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EUROPEAN UNION–BELARUS RELATIONS WITHIN THE FRAMEWORK OF THE EUROPEAN NEIGHBOURHOOD POLICY AND EASTERN PARTNERSHIP

[...] if the European Union wants to become a credible global player, it should start from its neighbourhood. In the months and years to come, we must demonstrate our capacity to act convincingly in our neighbourhood, using all the instruments and opportunities for join-up action offered by the Lisbon Treaty. This will be one of the main yardsticks with which our ability to implement the foreign policy provisions of the Lisbon Treaty will be measured¹.

1. INTRODUCTION

The Republic of Belarus declared its sovereign independence from the USSR on 20 July 1990, but the European Community recognised its independence in December 1991. Diplomatic relations between Belarus and the European Union were established in August 1992². Negotiations on a Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Belarus, of the other part, were completed in March 1995³ but the process of its ratification has been postponed since 1997 because of the introduc-

¹ Speech by Štefan Füle, “European Neighbourhood Policy Review”, 26 October 2010 to the European Parliament Foreign Affairs Committee, http://europa.eu/rapid/press-release_SPEECH-10-594_en.htm?locale=en [25.02.2015].

² A. Jahorau, “Who Has Benefited from Implementation of the Neighbourhood Policy in Belarus”, *Belarusian Political Science Review*, 2011, no. 1, pp. 213–226.

³ Proposal for a Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Belarus, of the other part, COM(1995) 44.

tion of an authoritarian system of power by President Lukashenka in 1996/1997⁴. In September 1997 the Council stated in its conclusions that “the European Community and their Member States will conclude neither the Interim Agreement nor the Partnership and Cooperation Agreement due to the deteriorating political situation in Belarus”. Therefore, relations between the European Union and Belarus are governed by conclusions — which are part of the European Union’s soft law and have no legally binding power — of the Foreign Affairs Council which were last set out on 15 October 2012⁵ but the bilateral trade and economic relations remain covered by the Trade and Cooperation Agreement concluded by the European Community with the Soviet Union in 1989 and subsequently endorsed by Belarus.

The European Union’s approach to Belarus consists of two tracks based upon the General Affairs and External Relations Council (GAERC) conclusions: 1) restrictions on political contacts and links and 2) assistance for other actors in civil society. On November 2004 the GAERC reiterated that bilateral ministerial contacts between Parties „will be established solely through the Presidency, the Commission and the Troika (track one) and Community and the Member States’ assistance programme will support the needs of the population and democratisation, notably by humanitarian, regional, cross-border cooperation and by the project supporting directly or indirectly democratisation and democratic forces in Belarus (track two)”⁶. This approach was confirmed in conclusions of 7 November 2005, where the GAREC „reaffirms its policy on limited ministerial contacts agreed on 22–23 November 2005 but highlights its willingness to engage with Belarusian officials. The European Union will promote shared democratic values between the people by intensifying people-to-people contacts and by good neighbour relations across borders”⁷.

2. THE EUROPEAN UNION–BELARUS RELATIONS BETWEEN 1997–2014 — A GENERAL REVIEW

Relations between the European Union and Belarus began to take a turn for the worse soon after the election of President Lukashenka in 1994. Although both sides negotiated a Partnership and Cooperation Agreement (PCA) in 1995, it ne-

⁴ G. Bosse, “Challenges for the EU Governance through Neighbour Policy and Eastern Partnership: The Values/Security Nexus EU—Belarus Relations”, *Contemporary Politics*, 2009, vol. 15, no. 2, pp. 74–82; U. Rouda, “Prospects for Democracy in Belarus”, *Centre for European Studies*, 2005, pp. 71–92.

⁵ www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132836.pdf [1.03.2015].

⁶ http://eeas.europa.eu/enp/pdf/pdf/country/enpi_csp_nip_belarus_en.pdf, p. 3 [1.03.2015].

⁷ Council Conclusions on Belarus, General Affairs and External Relations, Brussels, 7 November 2005, www.europa.eu/world/enp/documents_en.htm [1.03.2015].

ver came into force. The process of its ratification has been frozen since 1997 in response to the political situation in the country — most recently the violations of electoral standards in Belarus' presidential elections and the ensuing crackdown on civil society, political opposition and independent media. In September 1997 the Council stated that “the European Community and their Member States will conclude neither the Interim Agreement nor the Partnership and Cooperation Agreement due to the deteriorating situation”. In 1996, President Lukashenka reformed the 1994 Constitution, concentrating powers heavily around the president. Democratic conditions were undermined, in particular, by the replacement of the democratically elected Parliament with a national assembly nominated by the President, but also through repression of the opposition and the media, and interference with the judiciary⁸.

In a Presidential Declaration of 14 September 2001, the European Union endorsed that “the isolation of the country is not in the best interest of the Belarus people and is not conducive to strengthening democratic development and pointed out that the development of its relations with Belarus is essentially dependent on respect for human rights and the progress of democracy in that country. In that context, the European Union welcomes the emergence in Belarus of a degree of pluralism and of a civil society which is aware of the challenges of democracy. The European Union regrets that the Belarus authorities have not seized the opportunity afforded by these presidential elections to engage their country fully on the path of democracy. The European Union hopes that Belarus will now choose to engage on the course of political liberalisation, respect for human rights and the introduction of the rule of law. The European Union will continue to support the transition to democracy and will hold consultations on the subject with all the political forces of Belarus which are prepared to work in the same direction. It supports the OSCE Advisory and Monitoring Group, which is in a position to contribute to that transition. It will continue to follow developments in Belarus closely⁹”.

