



## DIPLOMATIC ACROBATICS

Summer is over and we will soon be fully immersed in usual rhythm. But before that let us turn back and briefly assess the events in Belarus that were up in August.

The spotlight this time was the meeting of Mr. Medvedev and Mr. Lukashenka in Sochi, mysteriously entangled in presuppositions regarding the latter's early departure to the Russian resort. Again, no agreements signed, no deals reached. Moreover, the treaty on creation of rapid military reaction forces (RMRF) still lacks A. Lukashenka's signature, though Russian diplomats were certain about that before the CSTO summit in Kirghizia in July-August 2009. Disregarding this, military training of the RMRF will take place on the territory of Belarus in September 2009. A. Lukashenka is without doubt a master of acrobatic balancing on the diplomacy rope.

As *Pavel Usov* claims in his latest contribution, the opposition of Belarus tries to keep up with the leader of the state in terms of balancing. The visits of representatives of Belarusian opposition parties to Moscow analyzed in detail in the article demonstrate opposition's efforts to complement the declining support of the EU.

Besides support of Belarusian oppositional parties, the second leverage that the EU possesses is visa policy. Visa policy towards East European states is claimed to be the strongest EU's instrument on its purpose to promote democratic developments. Its achievements are evaluated in the article by *Ekaterina Glod*.

*Julija Narkeviciute, Editor*

## OPPOSITION IN MOSCOW: DANGEROUS EXPECTATIONS

*Pavel Usov, New Europe*

Over the period of July-August 2009, a number of Belarus' opposition representatives - Anatolij Lebedko, Yaroslav Romanchuk (United Civil Party), Alexandr Kozulin, Sergej Kalyakin (Communist Party of Belarus), Anatolij Levkovich (Belarusian Social Democratic Party (Hramada)) - visited Moscow in order to present themselves and opposition in general as a potential political partner.

Before we start analyzing the reasons and outcomes of these visits, let us note the representation of Russia in political discourse of Belarusian opposition.

In political mythology that Belarusian opposition still rests upon, Russia is a guarantor of economic and political support thanks to which Lukashenka's regime had existed and flourished for such a long time. Therefore, it would be enough to overpersuade Russia and redirect its support to the opposite side in order to let Belarus get rid of dictatorship and become a democratic European state. Moreover, a number of oppositionists believe that amicable economic and political relations on equal terms

with Russia are possible. And political regime in Belarus is the only obstacle that precludes such a relationship. Those politicians convince themselves and others that if it were not A. Lukashenka's regime, the relations with Russia would be exceptionally constructive. However, while claiming that, ongoing conflicts between Russia and Ukraine, war with Georgia, and confrontation with Poland are not being taken into account.

Yet the reason of the conflict between Minsk and Moscow is not the dictatorship of Lukashenka as such, but his unwillingness to make political and economic concessions. As for Russia, the dictatorship in Belarus is an indispensable and effective tool to maintain Belarus in the sphere influence. This was the reason why Belarus could not open a dialogue with the West for a long time. However, Russia needs a loyal regime. A. Lukashenka recently became very intractable and this displeased Moscow. Consequently, if Russia's potential to change the regime in Belarus is presumed, Russia would change it either with as dictatorial as the recent one, or with a pseudo-democratic one that would

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be more loyal, concessive, and completely under Moscow's control.

Therefore, without any democratic developments in Russia and its renunciation of imperial ambitions, it is impossible to talk about mutually beneficial relations between Belarus and Russia and latter's support of democratization in Belarus. Any assumption about authoritarian Russia as an initiator of democratic reforms seems absolutely absurd. Furthermore, Russia would pose a threat for the sovereignty of Belarus irrespective of the regime in place. For this reason, rhetoric and actions<sup>1</sup> of Belarusian oppositionists as well as their willingness to rely on Russia in struggle against A. Lukashenka's regime seem reckless and irresponsible.

