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**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -**

NOTE

SITUATION IN BELARUS and EU-Belarus relations

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Author: Marie Elena EFTHYMIΟΥ

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General Information

Population: 10,2 million (Belarusians 81%, Russians 11%, Poles 4,1%, Ukrainians 2,9%)
Land surface: 207 600 km²
Capital: Minsk (1,7 million inhabitants)
Language: Belarusian
Religion: Russian Orthodox (60%), Roman Catholic (8%), various Christian (2%), Protestant (30%)

Political situation

The 1994 constitution provided the state with an elected President and a unicameral parliament. Mr Alexander Lukashenko was elected President in July 1994. Lukashenko, formerly the director of a kolkhoz, was relatively unknown prior to his election. He was supported by Russia, and portrayed himself as the national saviour of a country traumatised by the demise of the Soviet Union.

Parliamentary elections were held in 1995. In 1996 the constitution was amended by referendum in order to increase the powers of the president. The amended constitution was widely criticised as failing to respect democratic norms. The referendum has been qualified as a constitutional coup d'état. The president can publish decrees having the force of law, which means that he has powers over all other organs of state. The President rules through the President's Administration and through the Secretariat of the Security Council. The role of the government of Prime Minister is limited to the implementation of presidential directives.

Under the new constitution there is a bicameral parliament, the lower chamber being directly elected and the upper chamber representing the regions. Parliament's powers consist mainly of approving presidential decrees.

Lukashenko was reelected in September 2001 in an election criticised both by the opposition and by international observers including the EP. The 2000 parliamentary elections had earlier been the subject of severe criticism by the OSCE which stated, inter alia, that the registration process had been manipulated in order to exclude opposition candidates. The opposition was marginalised.

A referendum and parliamentary elections have been held on 17 October 2004. The referendum permits the President to extend his mandate by a third term of 5 years. In its resolution of 16.10.2004 the EP criticised the referendum. More than three quarters of the voters approved the extension of the president's mandate, and only candidates supporting the President were elected. Results were certainly influenced by the fact that a few days before the polls retirement pensions were increased by 30% and public employees were promised a 50% pay rise.

International observers including the OSCE were again highly critical, referring to the climate

of fear that surrounded the proceedings.

Mr Solana stated that he was very concerned by the manner in which the elections were conducted and by the referendum. However CIS observers declared the polls democratic, and the Russian Ministry of Foreign Affairs stated that the referendum reflected the will of the people.

In September 2004 two opposition members, Valery Levonevski and Alexander Vasilyev, were sentenced to two years in prison for defaming President Lukashenko.

The presidential elections of 19 March 2006, well orchestrated by President Lukashenko, saw him re-elected with 83% of the votes cast. In the days-long popular protests against these results, a great number of people were arrested on "criminal" charges, amongst whom Mr Milinkevich, single candidate for the democratic forces of Belarus. Another former opposition presidential candidate Aleksandr Kozulin was sentenced to five and a half years in prison for organizing an unsanctioned rally. The European Parliament launched an appeal to the Belorussian authorities to release those Belarusian citizens who had been arrested or detained in the run-up to the elections.

The European Parliament did not, once more, participate in the observation of the presidential elections, due to the Belarusian authorities refusing the granting of visas to its Members. Again the OSCE criticised both the conditions of the campaign and the voting itself on a number of subjects. However, the increased negative international attention supplied the platform for a united and stronger opposition which Mr Lukashenko could not ignore. The democratic opposition continues the discussion on the future position of the former sole democratic candidate Mr Milinkievich but there are rumours on the formation of the new block of left-wing forces aiming at breaking the unity of the opposition..

The international interest was further reinforced by European Parliament's decision to award Mr Milinkevich the 2006 Sakharov price for Freedom of Thought.

According to Amnesty International and Human Rights Watch, the human rights situation remains worrying. The death penalty is regularly employed. Opponents of the regime, including independent journalists, are frequently persecuted. Sometimes opposition figures disappear. There is no press freedom. All media are state controlled. Independent newspapers are printed in Lithuania and smuggled into the country. Ethnic minorities and their organisations (mainly the Polish) are discriminated against, according to various NGOs.

