

The European Union and the Belarus Dilemma: Between Conditionality and Constructive Engagement

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Abstract

This paper analyses different steps in the development of EU-Belarus relations. The dilemmas Belarus presents to the EU in terms of conditionality and constructive engagement are discussed in order to draw certain conclusions about the EU's leverage to spark democratic reform in an authoritarian regime. It is argued that domestic evolutions in Belarus essentially depend on regional factors rather than on the effectiveness of the EU's political conditionality. Recent initiatives of constructive engagement can, therefore, only be successful when embedded in a comprehensive strategy for the entire region.

Keywords: Belarus, conditionality, Eastern Partnership, European Union, Russia

Introduction

The democratisation of Belarus, notorious as the 'last dictatorship of Europe' (Marples, 2002), is a key objective of the European Neighbourhood Policy (ENP). This was clearly expressed in the European Commission's Strategy Paper of 12 May 2004:

“The EU's long-term goal for Belarus is to be a democratic, stable, reliable, and increasingly prosperous partner with which the enlarged EU will share not only common borders, but also a common agenda driven by shared values.

Through the ENP, the EU will reinforce its lasting commitments to supporting democratic development in Belarus.” (European Commission, 2004)

At the same time, however, the Commission also observed that it is not possible to offer Belarus the full benefits of the ENP as long as an authoritarian regime is in place. The half-hearted position of Belarus within the ENP is also reflected in the framework of the EU's Eastern Partnership (EaP). Whereas there is no doubt that Belarus is an important target country of this new initiative to intensify the EU's relations with its East European neighbours, the Commission observed that “the level of participation of Belarus in the EaP will depend on the overall development of EU-Belarus relations.” (European Commission, 2008).

The precarious state of Belarusian democracy obviously presents the EU with an important policy dilemma. On the one hand, the acceptance of the authoritarian regime of President Lukashenka as an equal partner affects the EU's credibility as a promoter of democracy and human rights. On the other hand, the long-standing isolation of Belarus is not in the self-interest of the EU. Combating soft security issues in Europe, such as organised crime, pollution and illegal immigration implies the commitment of all European states, not only those that are a member of the Union. Moreover, Belarus is an important transit country for oil and gas and thus plays an important role for the security of energy supply to the EU. Hence, the question arises how the EU can incorporate Belarus into its framework for external relations without compromising its commitment to common democratic values?

The development of EU-Belarus relations cannot be disconnected from the bilateral relationship between Belarus and Russia. Under the Lukashenka regime, Belarus has become linked with Russia through a multitude of bilateral treaties and agreements covering virtually all areas of inter-state action (Danilovich, 2006). However, despite far-reaching ambitions of further integration, the honeymoon between Russia and Belarus is not without obstacles. The end of gas supplies at Russian domestic prices, in response to Belarusian intransigence regarding the sale of its national gas company *Beltransgaz*, illustrates the growing political disagreement between Moscow and Minsk (Balmaceda, 2009). Within this complex geopolitical and geostrategic level playing field, the EU aims to find an appropriate strategy towards Belarus.

In order to overcome the dilemma between values and interests, Belarus has been formally included within the geographical scope of the ENP/EaP whereas the full implementation of this policy depends upon the establishment of a democratic form of government (European Commission, 2004). This approach essentially implies the offer of normalised relations in return for democratic reforms. In addition, there is a growing understanding that, irrespective the state of official relations, there is a need for strengthened support to civil society development. This two-track approach, based upon a conditional engagement at the official level in combination with increased assistance for other actors in civil society, is the result of an incremental process. The aim of this paper is first to analyse the different steps in the development of an EU strategy for Belarus. Secondly, the limits of the EU's political conditionality are explored. Finally, the paper concludes with an assessment of the current state of play in EU-Belarus relations and points at the impact of the wider regional context on the further development of this relationship.

