



Authoritarian consolidation in Belarus: What role for the EU?

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Abstract

The aim of this article is to review the EU's relations with Belarus over recent decades; to examine the patterns, opportunities and limitations of the EU's policies vis-à-vis the authoritarian regime; and to evaluate the effectiveness of the EU's responses to the brutal crackdown on civil society and political opposition following the flawed presidential elections in August 2020. It is argued that, despite its careful balancing act between principled approach and pragmatic engagement, the EU's perception of the Belarusian regime has been overly optimistic and often influenced by the appeal of short-term geopolitical and economic gains. How should the EU deal with a consolidating and increasingly ruthless dictatorship at the heart of Europe? By way of conclusion, the article maps a number of 'lessons learned' and suggestions for future EU policy towards Belarus.

Keywords

Belarus, EU, Sanctions, Human rights, Readmission agreement, Eastern Partnership

Introduction

A totalitarian power is mainly busy in keeping itself alive.
(Svetlana Alexievich, quoted in *Donadio* 2016)

Belarus has experienced months of protests and civic action against the state, sparked by blatant election fraud and severe violence by government forces. The brazen breach of democratic norms in a country positioned between the EU and the Russian Federation has outraged the West. As a result, in recent months the years of Belarusian reconciliation with the West following the annexation of Crimea in 2014 have been reversed.

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The aim of this article is to review the EU's relations with Belarus over recent decades; to examine the patterns, opportunities and limitations of the EU's policies vis-à-vis the authoritarian regime; and to evaluate the effectiveness of the EU's responses to the brutal crackdown on civil society and political opposition following the flawed presidential elections in August 2020. It is argued that, despite its careful balancing act between principled approach and pragmatic engagement, the EU's perception of the Belarusian regime has been overly optimistic and often influenced by the appeal of short-term geopolitical and economic gains. This has resulted in restrictive measures being lifted too soon and too much credit being given to the regime's spurious reassurances that it would improve the country's human rights record. Lukashenka's objective has always been to remain in power, leveraging rapprochement with the EU to obtain economic concessions from Russia, while only paying lip service to improving human rights and democracy in order to maintain authoritarian rule domestically.

EU–Belarus relations: the disengagement–rapprochement cycle

The EU's ties with the Republic of Belarus have always been limited. In 1996–7, bilateral ties came to a halt owing to major setbacks in Belarus's democratic growth and protection of human rights. It was not until 2008 that the first attempt at normalising relations between the EU and Belarus was made. Following the release of political prisoners, the EU lifted sanctions on nearly all Belarusian authorities, and the country was allowed to join the Eastern Partnership programme. At the time, leading human rights experts found little evidence of improvements in human rights and democracy, which prompted several commentators to claim that the EU's engagement with Belarus was not motivated by human rights concerns (see, e.g. Bosse 2012). Rather, the motivation was the desire for closer ties with Belarus to 'reward' Lukashenka for his unwillingness to recognise the breakaway Georgian provinces of Abkhazia and South Ossetia during the 2008 Russo-Georgian war (Vieira 2014). With the harsh crackdown on opposition protesters during the presidential elections in December 2010, this brief period of normalisation came to an end. Following the start of the Ukraine crisis in 2014, efforts to normalise EU–Belarus ties were resumed. Minsk's largely impartial stance towards Ukraine, as well as its support for the country's territorial integrity, acted as the catalyst. By early 2015, the majority of the EU member states had agreed that the sanctions on Belarus should be removed after all of Belarus's remaining political prisoners had been freed and rehabilitated. Soon after, at the end of October 2015, the Council suspended nearly all restrictive measures against Belarus, before removing them entirely in February 2016. However, just as during the previous rapprochement in 2008, there was little concrete evidence that the human rights situation in Belarus had improved (Bosse and Vieira 2018). It then worsened significantly when opposition protests were crushed in the aftermath of the 2016 parliamentary elections and again when protests erupted in February and March of 2017 in response to the so-called parasite law (Presidential Decree no. 3).