The economy

Over the past decade Belarus has embraced a gradual pace of change, eschewing the more radical market-oriented reforms pursued elsewhere in Eastern Europe. In an effort to avoid the social costs of transition experienced elsewhere in the region, the country has retained a high degree of state-ownership and central control over wages, prices, and production, in both industry and agriculture.

Industrial production represents some 26% of GDP. Agriculture, still grouped into huge collective farms, accounts for 13% of GDP and employs 19% of the population. Shortages of fertilisers and spare parts for farm machinery have led to lower output. The situation appears

to be improving somewhat with the strengthening of the Russian economy. Russia is by far the country's major trading partner and takes over 50% of Belarus exports.

Since 1999, these policies have yielded significant economic growth, which has accelerated. Real wages have risen significantly. Poverty rates, though still high, have declined. Inflation, although still the highest in the CIS (Commonwealth of Independent States) has also fallen significantly. However, the economy has structural weaknesses which could undermine future growth¹. More than half of Belarusian industry is estimated to operate at a loss, but closing down unprofitable factories and introducing structural reforms would cause social unrest that could be fatal for the actual regime. Furthermore, Belarus has so far bought gas from Russia for a negligible price; now Gazprom is demanding a triple price from the beginning of 2007, which could also be a hard blow for the economy.

President Lukashenko has been accused of participation in the international arms trade. The private sector remains very weak.

Belarus was seriously affected by fallout from the Chernobyl disaster in nearby Ukraine. Some 70% of the radioactive particles fell on Belarus, seriously contaminating the soil.

Relations with the EU

The EU recognised Belarus in December 1991. In 1995 a Partnership and Cooperation Agreement (PCA) was signed and the country received considerable assistance under the TACIS programme. The 1996 constitutional changes led to the suspension of cooperation. The EU has not recognised the new constitution or parliament. Technical assistance apart from humanitarian aid and democratisation programmes is blocked.

Belarus is included in the European Neighbourhood Policy but does not benefit from the offer of increased cooperation due to the lack of democracy and the rule of law in the country. The EU has not ratified the PCA.

Recently, the Commission launched a €4.5 million programme to support scholarships for studies abroad for Belarusian students who have been penalised by the regime and who have been denied access to Belarusian universities because of their political activities during and after the presidential elections of 19 March 2006. The Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner said: "Europe cares about the people of Belarus and wants to help those who have suffered because of their role in political activities normal in a democracy

Most recently, on 21 November 2006, the European Commission launched the Non-Paper on "What the EU could bring to Belarus", sending a signal that the EU stands ready to renew its relationship with Belarus and its people, as soon as the Belarusian government demonstrates respect for democratic values and for the basic rights of the Belarusian people. The non paper contains concrete examples of how the people of Belarus could gain from a rapprochement between the EU and Belarus within the framework of the European Neighbourhood Policy.

¹ UN Economic and Social Council report of 12/04/2005

If Belarus government responds positively to this offer, the EU will enter into the dialogue with Belarus. However, if the response is negative, the European Commission will continue to maintain pressure on the regime as well as support the written press and the broadcasting of independent TV and radio programmes to Belarus and provide financial support for Belarusian students studying in European universities.

On the other hand, the European Union's current policy – being tough on the regime and supporting civil society and independent media, as held by the European Parliament - seems, according to some critics, to be collapsing due to the negative stand of some Member states on the suspension of trade benefits for Belarus under the GSP. This will leave the EU without any leverage on the Belarusian regime.

The EP and Belarus

The EP has on several occasions criticised the authoritarian regime of President Lukashenko.

On September 2004 Parliament adopted a resolution on the situation in Belarus that condemned the Belarus regime's attacks on journalists and the opposition, disappearances and politically-motivated acts of repression. It called for the restoration of democracy in the country and the release of all imprisoned opponents of the regime.

On 30 September 2005, the European Parliament adopted a resolution¹ stressing that the situation in Belarus has further deteriorated and that human rights there are "*violated shamelessly*", demanded that an ad hoc high level delegation be sent there to make a report (the resolution condemns the Belarusian authorities for refusing entry visas to MEPs on 8 August).

The Parliament pointed out that the development of relations between the EU and Belarus will depend on the progress made on the ground in terms of democracy and approved of the nomination of a special diplomat in Belarus to monitor the situation in terms of human rights.

Further to Parliament's demands, the Belarusian government is currently studying the possibility of allowing the European Commission to open an office in Minsk.