1. The development of EU-Belarus relations: from ignorance to conditional engagement

The EU's relations with Belarus are characterised by a constant adaptation to changing political circumstances. From 1991 until 1996, Belarus was dealt with in the context of the general EU policy towards the Newly Independent States. The relations between the EU and Belarus worsened during 1996 due to human rights violations under the Lukashenka regime and further deteriorated in the wake of the referendum that virtually abolished the democratic state system. The European Union initiated a policy of isolation of the official government together with tacit support for opposition forces but this policy began to change in the course of 1999 when the EU decided that to apply further pressure on Lukashenka would be counterproductive. Despite the president's essentially anti-Western attitude, the EU and some of its members have endeavoured to bring Belarus closer to respect for European values by developing a step-by-step policy depending on the progress of democratisation and human rights. The accession of new Member States with a particular interest in Eastern Europe (e.g. Poland, Lithuania), together with the framing of the ENP, added a new dimension to this approach. The inclusion of Belarus in the recently established Eastern Partnership, including a renewed attempt of constructive engagement with the official Belarusian leadership, forms the final stage in the development of the difficult EU-Belarus relationship. This chapter presents a brief overview of the different phases in this incremental process.

(i) 1991-1996: The European Union on the sidelines

After the collapse of the Soviet Union in December 1991, the European Community laid down its 'guidelines on the recognition of new States in Eastern Europe and in the Soviet Union' (Council of the EU, 1991). This process of recognition was not unconditional and required respect for the rule of law, guarantees for the rights of minorities, the inviolability of frontiers and acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation. It can be argued that the policy of the EU and its Member States was somewhat reduced to the final condition. Right from the start the question of nuclear disarmaments and the transport of Belarusian SS-20 and tactical nuclear weapons to Russia turned out to be of fundamental importance (Lebedko and Mildner, 2001, p. 87). After Belarus was congratulated for becoming a non-nuclear weapons state, it slipped out of the focus of the EU's policy towards the region.

EU activities concentrated in the first place on the emerging democracies of Central and Eastern Europe. Whereas with those countries far-reaching association agreements were concluded, the EU suggested the conclusion of less ambitious Partnership and Cooperation Agreements (PCAs) with the former Soviet Republics. Due to the slow pace of reforms, Belarus was the last East European country to sign a Partnership and Co-operation Agreement with the European Community (European Commission, 1995). The agreement never entered into force as a result of domestic developments in Belarus. Confronted with the election of President Lukashenka and his decision to suppress the rights of the opposition and the freedom of expression, the EU decided that no further steps would be taken towards the ratification of the PCA until clear signals had been given by the Belarus authorities of their intention to respect democratic and human rights (European Parliament, 1996). This first application of EU conditionality turned out to be ineffective. Lukashenka continued with the consolidation of his authoritarian regime. A referendum, held in November 1996, abolished the democratic system established under the 1994 constitution. Lukashenka eliminated Parliament and the Constitutional Court as independent powers and thus established the foundations for his personal dictatorship (Hill, 2005).

(ii) 1996-1999: The period of isolation

In response to the worsening democratic situation in Belarus, the EU decided to impose several harsh sanctions. On 15 September 1997 the General Affairs Council decided to halt the implementation of Community assistance programmes, except in the case of humanitarian or regional projects that supported the democratisation process. In addition, neither the PCA nor an Interim Agreement on trade and trade-related matters would be concluded and the EU Member States would not support Belarus' membership of the Council of Europe (Council of the EU, 1997). These measures led to the *de facto* isolation of the country. Belarus became the only European state to have no formal treaty relations with the EU and to be refused membership of the Council of Europe. Simultaneously, the EU and other Western actors such as the United States and the OSCE attempted to influence Belarusian politics through support for the opposition. However, the actions turned out to be poorly coordinated and only reinforced Lukashenko's internal position (Silitski, 2002).

Despite the 'pariah status' of Belarus (Pridham, 2001), Lukashenka never showed any commitment towards EU critics. He rather preferred to keep his country out of ongoing developments in Western Europe to reorient Belarusian foreign policy almost exclusively towards Russia. It seems, therefore, not surprising that the period of EU sanctions coincides with intensified efforts of Russian-Belarusian integration, including the signature of a Treaty on the creation of a Union between both countries in April 1997 (Dalinovich, 2006, p. 72). Arguably, the ongoing preparations for the eastward NATO and EU enlargement rounds stimulated the Kremlin to actively support the Lukashenka regime. In this context, the relations between the EU and Belarus worsened further, particularly after Lukashenka ordered construction and repair works that made any use of the diplomatic residences of several EU ambassadors impossible. In a common reaction, the EU Member States decided to recall their ambassadors from Minsk for consultations, requested Belarusian ambassadors in EU capitals to return to Minsk for reporting, and imposed a visa ban on members of the Belarusian government. The *de facto* isolation, therefore, turned into an isolation *de jure*.