The turn of oppositionists towards Russia can be explained by the acute economic and political conflicts between Russia and Belarus that recently intensified as well as by Russia's irritation regarding the reversal of A. Lukashenka's foreign policy. Not least important is the changed EU politics towards the regime in Belarus. The opposition ceased to be EU's favorite interlocutor. The EU did not only start approaching Mr. Lukashenka, but also significantly reduced its support for the opposition (mainly financial support). The main reason for that is the inefficiency of the opposition, permanent conflicts and splits that weaken its structures. Deplorable state that the opposition finds itself, even with constant financial support from the West, shows its inability to take part in country's political affairs. In such conditions the dialogue between the West and Belarusian regime seems natural. Actions of some Belarusian oppositionists to some extent remind A. Lukashenka's efforts to intimidate Russia to turn to the West. Opposition's actions can be treated a 'threat' to the Western countries to turn to Russia in case they stop financing their parties.

Visits of politicians, who consider themselves as leaders of Belarusian opposition, affirm the assumptions regarding their willingness to represent themselves to Russia as worthy partners and presidential candidates. In this regard, the visit of A. Kozulin to Moscow on August 10<sup>th</sup>, 2009 is demonstrative. During his visit, A. Kozulin had an appointment with the head of State Duma's Committee for CIS Affairs Aleksej Ostrovskij. It points to the fact that Russia, which for a long time used not to pay attention to Belarusian opposition, is gradually changing the mechanisms of influence. A. Kozulin's visit to Moscow was not the first one. In 2006, being a presidential candidate, A. Kozulin repeatedly visited Russia in order to gain Russia's support. A. Kozulin's visits to Moscow, meetings and conferences produced an image that namely he was Moscow's project aimed at splitting the united opposition camp.

There is no doubt that Kremlin is an initiator of the recent meetings with Belarusian oppositionists. It implies that the opposition is merely an object that

will be used in Russia's interests. Thus, in case there is any agreement between Russian ruling elite and Belarusian opposition directed against Lukashenka's regime, the outcome of such mutual actions could be highly deplorable for Belarus.

Meanwhile, the visits of the opposition to Moscow have to be evaluated as an element of symbolic and psychological impact on A. Lukashenka. The purpose is to show that there are no 'irreplaceable dictators' and Russia may start outlining a new political project.

However, at present Moscow's flirt with the representatives of Belarusian opposition can hardly menace the political regime in Belarus. The very Moscow's support could unlikely contribute to opposition's abilities to change political situation in Belarus. The regime is consolidated as before, the opposition weak and disunited. The very economic crisis has not shaken the stability of the regime that continues to repress its enemies and control the society. The regime is able to eliminate any political threat on the part of the opposition, even if it enjoys Russia's support. Certainly, with a condition that Russia is not planning military aggression against Belarus. Any oppositional structures formed with the participation of Russia will be resolved and swept away even before the beginning of presidential campaign. Furthermore, it is extremely difficult to form such political organizations under conditions of strong control, not to speak about mobilization of supporters. In case a real pro-Russian oppositional candidate who would threaten the regime ever appears, he definitely will not be registered.

As for today, among the Moscow's visitors only Sergei Kalyakin can pretend to be a pro-Russian candidate. However, having in mind that Mr. Kalyakin leans solely upon Communist Party of Belarus, he will unlikely be able to mobilize society and opposition. Unification of the opposition and joint support of Mr. Kalyakin as a candidate for the President of Belarus is feasible only with enormous financial resources.

Warm relations between Belarusian opposition and authorities in Russia will contribute to the intensification of anti-Russian and anti-oppositional propaganda that in turn will strengthen A. Lukashenka's position both in the society and in the eyes of Western politicians. Moreover, the opposition harms itself rather than the regime and its stability for the following reasons.

First, relationship with Moscow will lead to even greater internal fragmentation in both the opposition and United Democratic Forces. Such organizations as BNF and *Movement for Freedom* will hardly enter the pro-Russian coalition that could be formed by the United Civil Party (UCP), Belarusian Social Democratic Party (Hramada) (BSDP) and Communist Party of Belarus (CPB). This would mean that two opposing candidates nominated by the opposition will run for president as it was in 2006. Both will contend each other rather than A. Lukashenka. Moreover, unconcealed

1 «Белорусская оппозиция предложила России «перезагрузку», <http://www.svobodanews.ru/content/transcript/1768890.html>.

