus in 2007, KAS shifted its operations to neighboring Lithuania. The Belarus Country Office in Vilnius is viewed as a temporary solution until the situation in Minsk allows for the establishment of a Belarus-based office.

KAS's main activities in Belarus focus on the support of those civic forces working toward the creation of a free and democratic Belarus bound by the rule of law that will eventually take its place in the European Community. To this end the Foundation organizes educational events, consultations and informational programs in neighboring countries, in Germany and in Belgium.

The main objectives of the Foundation are to

- consolidate and strengthen democratic forces in Belarus;
- support a structural transformation of the Belarusian economy toward a viable social market economy; and to
- raise the awareness of the Belarusian population about the European Union to build a more positive attitude.

#### **CONTACT INFORMATION:**

##### **Konrad-Adenauer-Stiftung e.V.**

Chairman: Dr. Hans-Gert Poettering,  
former President of the European Parliament

Address: Klingelhöferstraße 23  
10785 Berlin, Germany

Tel.: +49 30 26996-0

e-mail: zentrale-berlin@kas.de

Internet: www.kas.de

##### **KAS Country Office for Belarus**

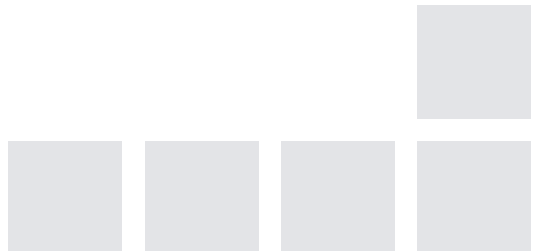
Head: Stephan Malerius

Address: Totorių g. 21  
LT-01121 Vilnius, Lithuania

Tel./ fax: +370 5 2122294

e-mail: info.belarus@kas.de

Internet: www.kas.de/belarus





**BELARUS AND THE EU:  
FROM ISOLATION TOWARDS COOPERATION**

Edited by

Dr. Hans-Georg Wieck and Stephan Malerius

Publication manager: Katsiaryna Radzko

Copy editor: Kevin Reiling

Cover and text designer: racken, Berlin

Layout: Vadzim Shmyhau

Printer: ARTEFAKTAS UAB, Vilnius

REPUBLIC OF BELARUS



CENTRE FOR EUROPEAN STUDIES



Konrad  
Adenauer  
Stiftung

ISBN 978-609-95320-1-1



9 786099 532011