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Changing Belarus?

The Limits of EU Governance in Eastern Europe and the Promise of Partnership

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―――――――― ABSTRACT ――――――――

Since the end of the Cold War, European Union (EU) efforts in trans-forming Central and Eastern Europe (CEE) have been enormously successful. The 2004 enlargement is widely regarded as the single most effective foreign policy strategy in the Union's history, and the recent European Neighbourhood Policy (ENP) was designed to repeat that success in countries located on the EU's new Eastern borders. Although the ENP has been the subject of substantive discussion in European academia, Belarus is the one country in Eastern Europe that has largely escaped scholarly attention. This article takes stock of recent developments in EU–Belarus relations and seeks to explain the very limited leverage of the EU over the country. We first examine the EU's relations with Belarus through the theoretical lens of external governance. By taking for granted the EU's ability to transfer its norms and values, however, the governance perspective does not account for the EU's very limited success in changing Belarus. We therefore revisit Michael Smith's notion of 'boundaries of order' to highlight the impact of legal/institutional, transactional, cultural and geopolitical factors on EU–Belarus relations. We argue, in particular, that the existence and the construction of boundaries between the Union and its neighbouring states are essentially *mutually constitutive* processes. Besides shifting its own boundaries (and thereby extending its rules to outsiders), the EU is itself subject to the boundaries enacted by neighbouring states. In our conclusion, we juxtapose the notion of external governance as 'rule transfer' with 'partnership' as a more suitable mode of interaction between the EU and Belarus.

Keywords: Belarus; boundaries of order; Eastern partnership; EU external governance

Introduction

Since the end of the Cold War, the European Union's (EU) efforts in transforming Central and Eastern Europe (CEE) through economic and political reforms have been enormously successful. The 2004 enlargement of CEE is widely regarded as having been the single most effective foreign policy strategy in the Union's history (e.g. Prodi, 2002; Commission, 2003: 5; Patten, 2003: 3; Solana, 2006: 2). The recent European Neighbourhood Policy (ENP) was designed to build on the success of democratic and economic reforms in CEE by fostering stability and prosperity in countries located on the EU's new Eastern borders, specifically Ukraine and Moldova (e.g. Ferrero-Waldner, 2006: 2, 2008; Missiroli, 2007). Although the content, aims and potential impact of the ENP have been the subject of substantive critical discussion throughout European academia (e.g. Wallace, 2003; K. E. Smith, 2005; Del Sarto and Schumacher, 2005; Tulmets, 2005; Kelly, 2006), one country in Eastern Europe has largely escaped scholarly attention in the context of the ENP, namely Belarus.

In much of the literature, Belarus is portrayed as the 'last dictatorship' of the European continent or as an oddity of sorts, an ultimate 'outsider' (e.g. Dingley, 1994; Marples, 2005; Raik, 2006). The country remains sidelined in academic discourse and analysis. Few if any efforts have been made to take stock of recent developments in recent EU–Belarus relations and to explain the limited leverage of the EU over the government of President Lukashenko and the Belarusian population.

This article places Belarus at the centre of analysis. We aim first to examine recent relations between the EU and Belarus through the theoretical framework of external governance. An increasing number of scholars conceptualize the EU's recent relations with its Eastern neighbours as an instance of EU external governance (e.g. Hubel, 2004; Lavenex, 2004, 2008; Raik, 2006; Lavenex et al., 2007; Gänzle, 2008). The external governance perspective focuses on the multi-level and multi-actor character of EU external policies, in contrast to the vertical, bureaucratic notion of hierarchical government (Lavenex, 2008: 940). This perspective yields considerable potential in taking stock of recent developments in EU relations with Belarus, since traditional vertical political relations at ministerial level have been suspended by the Council of Ministers since 1997 (General Affairs Council, 1997: 13). EU external governance does, however, imply the transfer of 'a system of rules which exceeds the voluntarism implicit in the term co-operation' (Lavenex, 2004: 682, 2008: 940). By taking for granted the Union's capacity and legitimacy to transfer its rules, the governance perspective does not account for the EU's limited success in transferring its *acquis communautaire* or its 'values' to Belarus. We therefore develop Michael Smith's notion of boundaries (M. E. Smith, 1996) in order to highlight the impact of legal/institutional, transactional, cultural and geopolitical factors on recent EU–Belarus relations and the EU's leverage over the country.

