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Have Belarus–EU Relations Hit the ‘Ceiling’?

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Summary

The expert and media communities tend to indulge in speculation that Belarus and the European Union have hit the “ceiling” in their relationship, referring to the deadlock in the negotiations on landmark agreements that slows further normalisation of the bilateral relations, as well as the lack of any substantial negotiating agenda after the simplification of visa procedures. How fair are such allegations?

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The “ceiling” in the Minsk-Brussels relationship is most commonly referred to in the context of complications encountered in the finalisation of the contractual legal framework for bilateral engagement. Namely, the long-drawn-out negotiations on visa facilitation and readmission, as well as the partnership priorities that have de facto been blocked, and the negotiations on the framework agreement that have never commenced.

Politics and negotiations of agreements

Negotiations on visa facilitation and readmission (the two agreements are signed in a single package) began back in 2014 and took several long pauses at various phases due to the EU’s additional conditionality, which official Minsk considered discriminatory. The text of the agreements was eventually approved in 2019, but due to bureaucratic delays in Europe, the agreements came too late to be signed before the entry into force of the new EU Visa Code, which increased the Schengen visa fee for Belarus to EUR 80 instead of it being brought down to EUR 35 in accordance with the visa facilitation deal. Despite the obviously negative effect, Brussels refused to freeze the visa fee at the previous level (EUR 60) until the simplified regime becomes operational, although there

had been precedents, for example, for Russia in 2007. Before the similar agreement on visa facilitation came into effect and after the Schengen visa fee increase, the old EUR 35 fee was effective for almost six months.

The document on partnership priorities is expected to outline the main areas for Belarus and the EU to engage and open up additional possibilities to finance joint projects. It was considered to be an interim, provisional agreement in the absence of a framework bilateral treaty. However, after Lithuania had conditioned the approval of the partnership priorities on the notorious issue of the Belarusian Nuclear Power Plant and as good as blocked the negotiations, it became clear that the document was unlikely to see the light. Moreover, since it covered a fixed time period (2017–2020), its essence was lost altogether during the lengthy talks.

Minsk has repeatedly proposed to start negotiations on a framework partnership and cooperation agreement (PCA) that would cover the entire range of political and economic cooperation between Belarus and the European Union.

> Belarus is the only country in the region that does not have a contractual legal framework of cooperation with the EU.

This circumstance is at odds with the growing scope of the actual engagement. Brussels insists that the partnership priorities should become the first document to adopt, and talks on the framework agreement will follow.

It turns out that Belarus and the EU are faced with a diplomatic Catch 22: negotiations on the framework agreement cannot start until the partnership priorities have been approved, but the latter cannot be agreed because of Lithuania's veto. Furthermore, there is a less articulated precondition for beginning the negotiations, which is nevertheless just as relevant – the abolition of death penalty.

This indeed makes it much more difficult to move towards an efficient contractual legal framework for the relationship. But is it enough to speculate about a deadlock? Is it fair to draw the conclusion that the "ceiling" has been hit in Belarus-EU relations?

Can the diplomatic impasse be broken?

Problems in international relations that cannot be resolved by diplomatic tools are extremely rare, especially if they are not associated with armed conflicts and remaking of borders. In our case, the diplomatic stalemate does not appear insurmountable.

On the one hand, as a document designed for a specific period, the partnership priorities are no longer relevant. Accordingly, one of the prerequisites for negotiating the framework agreement can be eliminated, unless another option for a provisional agreement is proposed.

On the other hand, Lithuania's stance on the Belarusian Nuclear Power Plant will also be modified. As soon as the NPP has been commissioned, the demands that its construction should stop will make no sense. As debate moves into the more constructive sphere of ensuring the safe operation of the NPP, more opportunities will be created to untie this issue from the framework agreement between Belarus and the EU. There are also some external factors that influence Vilnius's position. The U.S. made it clear that it would not help the Lithuanian leadership fight against the Belarusian NPP. Some of the EU member states are growing increasingly irritated over Lithuania's uncompromising position on Belarus, especially against the backdrop of the Russian-Belarusian confrontation and improved awareness of the importance of preserving the independence of the Belarusian state. The Baltic states themselves are divided on the NPP and the purchase of electricity that it will generate.

The EU might shift its position with regard to the negotiations, as happened before. For example, in 2011, its attitude to the simplification of visa procedures changed. Prior to that, Brussels had viewed visa facilitation as a reward for the democratisation of Belarus. However, after the elections of 2010, it revised its approach and offered Minsk to start negotiations despite the marked deterioration of the relations.