In early 2002, the European Union attempted a step-by-step normalisation of relations with Belarus in response to improvements in the protection of democratic principles and rights known as the “benchmarks approach”¹⁰.

⁸ Z.J. Winnicki, “Ustrój polityczno-administracyjny Republiki Białorusi — zarys problematyki”, [in:] B.J. Albin, W. Bałuk (eds.), *Białoruś*, Wrocław 2004, p. 20; A. Stępień-Kuczyńska, M. Słowikowski, *Unia Europejska a państwa Europy Wschodniej*, Warszawa 2008, p. 142; E. Korostleva, “The Quality of Democracy in Belarus and Ukraine”, *Journal of Communist Studies and Transition Policy*, 2004, vol. 20, no 1.

⁹ <http://oide.sejm.gov.pl/oide/images/files/dokumenty/konkluzje/laeken200112.pdf> [1.03.2015].

¹⁰ European Neighbourhood and Partnership Instrument, “Belarus; Country Strategy Paper, 2007–2013 and National Indicative Programme 2007–2010”, www.ec.europa.eu/world/enp/pdf/strategy/strategy_paper_enp.pdf, p. 3 [8.03.2015]; A. Stępień-Kuczyńska, M. Słowikowski, op. cit., p. 144; A. Dumala, *Stosunki UE z Białorusią*, [in:] I. Topolski, *Białoruś w stosunkach międzynarodowych*.

The situation regarding human rights, fundamental freedoms and independent media continued to deteriorate between 2003 and 2005. Local elections of 2 March 2003 were considered flawed, a number of peaceful demonstrators were arrested and several NGOs were closed down allegedly for minor technical reasons, but as suggested by the circumstances, it was motivated by political aims. The European Parliament, in its Resolution of 11 February 2003, called for moving towards a future partnership with Belarus, expressed strong concern at the increasing “self isolation” of Belarus, and declared its support to the overall approach taken by the European Commission and the Council. The European Parliament also stressed the need for the European Union to develop a strategy within the Wider Europe/ European Neighbourhood Policy framework, to provide greater financial support to NGOs working to strengthen civil society and independent media, and to enhance cooperation in the field of Justice and Home Affairs¹¹. In November 2004 the Council noted its concern that the October 2004 parliamentary elections and referendum were not conducted in a free and fair manner. Due to dissatisfaction with these elections and the referendum, as well as the fact that Belarus had still not taken any action to investigate independently the disappearance of three opposition politicians and a journalist in 1999/2000 and because the NGOs and academic institutions continued to be harassed, the Council decided:

1) bilateral ministerial contacts between the European Union and its Member States with President Lukashenka and his government would be established solely through the Presidency, the European Commission and the Troika. Other contacts with President Lukashenka and the members of his government, including multi-lateral contacts would be limited to a minimum;

2) European Community and Member States’ assistance programmes would support the needs of the population and democratisation, notably through humanitarian, regional, and cross-border cooperation and through projects supporting directly and indirectly democratisation and democratic forces in Belarus;

3) the European Commission would continue and further intensify its efforts with regard to assistance to Belarus in order to meet the challenges arising from the self-isolation of Belarus;

4) the European Union would remain open to dialogue with Belarus on the gradual development of bilateral relations, as soon as the Belarus authorities demonstrate through concrete actions a sincere willingness to re-engage;

5) the European Union would introduce a visa ban against the officials directly responsible for the fraudulent elections and referendum and against those

wych, Lublin 2009, p. 281; B. Piskorska, *Wymiar wschodni polityki Unii Europejskiej*, Toruń 2008, p. 348.

¹¹ European Parliament resolution on relations between the European Union and Belarus: Towards a future partnership, Resolution 11.02.2003, 2002/2164 (INI); www.europarl.europa.eu [8.03.2015].

responsible for severe human rights violations in the repression of peaceful demonstrators;

6) the Council welcomed the European Commission's significant allocation for support for independent media in Belarus and its commitment to designate Belarus a priority country for the European Initiative for Democracy and Human Rights and Decentralised Cooperation Instruments in 2005–2006¹².

The Council also stressed the importance of a flexible use of existing instruments and of the European Neighbourhood Partnership Instrument serving as a more flexible source of funding for building and promoting democracy from 2007–2013 and also underlined the willingness of Member States and the institutions to promote shared democratic values between the people by intensifying people-to-people contacts and by strengthening good neighbourly relations across borders through student and scientific exchanges, scholarships, youth travel, contacts between small and medium-size enterprises and training local authority officials¹³.

The presidential elections held in March 2006 failed to meet the OSCE standards for democratic elections. This organization reported on the arbitrary use of state power and widespread detentions as a disregard for the basic rights of freedom of assembly, association and expression as well as problems with early voting, counting and tabulation processes. Registered OSCE and European Union observers, including members of the European Parliament, were refused admission. In view of these events, on 10 April 2006 the Council decided to adopt restrictive measures against President Lukashenka, the Belarusian leadership and officials personally responsible for the violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition. These measures took the form of a visa ban and an asset freeze. These sanctions were adopted by the Council on 24 September 2004 against four Belarusian officials identified as key actors in the disappearances of four Belarusian personalities¹⁴; and on 13 December 2004 against two officials responsible for the October 2004 fraudulent elections and referendum as well as severe human rights violations in the repression of peaceful demonstrators¹⁵. In

¹² Council of the European Union, General Affairs and External Relations, 2501st Council meeting — External Relations, Luxembourg, 14 April 2003, 8220/03 (Presse 105); www.europa.eu.int/uedocs/cms_data/docs/pressData/en/gena45419.pdf [10.03.2015].

