



Characteristics of the European Union's Relations with Belarus

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Abstract. For many years, Belarus has been heavily dependent on the Russian Federation. Its capability to shape its own foreign policy is also extremely limited. Until recently, however, the Belarusian authorities were keenly interested in strengthening cooperation with the European Union, thus reducing their dependence on the Russian Federation. That warm-up in mutual relations was favoured in part by the partial annulment in 2016 of EU sanctions, which had been imposed on Belarus in previous years. However, events that ensued in Belarus after the fraudulent presidential elections of 9 August 2020, the enormity of repression against representatives of the Belarusian opposition, parts of the media, and ordinary citizens, Belarus' involvement on the side of the Russian Federation in its aggression against Ukraine, and the subsequent packages of sanctions imposed by the European Union in response to these unlawful and shameful actions raise legitimate questions about the future of mutual relations between Minsk and Brussels. For this reason, it seems of the essence to analyse the relations between Belarus, which has been continuously ruled by A. Lukashenko since 1997, and the European Union.

Keywords: European Union, international relations, international law, legal sanctions.

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INTRODUCTION

The political situation in Belarus has undergone dramatic changes since August 2020, transforming the country's international position and particularly its relations with the European Union. What once showed promise of gradual diplomatic warming and increased cooperation has devolved into a state of severe tensions and multiple rounds of sanctions. The Belarusian regime's violent crackdown on peaceful protesters following the disputed 2020 presidential election, coupled with its role in supporting Russia's invasion of Ukraine in 2022, has fundamentally altered the EU's approach toward Minsk. Alexander Lukashenko's decision to allow Russian forces to use Belarusian territory as a staging ground for their attack on Ukraine in February 2022 led to Belarus being subject to additional restrictive measures from the EU, further isolating the country from European structures. These developments have effectively reversed years of careful diplomatic engagement between the EU and Belarus, which had previously aimed at gradually bringing Belarus closer to European standards of democracy and rule of law.

The scientific purpose of this article is to analyze the evolution of Belarus-EU relations, with particular emphasis on the period between 2020-2023, examining how domestic political developments and Belarus's alignment with Russia's aggressive foreign policy have impacted its relationship with the European Union. This analysis is especially relevant given the rapidly changing geopolitical landscape in Eastern Europe and the need to understand the implications of Belarus's increasing isolation from Western institutions.

The analysis and presentation of the issues of mutual relations between the European Union and Belarus required the use of a number of research methods. In the broadest sense, this article uses the historical-legal and legal-comparative methods. In addition, the theoretical-legal and formal-dogmatic methods were also used.

The legal status of the analyzed regulations is dated at the end of February 2023.

1. FROM THE COLLAPSE OF THE USSR TO LUKASHENKO'S BELARUS

The turn of 1980s and 1990s brought the collapse of the USSR. On 25 August 1991, the Supreme Soviet of the Belarusian Soviet Socialist Republic adopted a declaration of independence of Belarus (Roszkowski, 2005, pp. 418-422). The 1991–1994 period was a time of political chaos in Belarus. On the wave of growing social dissatisfaction and disappointment with the new, post-Soviet reality, A. Lukashenko began to build his position in Belarus. In the first half of 1993, he took the position of chairman of the Temporary Commission for the Investigation on the Activities of Commercial Structures Established by the Bodies of State Authority (commonly referred to as the so-called "Anti-Corruption Commission"). In December 1993, Lukashenko presented his report on corruption to the Supreme Council in a three-hour speech broadcast live by the media (Bennett 2011, pp. 20-21), in which he formulated numerous accusations against Belarusian mid-level officials as well as the leadership of the Supreme Council itself. As a result, Lukashenko gained wider recognition in the Belarusian society (Bennett, 2011, p. 20).