Yet despite the deterioration of the human rights situation in the country, the EU continued its rapprochement with Belarus. More specialised bilateral dialogues, such as the

EU–Belarus Coordination Group, were launched in 2016 and continued, despite human rights activists urging the European External Action Service to postpone meetings (*Eastern Partnership Civil Society Forum* 2017). Since 2015 the EU and Belarus had also been engaged in the implementation of an informal roadmap of ‘measures to deepen the EU’s policy of critical engagement with Belarus’ (Political and Security Committee 2015), including the conclusion of a Mobility Partnership and negotiations on a Visa Facilitation and Readmission Agreement. These developments have been viewed very sceptically by Belarusian civil society and human rights organisations (Bosse 2017, 293–4). Mobility Partnerships prioritise cooperation on border control and illegal migration, and the Readmission Agreements that have been concluded with authoritarian countries have been very controversial, especially in view of the human rights violations committed by border guards and the police (Amnesty International 2017).

Presidential elections in August 2020 and the brutal crackdown on protesters

Hundreds of thousands of people have taken to the streets in Belarus to protest Alexander Lukashenka’s dictatorship since the presidential elections in August 2020. In response, the Belarusian regime has launched the most violent crackdown on human rights in the country’s post-independence history. Opposition candidates and their associates have been detained or forcibly exiled, Belarusian security forces have used excessive and indiscriminate force against protesters, thousands of peaceful protesters have been arrested, and authorities have systematically used torture and other ill-treatment against those detained. At least three peaceful protestors have died as a result of the use of force by the police (*Amnesty International* 2021a). Dozens of human rights groups and other civil society organisations have been closed arbitrarily, and many of their employees have been imprisoned as suspects in fabricated criminal cases or pushed into exile.

Two days after the flawed presidential elections in Belarus on 9 August, the EU’s High Representative for Foreign Affairs and Security Policy declared that the election had been ‘neither free nor fair’, deploring the ‘disproportionate and unacceptable violence’ (Council of the EU 2020a, 1). Throughout the month of August, however, the EU struggled to agree on sanctions against Belarus. Negotiations were blocked by Cyprus, which threatened to veto sanctions against Belarus to pressure the EU into imposing sanctions on Turkey over its gas drilling activities in the eastern Mediterranean. It took until 2 October for the EU to impose the first restrictive measures against Belarus, in the form of travel bans and asset freezes for individuals identified as responsible for the repression and intimidation of peaceful protesters, opposition members and journalists (Council of the EU 2020b, 2). On 12 October, the Council scaled down bilateral cooperation, financial assistance was recalibrated away from the Belarusian authorities, and the European Investment Bank and European Bank for Reconstruction and Development reviewed their operations in Belarus (Council of the EU 2020b, 4). Following the forced landing of a Ryanair flight in Minsk on 23 May 2021, and the detention by the Belarusian authorities of journalist Raman Pratasevich and his partner Sofia Sapega, the Council introduced targeted economic sanctions in June, including, *inter alia*, restrictions on

trade in petroleum products and potassium chloride (potash), restrictions on access to EU capital markets, and a stop on all European Investment Bank disbursements and payments (Council of the EU 2021).

Effect of the EU's restrictive measures and sanctions: a mixed picture

Over recent decades, the effects of the EU's restrictive measures on Belarus have been ambiguous. On the one hand, the measures have made little difference to the authoritarian regime of Lukashenka, which has shown itself resilient to visa restrictions and the freezing of assets directed at top political officials and economic elites. Yet a qualitative difference can be observed in the manner in which the EU has imposed sanctions over the years. While many of the 'first generation' of restrictive measures against Belarusian business people and their companies have been annulled by the General Court of the EU (Lester and O'Kane 2021), the most recent restrictive measures have been designed more carefully in order to withstand potential legal challenges in court. The direct effects of the restrictive measures on the economic and financial activities of Belarusian companies linked to or close to the Lukashenka regime have been mixed as well. Several of the sectors targeted, such as armaments companies, are mainly oriented towards the Russian market, and also export to Asian and African markets, and therefore have not been particularly affected. However, some companies, including the Serbian Dana Holding, which fed into private presidential funds, are said to have started to withdraw from Belarus; several business people about to be targeted by sanctions have transferred their stakes in companies to relatives or close collaborators; and some of the sanctioned companies have reported problems with the supply of components from Western business partners (Kłysiński 2021).