¹³ Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, OJ 2006, L 310.

¹⁴ Council Common Position 2004/661/CFSP of 24 September 2004 concerning restrictive measures against certain officials of Belarus, OJ 2004 L 310/67, extended by Council Common Position 2005/666/CFSP of 20 September 2005, OJ 2005 L 247/40.

¹⁵ Council of the European Union, General Affairs and External Relations, 2622nd Council meeting — External Relations, Brussels, 22–23 November 2004, 14724/04 (Presse 325); www.europa.eu.int/uedocs/cms_data/docs/press_data/en/gena/82773.pdf [10.03.2015].

March 2007 the list of sanctions was rolled-over until April 2008. According to the Council Common Position, the list of individuals to be affected by the visa ban should be reviewed in light of the speedy release and rehabilitation of all political detainees, and in the light of reforms made to the Electoral Code to bring it in line with the OSCE commitments and other international standards for democratic elections as recommended by the OSCE/ODIHR, the conduct of future elections, and concrete actions by the authorities to respect democratic values, the rule of law, human rights, and fundamental freedoms, including the freedom of expression and of the media, and the freedom of assembly and political association. The European Union reaffirmed that it remained open to developing bilateral relations with Belarus, including in the context of the Partnership and Cooperation Agreement and the European Neighbourhood Policy, provided the Belarusian authorities take significant steps towards respect for human rights, the rule of law and democratic values and initiate democratic reforms.

On 21 November 2006, the European Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner launched a document setting out “What the European Union could bring to Belarus”, which contains concrete examples of how the people of Belarus could gain from a rapprochement between the European Union and Belarus within the framework of the European Neighbourhood Policy: easier travel by Belarusian citizens to EU countries; increased cross-border cooperation, allowing greater cooperation in economic development, environmental protection and border management; boosting Belarusian economy, supporting the development of small and medium enterprises and preparing Belarusian enterprises for further opportunities in the European market; improving the provision of healthcare and education and of support for the vulnerable in society; making Belarusian public administration and local government more efficient in order to provide the people of Belarus with better services; reform of the legal and judicial system; greater economic opportunities for Belarus and improved living conditions for its citizens through the development and modernisation of transport and energy networks; improvement of the quality of environment: water quality, waste treatment, continued support to deal with the aftermath of the Chernobyl disaster and participation in Europe-wide cooperation on environment, health, food safety standards, working conditions, aviation safety, judicial cooperation, etc. through participation in European programmes and agencies¹⁶.

The released political prisoners and some positive developments with respect to the operation of the independent media in Belarus, caused that the Council in 2008 opened up new possibilities for dialogue and more active cooperation between the European Union and Belarus. In particular, the Council decided to temporarily suspend travel restrictions earlier imposed on certain leading figures of

¹⁶ http://eeas.europa.eu/delegations/belarus/documents/eu_belarus/non_paper_1106.pdf [10.03.2015].

Belarus and encourage the intensification of technical cooperation initiated by the European Commission with Belarus in areas of mutual interest. At the same time, the European Union reiterated that its further decisions would be taken in the light of progress made by Belarus on the path towards democracy and human rights¹⁷. Council Conclusions from November 2009 reaffirmed the readiness of the European Union to deepen its relations with Belarus in light of further developments towards democracy, human rights and the rule of law. Subject to progress in these areas, the Council stands ready to take steps towards upgrading contractual relations with Belarus. In particular, the Council: welcomed the increased high-level European Union–Belarus political dialogue, the establishment of a Human Rights Dialogue; the intensified technical cooperation and the participation of Belarus in the Eastern Partnership; deeply regretted a lack of significant progress in addressing its concerns in the area of human rights and fundamental freedoms; regretted the imposition of death sentences in Belarus; extended until October 2010 the restrictive measures provided for by Common Position 2006/276 CFSP, as extended by Common Position 2009/314/CFSP. However, in order to encourage progress in the areas identified by the European Union, the Council decided at the same time to extend the suspension of the application of travel restrictions imposed on certain officials of Belarus, in accordance with the terms set out in Council Common Position 2009/314/CFSP, until October 2010; recalled the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009 and welcomed the constructive and active participation of Belarus in the Eastern Partnership; invited the European Commission to prepare recommendations in view of obtaining negotiating directives on visa facilitation and readmission agreements with Belarus; invited the European Commission to make a proposal for a joint interim plan to set priorities for reforms, inspired by the Action Plans developed in the framework of the European Neighbourhood Policy; decided to further intensify its cooperation with the Belarusian civil society, including in the framework of the Eastern Partnership, and finally decided to review the European Union policy towards Belarus in due time in the light of further developments towards democracy, human rights and the rule of law and respond accordingly¹⁸.

Due to the violations of electoral standards during the presidential elections of 19 December 2010; deterioration in the respect for human rights, the rule of law and democratic principles; repressive policy against the independent media and the political opposition the Foreign Affairs Council decided on 31 January 2011 to reinstate the restrictive measures against Belarus. Against the background of the deteriorated situation in this country the restrictive measures were strengthened at repeated occasions during the year. On 20 June 2011 the Foreign Affairs Council

¹⁷ Council Conclusions on establishing the EU–Belarus Human Rights Dialogue, 2936th Justice and Home Affairs Council meeting, Luxembourg, 6 April 2009, 8478/09 (Presse 83) www.consilium.europa.eu/int/uedocs/cms_data/docs/press_data/en/jha/107164.pdf [10.03.2015].