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pro-Russian positions of some parties, e.g. BSDP, can lead to further deepening of crisis inside the party, routine split and drift of supporters. In the end, before the election the opposition will seem even weaker.

Second, new eastern orientation of Belarusian opposition will cause wide resentment among democratically minded population. For these people Russia is a symbol of authoritarianism and imperialism. It will be extremely difficult to dissuade them. They will unlikely support the idea of replacing A. Lukashenka to make Belarus fully dependent on Russia.

Third, it is likely that nomination of a pro-Russian candidate for the Presidency will expand the dialogue between Western countries and official Minsk.

However, it is too soon to judge the dialogue between representatives of Belarusian opposition and Moscow as a serious game played by Russia against the regime in Belarus. On the other hand, such a possibility cannot be ignored. In case the crisis between Belarus and Russia deepens, the latter will use all possible leverages.

To speak about the Belarusian opposition itself, its toss between Moscow and Belarus evidences the fact that for today it has no long-term strategy concerning the upcoming Presidential election and political activity as a whole. The state of the opposition is so unfortunate that some parties are ready to look for help anywhere. Even if it contradicts their proclaimed principles and values.

## VISA-FREE TRAVEL TO EUROPE: A REALISTIC PERSPECTIVE FOR BELARUS?

*Ekaterina Glod*

The fact that citizens of East European countries judge the European Union (EU) in terms of its visa policy towards them is hardly a new one. Indeed, for most visa applicants a meeting with a consular officer is their first direct contact with a citizen of the EU. Hence, the way this process is carried out can either contribute to a positive image of the EU, or, on the contrary, significantly damage the reputation of EU Member States, particularly when visa application process becomes, in the words of Enlargement Commissioner Olli Rehn, a 'bureaucratic and costly nightmare'<sup>1</sup>.

Obtaining a Schengen visa for third country nationals has never been an easy process. However, a recent study on visa obtainment process<sup>2</sup> reveals that the adoption of Schengen visa regime by new EU Member States in December 2007 dramatically decreased the number of visas issued to East Europeans. Statistics show that in 2008 the number of visas issued to Belarusians has declined the most: by 73% less issued in Poland, by 52% - in Lithuania, by 34% - in Latvia<sup>3</sup>. The situation was aggravated by an often degrading and humiliating attitude experienced by visa applicants as well as by lengthy and burdensome visa application procedures.

The situation for Belarusians seems indeed most unfortunate. Not only they pay nearly twice as much as their neighbours do (€60 for a Schengen visa as compared to €35 to Moldovans, Russians

and Ukrainians), they also have to go through a more complex and time-consuming visa application process. This state of affairs is in contradiction with the EU's aim to foster human contacts with citizens of Belarus and largely evidences the inconsistency of the EU visa policy towards Belarus. It also bears negative political implications since the current visa regime de facto takes away a chance to 'europeanise' those Belarusians who are mostly susceptible: according to an analysis of the Belarusian Institute for Strategic Studies<sup>4</sup>, the enlargement of the Schengen zone has closed the door to Europe for those Belarusians who were largely unsure about their pro-European identity choice.

The year-long rapprochement between the EU and the government of Belarus raises both questions and hope for easing Belarusians' travelling to Europe. Is there a chance in the near future that Belarusians will pay less and go through shorter visa application procedures? How realistic is the prospect of visa-free travel?

### Historical implications

The Treaty of Amsterdam (1997) introduced the idea of establishing a 'European area of freedom, security and justice', which, among other pillars, provided for the creation of a common territory without internal borders along with the setting-up of a common external border. The treaty marked the emergence of a changed notion of security threats in the sense that 'a safe inside should be

1 Rehn, O. (2006), *Visa facilitation for Serbia*, Novi Sad, 'Exit' festival, SPEECH/06/441, 6 July.

2 Stephan Batory Foundation (2009), *Changes in Visa Policies of the EU Member States. New Monitoring Report*. Warsaw.

3 Ibid. p. 57.

4 Melyantsou, Dz. and Silitski, V. (June 2008), *How to lower Schengen visa costs for Belarusians* ([www.belinstitute.eu](http://www.belinstitute.eu)).