> Belarusian NGOs and the expert community contributed to building the EU politicians' awareness that the simplification of contacts with Belarusian society should never depend on Minsk's domestic policies.

On the contrary, the removal of communication barriers, demonstration of the benefits of the European model to Belarusians and "winning over of their hearts and souls" may eventually lead to improved pro-European and pro-democratic sentiment.

The same sort of logic may apply to the framework agreement, for it will help build up economic and humanitarian ties, which will strengthen the EU's "soft power" toolkit, while making Belarus less dependent on Russia's influence. This outcome objectively benefits the European Union.

Sectoral dialogues and bilateral dimension

Furthermore, Belarus-EU relations are not limited to politics and negotiations on comprehensive agreements, which are always in the focus of the media. Trade and investment cooperation and sectoral dialogues are showing much better dynamics, but they are not so attractive for the media to cover them extensively, despite the fact that they can have a much greater impact on the development of the bilateral relations and on Belarusian society than visa facilitation.

For example, active sectoral dialogues are underway in economics, finance, trade, customs, and environmental protection. Investment cooperation is quite intensive as well. Last year, an agreement was reached to increase the investment portfolio of the European Investment Bank (EIB) in Belarus up to EUR 550 million. An agreement to expand sustainable energy use was signed, and the EIB's agreements with Belarusbank and Belagroprombank followed. In 2019, the European Bank for Reconstruction and Development (EBRD) set a new record in its activities in Belarus: the bank invested in excess of EUR 390 million in 24 projects in the private and public sectors, achieving the highest annual level of investments in Belarus.

On December 19, 2019, the Council of the European Union officially started the negotiations of the European Commission with Belarus on the Customs Cooperation and Mutual Administrative Assistance Agreements. The explanatory memorandum of the European Commission states that deeper engagement in the absence of a framework agreement calls for a separate arrangement, which would become the legal basis for customs cooperation.

In addition to collaboration with Brussels, Belarus seeks to actively promote its bilateral relations with a number of EU member states. In November 2019, Aliaksandr Lukashenka visited Austria, thus making his first official visit to the EU after the sanctions had been lifted. Almost simultaneously, foreign ministers of Sweden and Finland paid a joint visit to Minsk. The rhetoric of the EU representatives attested to their commitment to further deepen cooperation. Importantly, Finland held the EU presidency at that time, which is why the Finnish minister represented not only Helsinki, but also the entire EU. Both ministers appreciated their negotiations in Minsk, saying that the results were "admirable" and "excellent". The Finnish minister also suggested holding trilateral expert consultations between Lithuania, Belarus and Finland regarding the security of the Belarusian Nuclear Power Plant. Lithuania immediately turned down that proposal, but that attempt was an important symbolic step, indicating the EU's desire to continue its constructive dialogue with Minsk.

In February 2020, Berlin played host to the statutory meeting of the Belarus-Germany Strategic Advisory Group – a new format of bilateral dialogue to outline the vision of further development of relations and identify specific steps in this direction. The consultative body includes representatives of the governments, parliaments, businesses, academic institutions, and NGOs of the two countries.

These examples (picked out of many) are evidence that European capitals are gradually changing their view on Belarus and, accordingly, their approach to building the bilateral relations. Official Minsk, for its part, relies on furthering its engagement with individual member states as an element of its strategy to normalise relations with the entire EU. Since the EU's foreign policy is formed by its member states, rather than its supranational bodies, this approach of the Belarusian leadership makes sense.

> Furthermore, the format of the relations with the European Union that is used in the case of the rest of the Eastern Partnership member states, especially Ukraine, Moldova and Georgia, is notably inapplicable to Belarus.

Whereas those countries declared their willingness to join the EU and were ready to meet certain conditions to reach their objective, the same policy of conditionality simply does not work when it comes to Minsk. Within the framework of its relations with the European Union the Belarusian authorities focus on other tasks and conduct negotiations based on factors that differ from those motivating the three countries above, hence drawn out negotiations, low expectations, and a different agenda.

Therefore, the current status of Belarus–EU relations is hardly the "ceiling". There is only one area, where a diplomatic deadlock can be observed; however, it does not look impassable. At the same time, in many other areas of cooperation, dynamics remains and even improves. Using the language of metaphors, one should rather be talking about the achievement of some "plateau," that is the state of flattened dynamics, albeit with no insurmountable obstacles to future growth.

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