(iii) *1999-2003: The introduction of a 'step-by-step approach'*

As the policy of isolation did not bring about the expected change, the Commission and the EU Member States redirected their policy towards Belarus in the course of 1999 (Van Elsuwege, 2002). Rather than focusing on the implementation of sanctions, the EU offered the prospect of closer relations as leverage to the gradual improvement of democratic standards.

This so-called ‘step-by-step’ or ‘benchmarks’ approach implied that clearly identified steps towards democratization by Belarus would be paralleled at each stage by a gradual resumption of dialogue with the Belarusian government and broader assistance, ending with full normalization of relations (European Commission, 2007).

The parliamentary elections of October 2000 were the first test for the success of this new strategy. The EU, together with the OSCE and the Council of Europe, set four criteria by which to evaluate the situation: establishment of a political truce with the opposition, liberty and freedom of access to the media for all political groupings, substantial reform of the electoral code with a view to guaranteeing fair elections and review of the role of Parliament in order to give it meaningful powers. Unfortunately, the European Parliament and the other institutions had to conclude that the parliamentary elections could not be considered as free and fair (European Parliament, 2001). A similar scenario took place in the context of all subsequent elections. In its 2007 Country Strategy Paper on Belarus, the European Commission could therefore only observe that “*the ‘benchmarks approach’ has not yielded results, although it remains as such on the table*” (European Commission, 2007).

Obviously, the offer of normalised relations turned out insufficient to promote the democratisation of Belarus. Proceeding from this premise and taking into account the new geopolitical context after the enlargement of the European Union, the 2003 European Security Strategy concluded that “*we need to extend the benefits of economic and political cooperation to our neighbours in the East while tackling political problems there*” (European Council, 2003). The European Commission translated this broadly formulated objective into an ambitious European Neighbourhood Policy, which essentially aims to increase the promotion of democracy and human rights in the neighbouring countries of the enlarged EU (Tocci, 2006).

(iv) 2004-2007: The consolidation of a ‘Belarus strategy’ within the ENP framework

Significantly, the initiation of a European Neighbourhood Policy did not change the fundamental principles of the EU’s approach *vis-à-vis* Belarus but rather envisages a reinforcement of existing policies. At the core of the ENP remains the principle of political conditionality: “*Belarus will be able to develop contractual links when Belarus has established a democratic form of government, following free and fair elections*” (European

Commission, 2004). In addition, the EU also announced increased support to civil society promotion. Proceeding from the understanding that only the force of the Belarusian people can put real pressure on Lukshenka's regime, the aim is "*to communicate and demonstrate the benefits of the ENP to the Belarusian population at large*" (Council of the EU, 2004). Accordingly, the broad lines of a 'Belarus strategy', based upon a 'two-track policy', gradually take shape. At the official level, the EU applies a rather traditional 'carrot and stick approach'. This implies frequent critical statements on the regime's actions, restricted contacts with the authorities and the offer of normalised relations in case of democratic reforms. At the informal level, on the other hand, the EU increased contacts with opposition figures and actively supports civil society initiatives where government approval is not required. In this respect, it is noteworthy that a specific financial instrument, called the *European Instrument for Democracy and Human Rights* (EIDHR), has been developed which is more flexible than the old TACIS programme and allows to provide assistance to Non Governmental Organisations (NGOs) that are not legally registered in Belarus.

The parallel application of the EU's two-track policy became obvious in the context of the 2006 presidential elections. The EU not only repeated its traditional requests for free and fair elections but also financed independent TV and radio broadcasting programmes in an attempt to directly approach the Belarusian people (European Commission, 2006a). Also after the fraudulent elections and the re-election of President Lukashenka, the EU continued its combined policy of restricted official contacts and active engagement with the Belarusian civil society. The introduction of a visa ban (Council of the EU, 2006a) and asset freeze (Council of the EU, 2006b) applicable to the entire Belarusian leadership in combination with the granting of the Sakharov Prize for freedom of thought to opposition leader Alexander Milinkevich clearly revealed this double message.