In 1994, Lukashenko ran as an independent candidate for the president of Belarus. In terms of foreign policy he adopted a pro-Russian stance and even proposed a union between Belarus and the Russian Federation. Thanks to populist slogans, simple language and his charisma, he won particular support among the so-called "broad masses" (Bennett 2011, p. 21). The first round of elections, which took place on 23 June 1994, ended with the victory of A. Lukashenko, who won 44.82% of the votes. In the second round, Lukashenko won 80.6% of the votes, thus becoming elected the first president of Belarus (The New York Times, 1994). It is noteworthy that these were the first and, to this point, the sole, presidential elections in this country that were conducted in a completely free manner. The second presidential elections in the history of Belarus were held on 9 September 2001, and the incumbent president was declared the winner. These elections (as well as any subsequent ones) were considered undemocratic and unfair by the OSCE, the European Union and the United States, as well as by the majority of the Belarusian opposition. A. Lukashenko has won the elections four more times, in 2006, 2010, 2015, and 2020, thus ruling Belarus continuously since 1994.

2. RELATIONS BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF BELARUS UNTIL THE 2020 ELECTIONS

For several years since regaining its independence, Belarus maintained good relations with the EC. In August 1992, the European Communities and Belarus entered into diplomatic relations. Subsequently, in November of that same year, the EC proposed to start negotiations for a Partnership and Cooperation Agreement (Kubin, 2013, p. 176). With the signing of the EU-Belarus Partnership and Cooperation Agreement on 6 March 1995, the European Union could start assisting Belarus within the frameworks of its programmes aimed at supporting and accelerating political, economic and social transformation in Belarus.

In November 1996, however, Lukashenko modified the constitution of Belarus, significantly strengthening his position in the state and limiting the freedom of the media. This prompted an immediate response from the European Union: the trade part of the Partnership and Cooperation Agreement was suspended, technical assistance from the EU was withheld, and contacts at the ministerial level were frozen (Czachor, 2011, pp. 236-244). In mid-1998, when the Belarusian authorities violated the extraterritoriality of the EU diplomatic missions operating on its territory (the famous case of the renovation of the *Drażdy* diplomatic residential area), the Council adopted a common position (Council 1998) in which it recommended the withdrawal of its representatives from Minsk and called on Belarus to make a reciprocal move.

Despite the efforts of EU diplomacy to improve mutual relations, Lukashenko did not organize subsequent presidential elections in Belarus in 1999 and considered the opposition's ventures to organize them an attempted coup d'état. In the autumn of 2000, parliamentary elections were held in Belarus, which were boycotted by part of the opposition due to restrictions imposed on access to media and registration of candidates. Following his re-election in 2001, Lukashenko tried to change the attitude of Western countries towards himself, but to no avail.

On 28 April 2004, the Parliamentary Assembly of the Council of Europe adopted a report on the disappearance of four people in Belarus in 1999–2000. In response to the above-mentioned report, on 24 September 2004, the Council of the European Union adopted a common position, which obliged EU Member States to take the necessary measures to prevent the entry or transit through their territories of persons associated with the Lukashenko regime and those considered to be key actors in the context of the above-mentioned disappearances. These were the first sanctions imposed by the European Union against Belarus (Rada, Rada Europejska). In 2004, Belarus held further, objectionable elections and a constitutional referendum, thanks to which Lukashenko allowed himself to remain in the post of president without limiting the number of terms of office. In response, the European Union condemned the elections and the referendum, considering them as fraudulent and accusing the Lukashenko regime of serious violations of human rights, consisting in combating peaceful demonstrations which followed the elections and the referendum (Rada, 2004).

In March 2006, Belarus held presidential elections, in which Lukashenko once again secured his re-election as president. According to the OSCE mission and its observers, the EU, and the US, these elections were rigged too, and during the peaceful demonstrations that ensued in Minsk, numerous cases of human rights violations were reported. In response, the Council of the EU issued a decision in April 2006 to ban the issuance of EU entry visas to President Lukashenko and officials of his regime who contributed to the violation of international standards (Rada, 2006a). A few weeks later, it was followed by another decision to freeze their assets located in EU countries (Rada, 2006b).