The UN Commission on Human Rights has decided to appoint a Special Rapporteur on Belarus.

The European Parliament has supported the 2004 Council Presidency's statement on the situation in Belarus which emphasised the need to support civil society and further democratisation.

On 6 April 2006², the European Parliament denounced, amongst other issues, "the presidential elections as not having met the required international standards of free, fair, equal, accountable and transparent elections; considers therefore that, by implication, President

¹ See EP resolution of 29 September 2005

² See EP resolution of 6 September 2006 attached

Lukashenko cannot be recognised as the legitimate President of Belarus and that the presidential elections should be repeated in compliance with international democratic standards";

It declared also its full support to "the decision of the Council to add President Lukashenko to the visa ban list but calls on it and the Commission to expand that list to include representatives of the Belarus local, regional, national and academic authorities who were involved in breaching the human rights and political freedoms of Belarusian citizens during and after the electoral campaign";

ANNEX

The European Parliament ,

- having regard to its previous resolutions on the situation in Belarus, in particular that of 16 February 2006⁽¹⁾ ,
- having regard to the US Congress’ resolution ‘expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006’, passed on 8 March 2006,
- having regard to the preliminary election assessment statement of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) of 20 March 2006 (OSCE),
- having regard to the statement of the EU High Representative for the CFSP of 20 March 2006 on the conduct of the presidential elections in Belarus,
- having regard to the conclusions of the General Affairs and External Relations Council meeting of 20 March 2006,
- having regard to the statement of its ad hoc delegation to the Belarus presidential elections of 20 March 2006,
- having regard to Rule 103(4) of its Rules of Procedure,

A. whereas the Belarus presidential elections took place on 19 March 2006,

B. whereas President Lukashenko extended his new term of office through a constitutional referendum which did not meet international democratic standards and the results of which have not been recognised by the international democratic community,

C. whereas the Belarus authorities conducted the elections in a climate of fear by repeatedly harassing and arresting prominent opposition leaders and members of student and minority organisations, including religious and community leaders, journalists, campaign activists and members of pro-democracy political parties,

D. whereas the elections took place in an atmosphere of isolation with reinforced external border controls and the authorities suppressed freedom of speech, freedom of expression, freedom of the media and freedom of demonstration in the run-up to, and after, the elections,

E. whereas early voting was non-transparent and state employees, the elderly and students were increasingly pressured, intimidated and threatened with retribution such as loss of employment, loss of pensions and expulsion from universities,

F. F whereas the OSCE/ODIHR Election Observation Mission to the presidential elections in

Belarus concluded that those elections failed to meet international democratic standards; whereas the European Council, the Council of Europe, the United States and most other international institutions and governments also concluded that the elections were fundamentally flawed,

G. whereas during the five days following the elections the opposition forces staged continued demonstrations in the main square of Minsk to protest against the fraudulent way in which the elections had been held, despite threats by President Lukashenko to “wring the necks” of anyone who tried to seize power through popular protests after the result of the elections and hints of severe punishment for those arrested during such protests, including the death penalty,

H. whereas in the early hours of 25 March 2006 the police brutally stormed the tent camp set up by young people and students in the centre of Minsk and arrested hundreds of protesters,

I. whereas the demonstrators, foreign sympathisers and journalists present at the rallies have been defamed and tried, without due respect for the right to defence, under allegations of provoking illegal rallies and vandalism; whereas on 27 March 2006 Belarusian courts handed down jail terms of up to 15 days to the protesters who had been arrested for participating in an unauthorised demonstration; whereas politically motivated investigations have been launched against the opposition leaders, including Aleksandr Milinkievič, the main presidential candidate for the opposition,

1. Strongly condemns the failed presidential elections in Belarus and points out that the Lukashenko regime lacks all democratic legitimacy and continues as the last dictatorship in Europe;

2. Denounces the presidential elections as not having met the required international standards of free, fair, equal, accountable and transparent elections; considers therefore that, by implication, President Lukashenko cannot be recognised as the legitimate President of Belarus and that the presidential elections should be repeated in compliance with international democratic standards;

3. Expresses its solidarity with Aleksandr Milinkievič and the United Democratic forces, as well as Aleksandr Kozulin and all Belarusian citizens who strive for an independent, open and democratic Belarus based on the rule of law;