In November 2006, the European Commission clarified "what the European Union could bring to Belarus." (European Commission, 2006b). This so-called non-paper reflects the two tracks of the EU's Belarus strategy, including not only a message to the Belarusian government but also directly to the Belarusian people.

Table I: "What the EU could bring to Belarus" (European Commission, 2006b)

| Message to the Belarusian Government | Message to the Belarusian People |
|--|--|
| <i>Aim: clarifying conditions for normalisation of relations and increased EU assistance</i> | <i>Aim: clarifying benefits of full ENP participation</i> |
| <ul style="list-style-type: none"> - organisation of free and fair elections - respect to freedom of expression - respect existence of independent NGOs - release of all political prisoners - proper investigation of disappeared persons - independent and impartial judicial system - end arbitrary arrest and detention - respect to minority rights - respect to rights of workers, trade unions and entrepreneurs - abolition of death penalty | <ul style="list-style-type: none"> - easier travel to EU countries - increased cross-border cooperation - economic growth and increased welfare - improved healthcare and education - more efficient public administration - equal rights to all - better protection of the environment - more scholarships to study in the EU |

The publication of this non-paper illustrates the EU's more active engagement with Belarus in the context of the ENP. It brings more clarity in terms of what reform measures are requested and what kind of benefits can be expected. Moreover, the direct appeal to the Belarusian people forms an interesting innovation in comparison to previous policy papers.

The EU's ambition to involve the Belarusian population and civil society in the difficult process of democratisation includes a number of policy challenges. For instance, the objective to facilitate people-to-people contacts and cross-border cooperation between Belarusian and EU citizens (e.g. through student and scientific exchanges, scholarships, youth travel, contacts between small and medium-sized enterprises, ...), contradicts with the EU's strict migration policy and the increase of Schengen visa fees to €60, i.e. a third of an average monthly wage in Belarus (Jarabik and Rabagliati, 2007, p.7). The option of a visa facilitation agreement, which has been concluded with Russia and Ukraine, is not an evident option due to the limited contacts with the Belarusian authorities.

Another clear example of the difficult balancing act between a strict policy *vis-à-vis* the official regime, on the one hand, and supporting the Belarusian people, on the other hand, concerns the exclusion of Belarus from the EU's Generalised System of Preferences (GSP). Already in May 2006, the European Commission recommended the withdrawal of Belarusian

trade preferences if no measures would be adopted to comply with the International Labour Organisation (ILO) obligations relating to freedom of association of workers within the following six months. This suggestion faced severe criticism from Belarus' neighbouring EU Member States – Poland, Lithuania and Latvia – because this measure would hurt ordinary Belarusian people rather than the government. Moreover, it could affect small, cross-border traders.

Whereas the opponents managed to block a first initiative to impose the trade sanctions, the EU Council finally voted in favour of a regulation temporarily withdrawing access to the generalised tariff preferences from 21 June 2007 onwards (Council of the EU, 2006). As a result, the standard duty rates apply to Belarusian exports to the EU, representing a difference of 3% in comparison to GSP tariffs. It is estimated that approximately 10 % of the country's export is affected. (Belarusian Institute for Strategic Studies, 2007). Apart from its economic consequences, the withdrawal of trade preferences also has an important symbolic dimension. Belarus is only the second country in history to lose its GSP privileges, after Burma in 1997, which illustrates the exceptional nature of the sanctions. Accordingly, due to the introduction of the 2006 sanctions, the regime of Lukashenka was more than ever an isolated pariah in Europe. In combination with the increased support for opposition leaders in the built-up to the 2008 parliamentary elections, the EU's strategy apparently aimed at a regime change with the coloured revolutions in other former Soviet republics as a source of inspiration. Yet, it soon became clear that the preconditions for a home-grown democratic breakthrough were not fulfilled (Raik, 2006). In addition, domestic developments in Georgia and Ukraine increasingly raised doubts about the viability of the new governments. In this context, the EU's strategy towards Belarus gradually developed in the direction of an open diplomacy with the official leaders aiming at an incremental democratisation of the existing regime rather than at a revolutionary change of the situation (Fischer, 2009).