As T. Kubin notes, in the autumn of 2008, it seemed that the EU sanctions policy against the Lukashenko regime and its political environment was beginning to bring certain results (Kubin, 2013, p. 184). Ahead of the parliamentary elections of 28 September 2008, Lukashenko released a number of political prisoners, agreed for two independent newspapers to be distributed by the state, as well as allowed the registration of the opposition "*For Freedom*" movement (Kubin, 2013, p. 184). It should be noted that in November 2008 the Council suspended part of the sanctions against Belarus (Rada, 2008). The inclusion of Belarus in the Eastern Partnership initiative was yet another sign of the improvement in mutual relations (Rada, 2009).

At the end of December 2010, Belarus held another presidential election. Subsequent actions taken by the Belarusian authorities, which involved the dispersal of demonstrations, the arrest, and prosecution of hundreds of individuals (including presidential candidates), and the imposition of financial penalties and imprisonment, were met with widespread criticism from the international community. Furthermore, due to their failure to meet democratic standards, the elections were regarded as undemocratic (Kubin, 2013, p. 188). On 20 January 2011, the European Parliament adopted a resolution in which it condemned the elections and the repression of the state apparatus against opposition leaders and demonstrators. The EP also called on the Council, the Commission, and the EU High Representative to review the EU's policy towards Belarus (Parlament Europejski, 2011). In response to this call, on 31 January 2011, the Council of the EU decided to reinstate the travel ban on Lukashenko and his immediate circle, as well as to freeze their assets. At the same time, the list of persons subject to the above-mentioned sanctions has been extended to include 117 (Rada, 2011).

The next presidential elections were held in Belarus on 11 October 2015, with Lukashenko being traditionally re-elected. Once again, OSCE observers had numerous reservations about the election process. In 2015, the Belarusian authorities released the last people the EU considered political prisoners. At the same time, Belarus became involved in the peace process in Ukraine, which resulted in the possibility of renewing diplomatic contacts with representatives of the European Union.

On 15 February 2016, the Council decided to lift sanctions against 170 people and 3 companies, while maintaining sanctions against four people related to the disappearance of four people in the 1999–2000 period. The decision was made in the wake of steps taken by Belarus to improve its relations with the European Union (Rada, 2016). In the conclusions of 15 February 2016, the Council emphasized that the future EU policy towards Belarus will be conditioned by specific actions of this state, which would serve the protection of fundamental freedoms, the rule of law and human rights in Belarus (Rada, 2016). However, in February 2020, the Council decided to extend sanctions against Belarus for one year (i.e. until 28 February 2021), including an export ban on items for internal repression, and an asset freeze and an entry ban against four people associated with the unexplained disappearance of two opposition politicians, an entrepreneur and a journalist in 1999–2000 (Rada, 2016). On 1 July 2020, an agreement between the European Union and Belarus on visa facilitation and readmission entered into force (Rada, Rada Europejska). However, the cautious opening in mutual relations was brought to a halt with the Belarusian presidential elections of August 2020 and the subsequent unacceptable actions of the Lukashenko regime against the opposition and demonstrators, as well as by the participation of Belarus in the aggression of the Russian Federation against Ukraine which started on 24 February 2022

3. SITUATION AFTER THE PRESIDENTIAL ELECTIONS IN BELARUS OF AUGUST 2020

The first protests in Belarus began on May 29, 2020, in Minsk and other cities, initially as a reaction to the arrest of opposition presidential candidates and in consequence their exclusion from participation in the presidential elections scheduled for August (Bieńczyk, 2020). Elections in Belarus were held on 9 August 2020, as a result of which, Lukashenko was once again re-elected. According to an official government poll, he received 79.7% of the vote, and another candidate, S. Tsikhanouskaya, received only 6.8% of the vote (Pietraszewski, 2020). On the other hand, according to *exit polls* conducted at polling stations outside Belarus, S. Tsikhanouskaya won 85.8% of the vote (PAP 2020). With the publication of the first official polls, which indicated an alleged crushing victory of Lukashenko in the first round, the protests swept many cities across the country. The protesters' primary demand was a fair recount of votes and the resignation of President Lukashenko (Kropman, Saakow, 2020). Security forces began to disperse peaceful protests using force against demonstrators, which resulted in clashes with the Belarusian OMON (Kropman, Saakow, 2020). Belarusian authorities carried out mass arrests of civilians (Polskie Radio, 2020), including journalists (Sokolow, 2020) and doctors (CurrentTime.tv, 2020).