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most effectively protected from an unsafe outside<sup>5</sup>. Hence the control of external frontiers became a major objective of the EU cooperation in justice and home affairs, whereas the issue of visas took up an important role in the EU's understanding of effective and comprehensive border management.

The Amsterdam Treaty transferred far-reaching competences in the visa domain from national states to the European Community. The latter in turn developed a common visa policy for third country nationals. At the heart of this policy was the Council Regulation No. 539/2001 that named countries whose nationals must be in possession of visas when crossing the EU external border (the so-called 'negative list') as well as countries whose nationals were exempt from the requirement (the 'positive list')<sup>6</sup>. Citizens of countries placed on the negative visa list were by definition considered as potential security risks. Belarus was among many other countries that constituted the negative list.

Since the adoption of the EU visa regime was part of the *acquis communautaire* for the countries seeking accession, the new EU Member States were required to introduce Schengen visas to neighbouring countries' citizens given that these states were included into the negative visa list. This resulted in disruption of socioeconomic and political relationships across border regions, where previously people had enjoyed a greater freedom of movement, whilst also created a potential for establishing new dividing lines in Europe. The negative side-effects of the strict visa regime were soon recognised by the EU, consequently measures aimed at mitigating these effects started to be discussed.

There was yet another reason for the EU to revise its visa policy. It soon became obvious that strict visa policies were not only negatively affecting the image of the EU in its neighbourhood and contradicting EU's goals to promote human contacts. It imposed obstacles for legal crossing of the external EU border and, what is more, failed to succeed in preventing irregular immigration and organised crime. More effective tools to combat illegal migration and at the same time promoting contacts between people had to be found. One such tool proved to be the signing of Visa Facilitation and Readmission Agreements (VFRA) with third countries.

### VFRA

The new security approach was an attempt to balance internal security concerns and external stabilisation needs. The EU eased travel conditions in exchange for signing the VFRA that obliged a third country to implement reforms in justice and home affairs. Thus the EU sought at once to push for reforms in neighbouring countries and react

to the discontent regarding tough visa regime. The VFRA offered a better way to fight illegal migration since it provided for the return of illegal migrants and rejected asylum seekers. Yet the EU had to overcome the difficulty to motivate third countries to sign such an agreement. Nonetheless, in case of the VFRA signed by the EU and Russia, for the first time a firm link between readmission and visa issue was established.

Currently the EU has signed VFRA with countries in Western Balkans, Russia, Ukraine and Moldova. The Balkan countries served as a model for the above mentioned ENP countries given that the country had an ENP Action Plan in force and met the proper preconditions<sup>7</sup>.

In short, VFRA stipulates for cheaper and easier travel, study and business conditions while ensuring the return of illegal immigrants. Although facilitations slightly differ depending on the country, generally they provide for a simplification of documentary procedures, issue of multiple-entry visas with a long period of validity, waiver/reduction of fees for specific categories of citizens and setting of deadlines for visa issue. Although VFRA reduces the visa costs for all citizens (currently set at €35), its facilitations concern only certain categories of applicants (such as business people, journalists, drivers of international cargo and passenger transportation services, pupils, students, scientists). Such a provision leaves the rest of the citizens behind the simplified visa procedures. Worth mentioning is also the fact that while the facilitations provided for in the VFRA for the Western Balkans apply for tourists, the agreements with Moldova, Russia and Ukraine lack such a provision<sup>8</sup>.

An important component of all VFRA is a provision establishing joint monitoring committees composed of EC officials assisted by experts from the member states and partner countries. These committees may suggest amendments to the present agreements, settle disputes as well as provide a controlling mechanism, ensuring fair and transparent visa application procedures.