(v) 2008-2010: The Eastern Partnership: a policy of constructive engagement with the Belarus authorities

The release of political prisoners as well as some minor improvements in the organisation of the parliamentary elections in 2008 – which, however, still did not meet the democratic criteria of the OSCE – inspired the Council of the EU to restore contacts with the Belarusian authorities. In a gesture of goodwill, the Council cancelled the travel restrictions on certain

leading political figures for a period of six months while at the same time extending the other restrictive measures for a period of one year (Council, 2008). This decision allowed the creation of a high-level EU-Belarus political dialogue, the establishment of a human rights dialogue, intensified technical cooperation in the fields of energy, transport, phytosanitary regulations and agriculture as well as the invitation of Belarus to take part in the Eastern Partnership (EaP). At the same time, the further improvement of relations remains dependent upon the fulfilment of additional criteria. In a resolution of 15 January 2009, the European Parliament (2009) laid down five concrete conditions to be fulfilled:

- (1) Belarus needs to remain a country without political prisoners;
- (2) Freedom of expression for the media needs to be guaranteed;
- (3) The authorities need to cooperate with the OSCE on reform of the electoral law;
- (4) The conditions for the work of non-governmental organisations (NGOs) need to be improved;
- (5) The freedom of assembly and political association has to be guaranteed.

Unfortunately, recent developments in Belarus go in another direction. The crackdown on peaceful political actions, the continued denial of registration of many political parties, non-governmental organisations and independent media as well as the lack of respect for ethnic (mainly Polish) minorities places the EU again for the difficult choice between applying a policy of sanctions or continuing on the course of constructive engagement. On 17 November 2009 the Council decided to give the Belarus authorities a second chance. The suspension of the application of the travel restrictions on certain officials of Belarus is extended until October 2010 whereas the other restrictive measures provided for by Common Position 2006/267 CFSP remain in place. In the meantime, the EU – once again – reconfirmed “its readiness to deepen its relations with Belarus in light of further developments in Belarus towards democracy, human rights and the rule of law and to assist the country in attaining these objectives” (Council of the EU, 2009). It is, however, questionable whether the prospect of visa facilitation, upgraded contractual relations and “a joint interim plan to set priorities for reform, inspired by the Action Plans developed in the framework of the ENP” will be sufficient to trigger any genuine democratic change in Belarus.

2. The limits of the EU's influence on domestic developments in Belarus

Over the last decade, the EU’s policy *vis-à-vis* Belarus has been characterised by the application of different forms of conditionality. The EU’s policy constantly oscillated between the “stick” of economic sanctions, travel restrictions and political isolation, on the one hand, and the “carrot” of normalised relations and closer cooperation, on the other hand. The launch of the EaP only confirms this trend. The question is, however, to what extent the EU’s initiatives have a direct impact on the domestic situation in Belarus. A look at the evolution of the Freedom House ratings, an often-used instrument for measuring the democratisation of transition countries (Schimmelfennig, 2005), reveals a bleak picture:

Table II: Belarus Democracy Score according to Freedom House (Silitski, 2009a)

| YEAR | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|-------|------|------|------|------|------|------|------|------|------|------|
| SCORE | 6.25 | 6.38 | 6.38 | 6.45 | 6.54 | 6.64 | 6.71 | 6.68 | 6.71 | 6.57 |

Note: The ratings are based on a scale from 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings in different categories such as freedom of the electoral process, civil society, independent media, corruption, etc.

Despite some minor improvement in 2009, this table seems to suggest that the EU’s efforts did not have any tangible effect on the democratisation of Belarus. Arguably, the effectiveness of the EU’s conditionality depends upon a number of factors, including the attractiveness of the offered rewards and the domestic adaptation costs in case of compliance (Schimmelfennig, 2005). The problem regarding Belarus is clearly the absence of sufficiently attractive incentives, on the one hand, and the high political power costs of complying with democratic and human rights rules, on the other hand. Full compliance with the EU demands opens the gates to a potential change of power, a most unattractive option in a repressive and totalitarian regime. It has, therefore, been concluded that “*regardless the level of support to the opposition and the level of isolation of the regime, the extremely unfavourable conditions in Belarus are likely to frustrate any western policy aimed at domestic change in this country*” (Schimmelfennig, 2005).