Representatives of the European Union reacted to these events almost immediately. The heads of state and government of the European Union discussed the situation in Belarus for the first time at a videoconference convened on 19 August 2020 (Rada Europejska, 2020). In the conclusions issued after the meeting, they confirmed that the EU did not recognize the results of the elections presented by the Belarusian authorities. They condemned the violence against peaceful demonstrators and expressed solidarity with the Belarusians. They agreed that sanctions would be imposed on those responsible for violence, repression and electoral fraud (Rada Europejska, 2020).

During its extraordinary meeting held on 1–2 October 2020, the European Council condemned the Belarusian authorities' acts of violence against peaceful demonstrators, as well as the intimidation, arrests, and detentions after the presidential elections, the results of which the Council did not recognize (Rada, Rada Europejska, 2020). The European Council also agreed that sanctions should be imposed and called on the Council to adopt an immediate decision on the matter (Rada, Rada Europejska, 2020). Already on 2 October 2020, the Council imposed sanctions on 40 people deemed responsible for the repression and intimidation of peaceful demonstrators, opposition members and journalists after the 2020 presidential election in Belarus and for irregularities in the electoral process (Council, European Council, 2020). Those sanctions consisted, *inter alia*, in an entry ban and an asset freeze (Council, European Council, 2020). In addition, sanctioned individuals could not receive funds from EU individuals and businesses (Council, European Council, 2020). In the face of unremitting peaceful actions and protests in Belarus calling on Lukashenko to resign from office, which had been taking place since 9 August 2020, and in the view of further reports of repression, and arrests of protesters and members of the opposition, on 6 November 2020, the Council added 15 members of the Belarusian government, including Alexander Lukashenko and his son and national security adviser Viktor Lukashenko, to the list of persons subject to sanctions (Rada, 2020a).

The Council decided to sanction a further 36 people and entities on 17 December 2020, in response to the brutal methods of constant repression used by the Belarusian authorities, which included, among others, the brutal beating and death of the oppositionist Raman Bandarenka (Rada, 2020b). The above-mentioned sanctions targeted high-level officials responsible for the ongoing brutal repression and intimidation of peaceful protesters, opposition members and journalists. These sanctions affected business entities, important entrepreneurs and companies that supported or benefited from Lukashenko's regime (Rada, 2020b). At that time, the sanctions system against Belarus covered a total of 88 people and 7 entities (Rada, 2020b).

The following year did not bring any improvement in mutual relations between the EU and Belarus. Instrumental in this context was the forced landing in Minsk of a Ryanair plane flying from Athens to Vilnius on 23 May 2021, and the subsequent arrest of the Belarusian oppositionist Roman Protasevich and his partner Sofia Sapega. In response to this unprecedented event, the conclusions of the European Council of 24 May 2021, called on EU leaders to adopt further sanctions as soon as possible (Rada, Rada Europejska, 2021a). As a result, on 4 June 2021, the Council decided to tighten sanctions against Belarus by banning all Belarusian carriers from flying over EU airspace and accessing EU airports (Rada, Rada Europejska, 2021b). Furthermore, on 21 June, the Council decided to impose another package of sanctions against additional 78 people and 8 entities (Rada, Rada Europejska, 2021c). Thus, the sanctions system covered a total of 166 people and 8 entities from Belarus (Rada, Rada Europejska, 2021c).

The imposition of successive sanction packages was met with a harsh and unprecedented reaction from Lukashenko's regime, which in the autumn of 2021 launched channels for the transfer of migrants to the European Union across the Belarusian-Lithuanian, Belarusian-Polish and Belarusian-Latvian borders, thus leading to a migration crisis on the Belarusian-EU border. In response to hybrid attacks and the instrumental treatment of migrants for political purposes, on 15 November, the European Union broadened the scope for sanctions, and subsequently on 2 December 2021, introduced another package of sanctions, which included remedial measures against another 17 people and 11 entities. At that point, the sanctions system against Belarus covered a total of 183 people and 26 entities (Rada, Rada Europejska, 2021d).