¹⁸ Ibid., pp. 3–4.

furthermore decided to impose an embargo on Belarus on arms and on materials that might be used for internal repression and to freeze the assets of three companies linked to the regime. In parallel, the European Union has strengthened its engagement with the Belarusian people and civil society through increased support to civil society and victims of repression, the offer to start negotiations on visa facilitation and readmission agreements and through a dialogue with Belarusian society on necessary reforms for the modernisation and on the related potential development of common relations, as well as possible support in this regard. Also, in February 2011 the Council approved negotiating mandates for the European Commission on visa facilitation and readmission agreements with Belarus to the benefit of the Belarusian citizens and the negotiations were launched in January 2014.

Currently, the relations between Parties are governed by the Conclusions of the Foreign Affairs Council of 15 October 2012¹⁹. According to which the European Union still “remains gravely concerned about the lack of respect for human rights, democracy and rule of law in Belarus; regrets that the Parliamentary elections of 23 September 2012, which took place against an overall background of repression, represented another missed opportunity for Belarus to hold elections in line with OSCE and international standards; reiterates its calls for the immediate release and rehabilitation of all remaining political prisoners; calls upon the Belarusian authorities to stop the harassment of civil society, the political opposition and the independent media; calls on Belarus to respect fully internationally recognised diplomatic privileges and immunities of EU Member States’ diplomatic representations and their personnel in Belarus, including to allow them to perform fully their functions; reiterates its firm commitment to strengthening the European Union’s engagement with the Belarusian people and civil society and reiterates the European Union’s readiness to launch negotiations for visa facilitation and readmission agreements which would enhance people-to-people contacts²⁰”.

3. EUROPEAN NEIGHBOURHOOD POLICY

“[...] The ENP is a partnership for reform that offers ‘more for more’: the more deeply a partner engages with the Union, the more fully the Union can respond, politically, economically and through financial and technical cooperation. As partnership develops, within the common ENP framework, the policy’s operation is becoming increasingly differentiated²¹”.

¹⁹ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132896.pdf [15.03.2015].

²⁰ Ibid., pp. 15–17.

²¹ Communication from the Commission, *A Strong European Neighbourhood Policy*, COM (2007) 774 final.

The European Commission launched the European Neighbourhood Policy in its Communication on Wider Europe of March 2003 and complemented it with a Communication of July 2003 which introduced the concept of Neighbourhood Programmes²². The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the new dividing lines between the enlarged EU and its neighbours and strengthening the prosperity, stability and security of all²³. It is based on the common European values of democracy, freedom, rule of law and respect for human rights²⁴. Within the ENP the European Union offers its neighbours a privileged relationship, building upon a mutual commitment to common values: democracy, respect for human rights, including minority rights, the rule of law, good governance, market economy principles and sustainable development. The ENP includes political association and deeper economic integration, increased mobility and more people-to-people contacts. The level of ambition of the relationship depends on the extent to which these values are shared. For the Eastern European partners, the priorities of cooperation are: reinforced cooperation on the economy, business, employment and social policy, trade and infrastructure; environment, nuclear safety and natural resources; justice and home affairs and people-to-people issues²⁵. The ENP remains distinct from the process of enlargement, although it does not prejudge, for European neighbours, how their relationship with the European Union may develop in future, because its aims

²² Communication from the Commission to the Council and the European Parliament „Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”, COM (2003) 104 final; B. Ferrero-Waldner, “The European Neighbourhood Policy: The EU’s Newest Foreign Policy Instrument”, *European Foreign Affairs Review*, 2006, no. 11, pp. 139–142; K. Pełczyńska-Nałęcz, “Polska polityka wschodnia a Europejska Polityka Sąsiedztwa”, *Międzynarodowy Przegląd Polityczny*, 2004, no. 3–4; A. Kołakowska, “Stanowisko Francji wobec europejskiej polityki sąsiedztwa”, *Biuletyn PISM*, 2004, no. 43.

²³ Communication from the Commission to the Council and the European Parliament, *European Neighbourhood Policy: Strategy Paper*, (ENP-Strategy Paper), COM (2004) 373 final.

²⁴ Ibid., pp. 12–13; K. Smith, A. Webber, “Political Dialogue and Security in the European Neighbourhood: The Virtues and Limits of ‘New Partnership perspectives’”, *European Foreign Affairs Review*, 2008, pp. 73–95; A. Dodini, M. Fantini, “The EU Neighbourhood Policy: Implications for Economic Growth and Stability”, *JCMS*, 2006, no. 44, pp. 29–55; K. Magen, “The Shadow of Enlargement: Can the European Neighbourhood Policy Achieve Compliance”, *Col.J.E.L.*, 2006, no. 12, pp. 383–427; N. Tocci, “Does the ENP Respond to the EU’s Post-Enlargement Challenges?”, *The International Spectator*, 2005, no. 1, p. 22.