Whereas the direct impact of EU conditionality is very limited, the development of EU-Belarus relations essentially depends on the wider regional context and, in particular on the relationship with Russia. Arguably, the sudden *rapprochement* between the Lukashenka regime and the EU in the framework of the EaP has less to do with the offer made by the

Union than with a (gas) crisis between Moscow and Minsk. In the wake of Lukashenka's re-election as president in 2006, Russia's state-owned gas supplier *Gazprom* announced higher prices for the year 2007. When Lukashenka opposed this price hike, *Gazprom* threatened to cut gas supplies to Belarus. Both parties finally agreed on a compromise in January 2007 providing for a gradual increase of gas prices and, most importantly, the transfer of fifty per cent of *Beltransgaz*, the Belarusian national gas network, to *Gazprom*. Few months later, on 1 August 2007, the Russia-Belarus gas row continued after the Belarus side failed to pay for past supplies. This energy conflict with Russia can be regarded as a "wake-up call" for the ruling elite in Belarus, which triggered the Lukashenka regime to look for closer relations with the EU in order to balance its dependence on Russian subsidies (Silitski, 2009b). As was also observed by Grzegorz Gromazki (2009):

"Change in Belarus' attitudes and policy towards the EU – whether for better or for worse – have always been triggered by changes in relations with Russia. One could say that Belarus' policy towards the EU is a card that Lukashenka has been playing in his relations with Russia. Increasing tensions in relations with Russia are followed by signs of openness towards the EU – and the other way around."

Proceeding from this perspective, it appears very difficult if not impossible to change anything in Belarus without the involvement of Russia, whether one likes this or not. The main challenge, of course, is to convince Moscow about the importance of a more democratic state system in Belarus. When the Russian Foreign Ministry declared the 2006 presidential elections to be "free and fair" – in contravention to the conclusions of the OSCE election observers – and President Putin openly congratulated Lukashenka with his re-election, the European Parliament bluntly concluded 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 of Europe." (European Parliament, 2006). Bridging the fundamentally different visions between the EU and Russia on the desirable evolution of Belarus will not be easy.

Without subjugating the EU's relations with Belarus to Russian control, it seems recommendable to look for ways to engage with Belarus and Russia at the same time (Fischer, 2009). In this respect, it is of utmost importance for the EU to overcome Russia's negative attitude to the EaP. Russia, not being a target country of the EaP, perceives this new policy initiative of the EU as a threat to its traditional sphere of interest (Steward, 2009). In order to

accommodate to Russia's frustrations, the EaP provides for opportunities to engage third countries "on a case-by-case basis in concrete projects, activities and meetings of thematic platforms, where it contributes to the objectives of particular activities and the general objectives of the Eastern Partnership" (Council of the EU, 2009). At least for the multilateral EaP platform on "democracy, good governance and stability", it seems to be a good idea to have both Belarus and Russia on board.

Conclusion

For more than a decade, the EU is trying to bring Belarus on the path of democratisation. The problem is, however, that the autocratic Belarusian leadership never showed any genuine interest in close relations with the European Union. Lukashenka has demonstrated an unwavering reluctance to change his policy because of EU critics, sanctions or the promise of normalised relations. In this context, a policy of political conditionality, including the stick of economic and political isolation as well as the carrot of normalised relations and increased financial assistance, did not produce any effect. The Eastern Partnership presents the EU's most recent attempt to deal with the Belarus dilemma. This policy aims at a constructive engagement with the Belarusian authorities. The release of political prisoners in 2008, the establishment of a human rights dialogue and the start of technical cooperation at many levels created the impression that something really changed. However, upon closer inspection, it appears that these measures might be nothing more than window-dressing in an attempt of the Belarusian elite to find a new geopolitical balance between Moscow and Brussels.

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