With regard to the effects of the targeted economic sanctions, the picture is also mixed. The EU's ban on potash imports from and transiting through Belarus will have a rather limited impact on the exports of Belaruskali (the Belarusian potash company), because its main export product—potash with 60% potassium content—is not on the EU's list of sanctioned items (*Reuters* 2021b). As a result, only 20% of the potash exported via Lithuania is affected by the sanctions, and it is likely that Belarus will compensate for these losses by exporting the sanctioned product via ports in Russia and Ukraine to buyers outside the EU. According to diplomats, the EU took the deliberate decision to limit the impact of economic sanctions in response to worries expressed by the EU's agricultural lobby and to 'keep space for further pressure on Belarus' (*Reuters* 2021b). Overall, the impact of the EU's sanctions will remain limited considering that Belaruskali ships the bulk of its products to China, India and Brazil, with exports to the EU amounting to just 8% of Belarus's \$2.4 billion potash export revenue last year (Nardelli et al. 2021).

Restrictions on the export of petroleum products, and in particular the ban on new contracts for the import or transfer of Belarusian petroleum products, including fuels from third countries exported from Belarus, are likely to have the most significant impact. In 2020 Belarus exported \$1.8 billion worth of petroleum products into the EU

and the UK, representing 50% of Belarus's total exports of petroleum products (Dobrinsky 2021). In response, action has already been taken by the Lukashenka regime to circumvent the sanctions against its oil industry, including changing the shareholder structure of the targeted companies and founding new companies to replace earlier ones (Kubiak 2021).

In terms of financial sanctions, Belarus had already been effectively cut off from foreign financial markets following the oppressive measures enacted in the aftermath of the 2020 presidential elections. However, while the financial sanctions ban EU entities from creating new Belarusian state debt, they do not target the state-owned Bank of Belarus, thus allowing EU investors to continue to buy bonds from the bank and EU banks to lend it money (*Reuters* 2021a). Moreover, the Belarusian regime can continue to rely on strong financial support from Russia, including a new \$1 billion credit line agreed last year.

EU support for civil society and its effects

Support for civil society in Belarus has always featured prominently in the EU's discourse. In practice, a large portion of the EU's bilateral funding went to government institutions as direct budgetary support. The involvement of civil society in financial assistance programmes, such as the European Neighbourhood and Partnership Instrument and its successor, the European Neighbourhood Instrument (ENI), was very limited. In accordance with EU auditing rules, only registered entities and organisations could participate in projects, greatly limiting the access to funds of independent civil society organisations in Belarus as these were often denied formal registration. The main direct sources of funding for Belarusian civil society were the European Instrument for Democracy and Human Rights and the European Endowment for Democracy. Between 2012 and 2016 the former made commitments to beneficiaries based in Belarus that amounted to just over €660,000, and additional funds were also available to Belarusian human rights activists through the latter (Bosse and Vieira 2018, 28–9). Thus the importance of EU financial support for civil society in Belarus has by and large been symbolic. Yet at the same time the EU has helped to open up new opportunities for networking and joint projects (e.g. through the Eastern Partnership Civil Society Forum) and EU officials have also pushed the regime to be more open to dialogue with civil society. Following the brutal crackdown on civil society since the summer of 2020, however, most independent civil society organisations have been closed down, and activists and experts have been either detained or forced into exile (*Amnesty International* 2021b). In December 2020, the Commission adopted a €24 million assistance package, EU4Belarus, to complement the emergency support (€3.7 million) that the EU had previously mobilised for the victims of oppression and the independent media (European Commission 2020). It remains unclear how the EU will disburse funds to 'local civil society organisations and human rights activists' and promote 'civic empowerment in the country' (European Commission 2020) in the current, highly repressive climate in Belarus. The support is therefore most likely to benefit individuals who have been forced into exile.