²⁵ ENP-Strategy Paper, pp. 14–20; B. Lippert, “The Neighbourhood Policy of the European Union”, *Intereconomics*, 2007, vol. 42, no. 4, pp. 18–181; I. Kempe, “European Neighbourhood Policy: Introducing New Visions”, *International Issues & Slovak Foreign Policy Affairs*, 2008, vol. 17, no. 4, p. 3; G. Grabowska, “Dobre unijne sąsiedztwo”, *Integracja Europejska*, 2006, 02–02/67–68, p. 50; M. Comelli, E. Greco, N. Tocci, “From Boundary to Borderland: Transforming the Meaning of Borders through the European Neighbourhood Policy”, *European Foreign Affairs Review*, 2007, no. 12, pp. 208–211; M.E. Smith, M. Webber, “Political Dialogue and Security in the European Neighbourhood: The Virtues and Limits of ‘New Partnership Perspectives’”, *European Foreign Affairs Review*, 2008, no. 13, pp. 73–95.

are to promote good governance and social development in Europe's neighbours, through: closer political links; partial economic integration; support in meeting the European standards and assistance with economic and social reforms. Sixteen countries participate in the ENP: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the occupied Palestinian territory, Syria and Tunisia in the South, and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine in the East²⁶.

The ENP builds upon the legal agreements between the European Union and the partner country — Partnership and Cooperation Agreements or Association Agreements — and if there is no such legally binding agreement between Parties, a partner country cannot be covered by the ENP. However, a key element of the ENP is the bilateral Action Plan, mutually agreed between Parties which sets out an agenda for political and economic reforms with short- and medium-term priorities. Each country's Action Plan differs reflecting the priorities agreed on with the European Union, although all cover the following areas: political dialogue and reform; economic and social cooperation and development; trade related issues, market and regulatory reform; cooperation on justice, liberty and security; sectoral issues including transport, energy, information society, environment, research and development and human dimension covering people-to-people contacts, civil society, education, public health. In 2010–2011, the European Union reviewed the ENP and put a strong focus on the promotion of deep and sustainable democracy, accompanied by inclusive economic development²⁷. Deep and sustainable democracy includes, in particular, free and fair elections, freedom of expression, of assembly and of association, judicial independence, fight against corruption and democratic control over the armed forces. The European Union also stressed the role of civil society bringing about deep and sustainable democracy and introduced a “more for more” principle, under which the European Union will develop stronger partnerships with those neighbours that make more progress towards democratic reform²⁸.

Initially, Belarus welcomed the ENP concept and suggested specific areas for cooperation without, however, responding to the basic democratic requirements. Unfortunately, antidemocratic developments and human rights violations have made it impossible for the European Union–Belarus relations to develop further within the framework of the ENP. The European Union stands ready to develop relations with Belarus further, if Belarus demonstrates its commitment to democracy, respect for the rule of law, good governance and respect for human rights, including minority rights. That is why the European Commission soon after launching the ENP excluded Belarus from participating in this policy: „Belarus and the European Union will be able to develop contractual links when Belarus has established a democratic form of government, following free and fair elections.

²⁶ ENP-Strategy Paper, p. 7.

²⁷ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A New Response to a Changing Neighbourhood*, COM (2011) 303 final.

²⁸ *Ibid.*, pp. 2–3.

It will then be possible to extend the full benefits of the European Neighbourhood Policy to Belarus. Meanwhile the European Union will consider ways of strengthening support to civil society²⁹”.

4. EASTERN PARTNERSHIP

“[...] the Eastern Partnership founded on mutual interests and commitments as well as on shared ownership, responsibility, differentiation and mutual accountability. The Partnership is based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to market economy, sustainable development and good governance. All countries participating in the Eastern Partnership are committed to these values and principles of international law through the relevant international instruments and any EU Member State is also committed to them through the Treaty of the European Union³⁰”.

The Eastern Partnership (EaP) is the multilateral framework for cooperation between the European Union and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine which was launched at the Prague summit in May 2009, with the aim of strengthening multilateral relations between the European Union and its Eastern neighbours³¹. The EaP represents the specific eastern dimension of the European Neighbourhood Policy. This new initiative is based on common interests and shared values: the rule of law and good governance, respect for human rights and basic freedoms and market economy and sustainable development. It is a joint initiative whose aim is to bring these six partner countries closer to the European Union by offering them deeper cooperation within two tracks: bilateral and multilateral. The bilateral dimension aims at fostering closer bilateral relations between the European Union and each partner country through: establishing deep and comprehensive free trade areas and gradual integration in the European Union economy; intensifying cooperation on justice, freedom and security; strengthening the energy security and supporting economic and social development. The EaP multilateral dimension provides a forum for the exchange of ideas and cooperation through four thematic platforms: 1) democracy, good governance and stability; 2) economic integration and convergence with European Union sector policies; 3) energy security and 4) people-to-people contacts. Belarus participates only in the multilateral dimension of the EaP with regional projects mainly in the areas of: cross border cooperation, environment, and education: Eastern Partnership Territorial Cooperation Support

²⁹ ENP-Strategy Paper, p. 4.

³⁰ Joint Declaration on the Eastern Partnership Summit, Vilnius, 28–29 November 2013, *Eastern Partnership: The Way Ahead*, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/139765.pdf [22.03.2015].

³¹ Communication from the Commission to the European Parliament, the Council, *Eastern Partnership*, COM (2008) 823.

Programme; Eastern Partnership Integrated Border Management Flagship Surveillance Capacity project and Eastern Partnership Integrated Border Management Flagship Customs Project³².