4. Is impressed by the mass demonstrations against the non-democratic and sham nature of the elections, showing the desire of a large part of society to restore true democratic rights and political freedom to their country, thus revealing a huge democratic potential in Belarus;

5. Strongly condemns the violence and the arbitrary arrests exercised by the Belarusian regime against the thousands of people who found the courage to protest against the rigging of the presidential elections and the violation of the fundamental rights of the Belarusian people;

6. Calls on the Commission and the Council and the international community as a whole to increase their support for the Belarusian people and substantially to increase pressure on the Belarusian regime to end the dictatorial oppression of its people, to release all those detained

immediately, to annul all judgements against peaceful demonstrators and to hold new, democratic elections as soon as possible;

7. Demands that the Belarus government put an end to the beating and ill-treatment of political prisoners and conduct a transparent investigation into the abusive use of force by police and security forces against demonstrators;

8. Demands that the Belarus authorities immediately make public the names of all persons arrested, their whereabouts and the accusations made against them; stresses that those authorities have an obligation to guarantee the right of all arrested persons to consult a private lawyer, meet with members of their families and have access to information;

9. Condemns the Belarus authorities for not allowing certain foreign journalists to enter Belarus to observe the elections;

10. Condemns the Belarus authorities for not allowing delegations from Parliament and the national parliaments of the Member States to observe the elections and for expelling observers from Denmark, Georgia, Germany, Ukraine and Poland, as well as from the OSCE;

11. Welcomes the decision of the Council to add President Lukashenko to the visa ban list but calls on it and the Commission to expand that list to include representatives of the Belarus local, regional, national and academic authorities who were involved in breaching the human rights and political freedoms of Belarusian citizens during and after the electoral campaign;

12. Calls on the Commission and the Council to work towards the freezing of the assets of the Belarusian authorities abroad, restrictive measures against companies directly and personally linked to senior officials of the regime and the freezing of the personal assets of President Lukashenko and his close advisors;

13. Calls on the Commission and the Council to make proposals to put further pressure on President Lukashenko's regime in international organisations; demands that a complete package of concrete and direct "smart" sanctions – severely affecting the perpetrators of oppression without adding any further suffering to the citizens of Belarus – be brought forward;

14. Calls on the Commission and the Council to direct all forms of financial support to citizens' initiatives, non-governmental organisations and small and medium-sized enterprises which are not linked to the government;

15. Calls on the Commission to revise its external policy towards Belarus and to make proposals as to how democracy, the rule of law and human rights can be promoted; stresses that the Commission's problems in adequately supporting Belarusian civil society in the run-up to the elections is a further indication of the urgent need to set up an effective financial and administrative mechanism to promote democracy;

16. Calls on the Commission and Council to create a visa facilitation regime for the benefit of the civil society of Belarus;

17. Calls on the Commission and the Council to support independent journalists and strengthen TV, internet, printed media and radio broadcasting programmes for Belarus in order to help Belarusian citizens obtain impartial and accurate information about their country and the world;

18. Calls on the Commission and the Council to fund additional educational exchange programmes for Belarusian young people who have been expelled from their universities for political reasons;

19. Is appalled by the positive reactions of the Russian State Duma and the Russian President, Vladimir Putin, to the conduct of the presidential elections in Belarus and their outcome; takes the view that the effectiveness of EU policies towards Belarus is undermined by the irresponsible attitude of the Moscow authorities, who are lending decisive support to the last dictatorship in Europe; calls on the Council and the Commission urgently to raise the issue of Belarus with the Russian authorities so as to define a common responsibility for bringing about concrete democratic changes in that country and stop the political repression and human rights violations; is of the opinion that specific efforts to this end should be made in the framework of the Council of Europe and the OSCE as Russia – together with the Member States of the European Union – is a member of both organisations;

20. Calls on the Member States represented in the G8 to place the current situation in Belarus on the agenda of the forthcoming summit this spring and to urge Russia to reverse its position on President Lukashenko and his regime and to use its close ties with Belarus to promote democracy and political reforms in that country;

21. Calls on the United Nations, the Council of Europe and the Member States to set up an international commission to investigate the disappearances of Yuri Zakharenko, Victor Gonchar, Anatoly Krasovsky and Dmitry Zavadskiy;

22. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, the President and State Duma of Russia and the Belarus authorities.