Although it may still be too soon to assess the quality of the implementation of the VFRA (most of them came into force in 2008), some clear-cut advantages can already be noticed. According to the Stefan Batory Foundation's study, VFRA increase the frequency of visa fee waivers while reducing the procedure's length<sup>9</sup>. For example, the volume of Schengen visas issued to Ukrainians increased by 134% in 2008, while around one third of the Ukrainian applicants benefited from visas free of charge<sup>10</sup>. Moreover, applicants from Moldova, Ukraine and

5 Trauner, F. and Kruse, I. (2008), *EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood*.

6 The two lists were determined by a considered, case-by-case assessment of a variety of criteria relating, inter alia, to illegal migration, public policy and security, and the EU's external relations, also taking into consideration the implications of regional coherence and reciprocity.

7 Commission of the European Communities (2006), *Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 04.12.2006.

8 Trauner, F. and Kruse, I. (2008), *EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood*. P. 18.

9 P. 8. Ibid

10 Press Release of the EC Delegation to Ukraine: [http://ec.europa.eu/delegations/ukraine/press\\_corner/all\\_news/news/20090416\\_01\\_en.htm](http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/20090416_01_en.htm).

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Russia receive visas with a longer term of validity than the ones issued for Belarusians (92 versus 58 days)<sup>11</sup>. The setting up of the EU Common Visa Application Centre in Chisinau under the VFRA framework took away the extra burden of visiting individual consulates since it issues visas to seven EU member states.

#### Where does Belarus stand?

The cost of a Schengen visa for Belarusians remains €60 since no visa facilitation agreement has been concluded between Belarus and the EC. Formally, there are no legal grounds for initiating a discussion on the VFRA, as Belarus does not have an ENP Action Plan in force, as required by the EC Communication 726. Furthermore, it is questionable whether Belarus fully meets other pre-conditions set out in the Communication, such as efficient readmission and border management as well as cooperation in fighting illegal immigration. The issue of readmission is of great importance in the process of visa facilitation, particularly bearing in mind the fact that negotiations with Russia and Ukraine started namely with discussions on readmission agreements.

The launch of the Eastern Partnership initiative in May 2009 could constitute a new legal framework for visa facilitation for Belarus. However, such a possibility is complicated by 15 years of troublesome Belarus-EU relations. The ratification of Belarus's Partnership and Cooperation Agreement (PCA) with the EC and the entering into force of the Interim agreement were stopped in 1997. Naturally, without an adequate basic legal framework, Belarus can neither fully participate in the EaP, nor conclude agreements on readmission and visa facilitation. However, the recent improvement in Belarus-EU relations can imply that the PCA may soon be concluded.

For the moment, discussions on reducing visa fees and simplifying application procedures for Belarusians have been confined to political deliberations. For example, in June President A. Lukashenka asked Benita Ferrero-Waldner to lower visa fees for Belarusians, while during the EU troika meeting in July Foreign Minister of Belarus Mr. Martynov claimed the facilitation of the visa regime to be a clear priority for Belarus. The reaction of the Belarusian authorities is not surprising, if one considers the degree of ordinary Belarusians' discontent realising that they are paying for visas twice as much as their neighbours. Therefore, the government would like to present itself as a successful negotiator. Visa facilitation is also likely to ease travelling for officials themselves, as 'members of official delegations' is a category of citizens falling under simplified travelling procedures, whilst the exemption of visa obligation for diplomats is standard practice in most VFRAs.

The EU has taken the request of the Belarusian authorities with certain caution – whilst recognising that the visa mechanism is 'flexible', it pointed out the need to achieve a common (by all EU member states) agreement on the matter. Moreover, it was noted that the decision would depend on the progress of democratisation in Belarus<sup>12</sup>. The principle of reciprocity inherent in the VFRA should also be taken into account when considering the possibility of visa facilitation: reduction of visa fees for Belarusians would mean lower fees to Europeans to enter Belarus (currently set at approximately €60). Whether the Belarusian authorities are prepared to take such a step is unclear as this would significantly diminish revenues from this source.