On 29 March 2012 the Commissioner for the Enlargement and European Neighbourhood Policy launched a European Dialogue on Modernisation with Belarusian society³³ with the aim of exchanging the views and ideas between the European Union and representatives of the Belarusian civil society and political opposition on necessary reforms for the modernisation of Belarus but also possible support in this matter. Its main objectives are:

1. to develop a clearer understanding by the European Union and by the Belarusian opposition and Civil Society of the vision of a modern and democratic Belarus, and of the necessary reforms to achieve the modernization of Belarus;
2. to clarify the related potential development of relations with the European Union, based on the European Neighbourhood Policy and the Eastern Partnership, as well as possible EU support in this regard;
3. to obtain practical knowledge from EU Member States' experiences as regards transition processes³⁴.

4.1. TRADE RELATIONS

Although trade between the Parties has grown in recent few years, the European Union has suspended moves towards closer economic partnership with Belarus until its government is able to show a greater commitment to democracy and political and civil rights. In response to the deterioration of internal political situation, the European Union has not ratified the bilateral PCA concluded with Belarus in 1995. Therefore bilateral trade and economic relations remain covered by the Trade and Cooperation Agreement (TCA) concluded by the European Community with the then Soviet Union in 1989 and subsequently endorsed by Belarus³⁵. The main aims of the TCA are: to facilitate and promote the harmonious development and diversification of trade and the development of various types of commercial and economic cooperation³⁶. Article 3 provides the most favoured nation treatment in respect of: customs duties and charges applied to imports and exports; taxes and other internal charges of any kind applied directly or indirectly to imported goods; methods of payment

³² Ibid., pp. 11–12.

³³ http://eeas.europa.eu/delegations/belarus/press_corner/all_news/news/2012/european_dialogue_modernisation_en.htm [22.03.2015].

³⁴ Štefan Füle, European Commissioner for Enlargement and Neighbourhood Policy, *EU policy towards Belarus*, European Parliament Plenary Paleckis report “EU policy towards Belarus”, in Strasbourg, 11 September 2013, http://europa.eu/rapid/press-release_SPEECH-13-690_en.htm [25.02.2015].

³⁵ *Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation*, OJ 1990 L 68/2.

³⁶ Ibid., Art. 1.

and transfer of such payments and provisions relating to customs tolerance, transit, warehouse and transshipment. The TCA does not contain any provisions on regulatory approximation to the trade related areas. In response to a systematic and serious violation of the main principles of the International Labour Organisation, of which Belarus is a member, the European Commission recommended that trade preferences to Belarus under the Generalised System of Preferences should be withdrawn and the Member States approved this proposal in December 2006. The removal of the trade preferences will not halt Belarus' exports to the European Union — it will simply return Belarus' import tariffs to the standard non-preferential rate. The European Union does not apply any trade sanctions against Belarus, but the country is subject to one of the tightest bilateral textile trade regimes among the European Union trade partners. The European Community–Belarus bilateral textile agreement setting quotas on Belarus' textiles exports to the common European Union market has been in place since 1993 and has been renewed on several occasions (in 1995, 1999, 2003, 2004, 2005, 2006 and 2007) and is currently applicable until the end of 2016³⁷.

The European Union–Belarus bilateral trade in goods has been growing steadily in the last five years and the European Union is Belarus' second main trade partner with almost 1/3 share in its overall trade (after Russia — almost 60% of Belarus' total trade). In 2013, trade between Parties reached the amount of 12,036 million EUR and in comparison with other Eastern European countries it is not significant. That is why Belarus occupies the 43rd place among the European Union trade partners. The European Union exports mainly machinery (36.6%), transport equipment (17.5%) and chemicals (14.8%) to Belarus and imports fuels and mining products (56%), iron and steel (10.5%), chemicals (11.2%) and other semi-manufactures (6.4%)³⁸.

European Union trade with Belarus (million EUR)³⁹

Period	Imports	Share of Total EU Imports [%]	Exports	Share of Total EU Exports [%]	Balance	Trade
2007	4,381	0.3	4,837	0.4	456	9,217
2008	4,661	0.3	6,371	0.5	1,711	11,032
2009	2,585	0.2	4,982	0.5	2,397	7,567
2010	2,635	0.2	6,620	0.5	3,985	9,255
2011	4,219	0.3	7,218	0.5	2,999	11,437
2012	4,542	0.3	7,839	0.5	3,297	12,382
2013	3,418	0.2	8,619	0.5	5,201	12,036
2014	3,429	0.2	7,464	0.4	4,035	10,893

³⁷ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/belarus/> [23.10.2015].

³⁸ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113351.pdf [28.03.2015].

³⁹ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113351.pdf, p. 4 [23.10.2015].

Belarus trade with the European Union (million EUR)⁴⁰

Period	Imports	Share of Total EU Imports [%]	Exports	Share of Total EU Exports [%]	Balance	Trade
2007	4,543	21.9	7,746	43.9	3,203	12,289
2008	5,852	22	9,583	43.5	3,731	15,435
2009	4,689	23	6,628	43.8	1,939	11,316
2010	5,712	22	5,722	30.1	10	11,434
2011	6,247	18.9	11,263	37.3	5,016	17,510
2012	7,245	20	13,655	37.8	6,411	20,900
2013	8,060	24.4	8,050	28.2	-10	16,109

Over the past decade — from 2001 to 2013 — trade between Parties increased tenfold to reach 20,900 million EUR in 2012. Belarusian export to the European Union practically doubled against the 2010 figures and amounted to 13,655 million EUR in 2012. At the same time import from the European Union grew by 15 per cent to 7,245 million EUR. The overall Belarus–European Union trade surplus rose to 6,411 million EUR in 2013. Belarus’ exports to the European Union are dominated by mineral fuels (65.7%), while other product categories form each a much lower share, namely chemicals (8.2%), agricultural products (3.5%), machinery (2.6%) and textiles (2.4%). The main trade partners in the European Union are the Netherlands, Latvia, Germany, Poland, Lithuania, Italy, Great Britain, Belgium, Czech Republic and France.