4. THE EUROPEAN UNION IN THE FACE OF BELARUS' PARTICIPATION IN THE WAR AGAINST UKRAINE

Since the autumn of 2021, Western countries have been publishing intelligence-sourced information about the Russian Federation's planned full-scale military aggression against Ukraine. In September 2021, the Russian Federation in cooperation with Belarus conducted the cyclical "Zapad 2021" military exercises, which turned out to be the largest ones since the collapse of the USSR (Burza, 2021). In January 2022, more than 120,000 Russian troops had already been stationed in the vicinity of the Ukrainian border, and on 14 January, the Russian Federation began to deploy tactical strike units from the Eastern Military District to Belarus under the pretext of further exercises (Wilk, 2022). On 24 February 2022, the Russian Federation launched a large-scale invasion of independent Ukraine which was the outbreak of a regular war open armed conflict. Belarus had actively endorsed the Russian Federation from the beginning, supporting it politically and militarily, thus becoming a co-aggressor in this war, which continues to this day.

Minsk's actions were certain to face an immediate response from the European Union. Already on 25 February, the Council decided to extend the existing sanctions for another year (Rada, 2022), and on 9 March, in response to the Belarusian regime's involvement in the unjustified and unrestricted military aggression of the Russian Federation against Ukraine, the Council adopted additional measures against the Belarusian financial sector, including: a) limiting the provision of specialized financial messaging services (SWIFT) to three Belarusian banks, b) prohibiting transactions with the Central Bank of Belarus, c) prohibiting the listing and provision of services in relation to shares of Belarus state-owned entities on EU trading venues, d) significantly limiting financial inflows from Belarus to the EU, and e) prohibiting the provision of euro-denominated banknotes to Belarus (Rada, Rada Europejska, 2022a). Furthermore, at the beginning of June 2022, the Council decided to impose sanctions on another 12 individuals and 8 entities on account of their role in the ongoing internal repression and human rights violations in Belarus (Rada, Rada Europejska 2022b).

Based on the annual work review, and taking into account the political situation related to internal repression in Belarus as well as its involvement in the Russian aggression against Ukraine, the Council decided on 27 February 2023, to extend the sanctions for another year, until 28 February 2024 (Rada, Rada Europejska, 2023). The sanction system currently applies to 195 individuals and 34 entities (Rada, Rada Europejska, 2023).

CONCLUSIONS

Until the presidential elections of August 2020, the European Union's relations with Belarus focused on cooperation within the framework of the Eastern Partnership, and on dialogue on reforms necessary for the modernization of Belarus, as well as on the chances and opportunities for deepening relations with the EU (Rada, Rada Europejska). Moreover, in addition to the conclusion of the visa facilitation and readmission agreements, numerous cooperation projects, initiated between 2018 and 2019, were successfully implemented in the fields of border and migration management. Mutual relations and cooperation, however extremely limited, existed nonetheless. Following the fraudulent presidential elections of August 2020, intimidation and brutal repression of peaceful demonstrators, opposition members and journalists, as well as Belarus's involvement in Russian aggression against Ukraine, the future of mutual relations is now under serious question, and today's Belarus under the rule of Alexander Lukashenko is closer to Moscow, not Brussels.

Undoubtedly, the EU sanctions aim is to put pressure on Belarusian decision-makers as well as to prevent further acts of violence and repression, release all political prisoners and other unlawfully detained persons, and start an authentic and pluralistic national dialogue with the entire Belarusian society (Rada, Rada Europejska). The European Union has the appropriate political and economic instruments to support peaceful democratic transitions, including those which might involve economic aid for democratic Belarus. On the other hand, the European Union will not hesitate to adopt further sanctions, including those against other economic entities, should the situation in

Belarus not improve significantly and the Lukashenko regime does not withdraw active support for Russian aggression against Ukraine.

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