#### Visa-free travel

Today visa-free travel for Belarusians seems even a more unrealistic prospect. The openness of the EU to East European travellers, including Belarusians, can be judged by the elimination of clear references to a visa-free regime from the Eastern Partnership final Declaration. The Commission's original proposal included the removal of visa requirements altogether<sup>13</sup>, while the document adopted at the Prague Summit offered the partners a simplified visa application system and 'gradual steps towards full visa liberalisation' on a case-by-case basis and as a 'long-term goal' only. Thus, it remains to be seen whether the decision to liberalise visas will find its expression in concrete measures.

As for now, only the Western Balkan countries face a realistic perspective of visa-free travel, bearing in mind that these countries bear the status of 'candidates' or 'potential candidates' for EU membership. Even for them it has been a long and difficult process. Macedonia alone has fulfilled the requirements for a visa-free regime. Each of the Western Balkan countries received a 'roadmap', defining the exact conditions to be met in the areas of border management, document security and measures against organised crime. The requirements ranged from purely technical questions, such as issue of passports with biometric data, to the adoption and implementation of a package of laws and international conventions. The effective implementation of the VFRAs was set as a pre-condition for further dialogue on visa liberalisation.

Based on the facts outlined above, it is obvious that Belarus is still far from entering a visa-free travel regime with Europe. Even if it has achieved certain progress in the comprehensive border management through the ongoing TACIS/EC projects in the area, the rest of the conditions seem outside the scope of Belarus' achievements. Within the very EaP's framework for mobility and security initiative,

11 Stephan Batory Foundation (2009), *Changes in Visa Policies of the EU Member States. New Monitoring Report*. Warsaw.

12 See, for example, statements of Benita Ferrero-Waldner in *Vizovy vopros: belorusy stali namnogo menshe ezdit v Evropu i Polshu* ([www.tut.by](http://www.tut.by), 23 June 2009) and Ferrero-Waldner – *Survile: "Vizavaya palityka EZ hnutkaya"* ([www.svaboda.org](http://www.svaboda.org), 3 July 2009) and Swedish Foreign Minister Carl Bildt in *Martynov: ochevidny prioritet dlia Belarusi – uproshchenie vizovogo rezhima ES* ([www.tut.by](http://www.tut.by), 29 July 2009).

13 European Commission (2008). *Eastern Partnership*. Communication from the Commission, 3 December 2008.

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Belarus first should solve the problem of freedom of movement with Russia.

The only prospect for easing travel to Europe for Belarusians seems to be the new Visa Code that should bring significant facilitations for all visa applicants, whatever their nationality. In particular, the facilitations would include an obligation for a consular officer to give a reason for any visa refusal, the possibility for a visa applicant to appeal a consular officer's decision, harmonisation of certain forms, a more precise definition of supporting documents, etc. Moreover, it would reduce the visa fee for a small category of applicants, in particular for children as well as would waive visa fees for researchers and representatives of NGOs under 25. The Community Code on Visas was adopted on June 25<sup>th</sup> 2009 and has by now entered into force.

### **Concluding remarks**

History shows that the EU visa policy can be an effective lever for initiating comprehensive reforms in third countries. In case of Belarus, the visa policy is one of the few EU's instruments to foster political and social change in the country. Yet Belarus is not given sufficient attention or shown enough interest by the EU Member States so that the EU would break its bureaucratic rules and simplify visa application procedures for Belarusians. The EU considers visa facilitation conditional on political liberalisation in the country. Yet the former can become a cause of the latter. In the long run, the real development of the EU Eastern policy will only take shape through the facilitation of people-to-people contacts between the EU Member States and their neighbouring countries. Facilitation of travelling conditions for these countries seems to be the first step on the way to achieve this goal.



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### **TO CONTRIBUTE TO THE NEXT ISSUE OF "BELL"; PLEASE CONTACT:**

Julija Narkeviciute

Phone: +37067805634

Fax: +37052736953

E-mail: [julija.narkeviciute@eesc.lt](mailto:julija.narkeviciute@eesc.lt)

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