5. FINANCIAL ASSISTANCE

In line with GAREC conclusions, financial and technical assistance is directed toward supporting democracy, human rights, civil society; supporting social and democratic development; border and migration management; fight against transnational organised crime, corruption, customs, sectoral issues (energy, environment, transport, statistics or financial sector) and people-to-people contacts. Until 2007, TACIS Programme was the main European Union instrument for providing technical assistance to Belarus. Between 1991 and 2004 a total of 221 million EUR was provided to Belarus and in 2005–2006, 8 million EUR was committed through this instrument⁴¹. The European Neighbourhood Policy Instrument (ENPI) was a new financial instrument for the European Union’s eastern and southern neighbours, entered into force in early 2007, replacing the

⁴⁰ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113351.pdf, p. 9 [28.03.2015].

⁴¹ http://eeas.europa.eu/enp/pdf/pdf/country/enpi_csp_nip_belarus_en.pdf, p. 15 [29.03.2015].

TACIS Programme. The ENPI has been endowed with 14.9 billion EUR for 2007–2013⁴².

Financial assistance for Belarus was granted under the Country Strategy Paper 2007–2013 and the National Indicative Programme 2012–2013⁴³. The principal objectives of the European Union cooperation with Belarus for the period 2007–2013 were: strengthening democracy, respect for human rights and the development of civil society. An additional objective was to support social and economic development, sectoral development and people-to-people contacts. Below are presented initiative allocations for the National Indicative Programme for the Belarus for each priority from 2012 to 2013⁴⁴:

Priority areas	million EUR
Priority area 1: Good governance and people-to-people contacts	20.75
Priority area 2: Economic modernisation	20.75
Total Indicative ENPI allocations	41.50
Eastern Partnership	
Comprehensive Institution Building Programme	4.81
Pilot Regional Development Programme	10.38
Total Eastern Partnership	15.19
Total ENPI and Eastern Partnership	56.69

Under the National Indicative Programme 2012–2013, Belarus could benefit from 56.69 million EUR from the ENPI. This amount included 4.81 million EUR earmarked for the Comprehensive Institution Building Programme and 10.38 million EUR earmarked for the Pilot Regional Development Programme⁴⁵. Assistance for Belarus granted under the National Indicative Programme 2012–2013 focused on two priority areas⁴⁶:

1) Good governance and people-to-people contacts. Financial assistance within this area is focused on two sub-priority areas: good governance standards (whose specific objectives are: to strengthen capacity building, promote good governance standards; to boost administrative capacity for design and implementation of reforms and to encourage a participatory approach, with dialogue between the authorities and civil society actors) and people-to-people contacts (through intensified university cooperation, youth exchange and cultural cooperation);

2) Economic modernisation. Financial assistance within this area is also focused on two sub-priority areas: market economic development (the EU supported

⁴² http://eeas.europa.eu/enp/pdf/pdf/oj_l310_en.pdf, p. 13 [1.04.2015].

⁴³ http://eeas.europa.eu/enp/pdf/pdf/country/2011_enpi_nip_belarus_en.pdf [1.04.2015].

⁴⁴ Ibid., p. 5.

⁴⁵ Ibid., p. 12.

⁴⁶ Ibid., pp. 13–17.

sustainable modernisation of the Belarusian market economy so that it can face European and global competition with the aim to boost the economic growth and job creation in the country. The objective is to facilitate privatisation and reform of the financial and banking sector and regulatory convergence and legislative approximation and local and regional development (the EU supported local and regional strategies addressing the needs of local communities and regional centres of growth to promote job creation, boost incomes and improve access to social benefits and public services).

Currently, financial assistance for Belarus is granted under the Multiannual Indicative Programme 2014–2017 which focuses on the three main sectors: 1) human development, improvement of the living standard, social development and assistance; 2) sustainable economic growth through innovation, international co-operation, investment, resources and energy efficiency; 3) environment protection, ecological sustainability, rehabilitation of Chernobyl affected areas⁴⁷. The indicative allocation for 2014–2020 ranges from 129 million EUR to 158 million EUR but the final allocations will depend on the country's needs and commitment to reforms. The indicative breakdown by sector is presented below⁴⁸.

Indicative allocation 2014–2020	129–158 million EUR
Indicative allocation 2014–2017	71–89 million EUR
Priority area 1: Social inclusion	30% of total
Priority area 2: Environment	25% of total
Priority area 3: Local/Regional Economic development	25% of total
Complementary support measures to Civil Society	10% of total
Complementary support of capacity development	10% of total

Assistance for Belarus granted under the Multiannual Indicative Programme 2014–2017 is focused on three priority areas⁴⁹:

1) Social inclusion. The overall objective is to enhance the social inclusion of vulnerable groups in Belarus through promoting equal opportunities in access to education, jobs and healthcare;

2) Environment. The overall objective is to support environmental national efforts at policy, legislative, institutional and operational levels. Specific objectives are: (I) preservation and sustainability of biologic diversity; (II) support of effective waste management, with a special focus on air emissions, water waste and hazardous waste and support of green economy initiatives; (III) raising public awareness on different environmental issues; (IV) to increase the participation of

⁴⁷ http://eeas.europa.eu/enp/pdf/financing-the-enp/belarus_2014_2017_programming_document_en.pdf, p. 16 [2.04.2015].