What role for the EU? Lessons learned and prospects

Over the past two decades, the EU's policies vis-à-vis Belarus have largely been reactive, engaging with the Lukashenka regime when human rights violations had seemingly decreased, and resorting to varying levels of restrictive measures when the regime had (again) brutally cracked down on peaceful protests, often around the time of fraudulent parliamentary and presidential elections. A broader, long-term strategy for the EU's policy towards Belarus has never existed, except that support for independent civil society has always featured prominently in the EU's official rhetoric. A critical limitation of EU policy vis-à-vis Belarus is its lack of geopolitical and economic leverage over the regime, as Russia 'remains the only game in town in Belarus' (Preiherman 2021). However, it is unclear whether building up more serious economic and political relations with the authoritarian regime, allowing it to 'diversify its foreign economic relations and to lessen economic dependence on Russia' (Preiherman 2021), would have had the desired effect of making Minsk more dependent on the EU. As was clearly observable in the aftermath of the August 2020 presidential elections, Lukashenka makes no compromises when securing his rule domestically, regardless of how much bloodshed it takes. And falling back on Russia would always have been an option available to Lukashenka. But the EU could have avoided certain mistakes, which have been based partly on the appeal of short-term geopolitical and economic gains and partly on illusions or misconceptions about the nature of the Lukashenka regime.

First, the EU has twice lifted sanctions against the regime despite little evidence that the human rights situation had improved in Belarus. On both occasions, the EU exchanged the achievement of geopolitical goals (Belarus's non-recognition of Abkhazia and South Ossetia in 2008 and its impartial stance on Ukraine in 2014) for the release of political prisoners. This allowed the Lukashenka regime not only to overplay its geopolitical significance to the EU (Bosse et al. 2021, 20–3) but also to turn political prisoners into a valuable bargaining chip in negotiations with the Union. In the future, the EU should prioritise progress in human rights and democracy in Belarus over short-term (and partly misconceived) geopolitical gains.

Second, the EU has always allowed lobbying efforts to water down the reach of its restrictive measures. Certain business people and sectors have been spared sanctions because lobbies within the EU have managed to influence member state decisions. The recent example of the EU agricultural lobby preventing meaningful sanctions against Belarus's potash exports is an illustrative case at hand. Moreover, EU companies such as Telekom Austria and Raiffeisenbank continue to operate lucrative branches in Belarus. The former was actively involved in providing mobile phone data from opposition activists to the Belarusian security services and blocking access to Internet web-pages, while the latter blocked the bank accounts of hundreds of people involved in the protests (*Der Spiegel* 2021). Neither EU company is on the sanctions list, even though both are clearly violating the UN Guiding Principles on Business and Human Rights. In the future, the EU should be more consistent in the application of restrictive

measures, and resist lobbying efforts which undermine the EU's credibility and the effectiveness of sanctions.

Third, EU financial assistance should be distributed more evenly and be made more accessible to benefit local civil society organisations. Since 2007 by far the greatest part of EU funds has been disbursed to Belarusian public bodies. The cumbersome application processes for European Neighbourhood and Partnership Instrument and ENI funding were inaccessible for independent civil society organisations, especially those that lacked official registration in Belarus. The new Neighbourhood, Development and International Cooperation Instrument (NDICI) will include thematic programmes for 'Human Rights and Democracy' and 'Civil Society Organisations', and will operate independent of the consent of the governments and public authorities of the third countries concerned (European Parliament and Council 2021). It remains to be seen how the geographic and thematic programmes will work in tandem to support human rights and democracy, and what funds will be allocated to the eastern neighbourhood, especially given the global scope of the NDICI and the reduction of its budget by the Council from an initial €118.2 billion to €79.5 billion (European Commission 2021).

Fourth, the EU should avoid financing the repressive security apparatus of the Lukashenka regime and give up the illusion that the authoritarian regime will comply with international human rights standards. Over recent decades, the EU has invested heavily in border-management projects in Belarus, allocating more than €80 million since 2001 for border assistance, including high-tech communication equipment for Belarusian border guards. The provision of this equipment led to a major public scandal in 2013, in which the EU was accused of directly supporting the last dictatorship in Europe (*Telegraph* 2013). In July 2016 the European Commission announced in its Annual Action Programme for Belarus that it would provide €7 million from the ENI for the construction and/or renovation of several temporary migrant accommodation centres. The project started in October 2018. Soon after, investigative research group Danwatch exposed the 'inhumane treatment of migrants by the Belarusian border authorities', including 'pushbacks of Chechen refugees to Russia and extremely violent treatment of perceived irregular migrants by armed border guards' (Akkerman 2021, 28). In the future, and especially with regard to the new Readmission Agreement concluded with Belarus, the EU should be more careful in its selection of beneficiaries and very closely monitor the use of its assistance funds in Belarus. The EU should be under no illusions; the regime of Lukashenka is adamant about further consolidating authoritarianism in order to stay in power.

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