⁴⁸ Ibid., p. 18.

⁴⁹ Ibid., pp. 19–23.

civil society organisations as implementers and monitors of environmental activities;

3) Local/Regional economic development. The overall objective is to contribute to sustainable social and economic development of Belarus. Specific objectives are: (I) to contribute to sustainable development at the regional and local level, by supporting private initiative, innovative entrepreneurship, local governance to promote sustainable regional and local growth and equitable welfare, and civil society involvement in local and regional development; (II) to increase the role of private business and ensure fair competition, including through intensive human capital development, dedicated trainings and life-long learning; (III) to promote small and medium enterprises as core engine of local and regional inclusive growth.

6. CONCLUSION

The diplomatic relations between the European Union and Republic of Belarus were established in August 1992 but since the establishment of the authoritarian regime by President Lukashenka in 1996 mutual political relations have been constantly deteriorating. Negotiations with Belarus on the Partnership and Cooperation Agreement were completed in 1995 but the ratification process of it stopped in 1997. The legal foundations of the bilateral European Union–Belarus cooperation are covered by the Trade and Cooperation Agreement signed in 1989 and by the Agreement on Trade in Textile Products signed in 1993. Nowadays, the European Union–Belarus relations are governed by the Council Conclusions stating that contacts “will be established solely through the Presidency, the European Commission and the Troika” and that the European Union’s assistance programmes will support only the needs of the population and democratisation, notably through humanitarian, regional, cross-border cooperation and through projects supporting directly or indirectly democratisation and democratic forces in Belarus. The Commission Communication *Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours* of 11 March 2003, stressed that “The EU faces a choice in Belarus: either to leave things to drift — a policy for which the people of Belarus may pay dear and one which prevents the EU from pursuing increased cooperation on issues of mutual interest — or to engage, and risk sending a signal of support for policies which do not conform to EU values”. Although the European Neighbourhood Policy covers Belarus, no Action Plan is currently foreseen for this country. Instead, the European Commission elaborated the Strategy Paper and Multiannual Indicative Programme for the European Union support to Belarus (2014–2017) on the unilateral basis which provides financial and technical assistance under the European Neighbourhood Instrument. However, despite difficult political relations, Belarus is very interested

in keeping, enhancing and deepening its cooperation with the European Union. There is no established political dialogue with Belarus, nevertheless there are bilateral sector dialogues in the fields of economy, energy, environment and transport between the European Commission and the Government of Belarus.

Belarus is only involved in the multilateral dimension of the Eastern Partnership and participates in several regional projects. The major areas of cooperation are border management, environment, energy and transport. Higher education is another major area of regional cooperation between the European Union and Belarus through the programmes such as Tempus and Erasmus Mundus.

WSPÓŁPRACA UNII EUROPEJSKIEJ I BIAŁORUSI W RAMACH EUROPEJSKIEJ POLITYKI SĄSIEDZTWA I PARTNERSTWA WSCHODNIEGO

Streszczenie

W dniu 12 maja 2004 r. Komisja Europejska przyjęła komunikat zatytułowany *Europejska Polityka Sąsiedztwa — dokument strategiczny*, na podstawie którego utworzona została nowa zewnętrzna polityka Unii Europejskiej, skierowana do państw sąsiedzkich Europy Wschodniej, Kaukazu Południowego i basenu Morza Śródziemnego. Zgodnie z jego postanowieniami celem Europejskiej Polityki Sąsiedztwa (EPS) jest „dzielenie się korzyściami wynikającymi z rozszerzenia UE w 2004 r. we wzmacnianiu stabilności, bezpieczeństwa i dobrobytu wszystkich zainteresowanych. EPS została pomyślana tak, żeby zapobiegać powstawaniu nowych linii podziału między poszerzoną UE i jej sąsiadami oraz aby zaoferować nowym sąsiadom szansę udziału w różnych działaniach UE, poprzez większą współpracę polityczną, gospodarczą, kulturalną i w dziedzinie bezpieczeństwa”. Z postanowień strategii wynika zatem, że nadrzędnym celem nowej polityki sąsiedzkiej jest zainicjowanie długookresowych i pozytywnych przemian politycznych, gospodarczych i społecznych w krajach partnerskich, opartych na wzajemnym przestrzeganiu wspólnych wartości: demokracji, państwa prawa, przestrzegania praw człowieka, w tym praw mniejszości, wspierania zasad dobrosąsiedzkich, stabilizacji i bezpieczeństwa, zasad gospodarki wolnorynkowej i trwałego wzrostu. Jeśli wziąć pod uwagę ustanowione zasady współpracy z państwami sąsiedzkimi z jednej strony i ustrój polityczny Białorusi z drugiej, nie dziwi fakt, iż państwo to nie w pełni uczestniczy we współpracy z UE w ramach EPS. Dopiero po przeprowadzeniu podstawowych reform politycznych i gospodarczych Białoruś będzie miała możliwość pełnego w niej uczestnictwa. Niemniej jednak, za pośrednictwem EPS, UE wspiera na Białorusi społeczeństwo obywatelskie, proces demokratyzacji, niezależne media, udziela pomocy humanitarnej oraz realizuje programy współpracy regionalnej. Obecnie Białoruś uczestniczy w trzech takich programach: Programie Morza Bałtyckiego, oraz dwóch programach realizowanych na granicach lądowych.