In the first part of the article, we briefly review the assumptions of the external governance approach, highlight its limitations and introduce the

notion of boundaries to EU governance. In the two empirical parts that follow, we examine the contours of EU's relations with Belarus and highlight the factors conditioning its influence. In our conclusion, we juxtapose the notion of governance as 'rule transfer' (Lavenex, 2004: 681) with 'partnership', as a more suitable (and potentially more successful) mode of interaction between the EU and Belarus.

Part I: External Governance and Boundaries of EU Influence

The dominant trend from approximately 2004 onwards has been to conceptualize the ENP as an instance of EU external governance (e.g. Hubel, 2004; Lavenex, 2004, 2008; Raik, 2006; Weber et al., 2007; Gänzle, 2008). External governance frameworks draw the analytical focus to exploring the relationship between the EU and ENP partner states and specifically to the mechanisms or modes of interaction that are present in the relationship.

Sandra Lavenex conceptualizes the ENP 'as part of an ambitious external governance agenda by the enlarged Union' and in terms of the 'institutional configuration of EU relations with its near abroad' (2004: 680). She emphasizes the EU's ability to exercise external governance vis-à-vis neighbouring states by expanding its institutional and legal order. She further distinguishes the legal/regulatory from the institutional/organizational mode of EU governance. The former concerns the transfer of EU rules (policies, the *acquis*, bilateral agreements), whereas the latter entails the inclusion in EU policy structures and joint decision-making at lower political levels via 'horizontal network governance' (in agencies, assistance projects, cross-border cooperation, exchanges, training, etc.) (Lavenex, 2004, 2008: 5–7). The analytical focus on policy linkages and interaction between the EU and ENP partner states at lower political levels is particularly useful when taking stock of current EU–Belarus relations because high-level institutional cooperation at ministerial/government level has been 'frozen' by the Council since 1997 (Vieira and Bosse, 2008).

Other modes of governance exercised by the Union towards neighbouring states are commonly categorized as 'soft' and 'hard' governance. The Union applies soft governance through the appeal of its norms and values, for example, 'through the prospect of enlargement' (Friis and Murphy, 1999: 226), which in turn has socialization effects on partner states: '(…) taking part in the process of governance transforms the values and preferences of a social actor, making them "community compatible"' (Raik, 2006: 81). The notion of 'hard governance' refers to 'governing through negotiations' and bargaining/package deals (Friis and Murphy, 1999: 214–15). This is essentially the mode of governance that is based on hierarchy, negotiation and conditionality (Schimmelfennig and Sedelmeier, 2004). A detailed analysis of the contours of 'soft' and 'hard' modes of EU external governance will help to further explore the Union's current approach towards Belarus. In its official statements, the Union continuously underlines the 'twin-track' nature of its approach towards Belarus, based on strict conditionality vis-à-vis the regime, and, at the same time, on the promise to support and 'win

the hearts and minds' of the Belarusian population (General Affairs and External Relations Council, 2005, 2006; see also Bosse, 2008a).

Whereas the external governance approach yields much promise in analysing the current state and shape of EU relations with Belarus, with its focus on different modes of governance it is less suitable for explaining the variation in the EU's leverage over countries located in its neighbourhood. EU external governance means 'rule-extension towards non-member states' and, according to Lavenex, is 'more than "co-operation" as it implies a system of rules which exceeds the voluntarism implicit in the term co-operation' (Lavenex, 2004: 682, Hubel, 2004: 349–50). In other words, the external governance approach assumes the Union is capable of extending its rules (with or without the agreement of the respective neighbouring country) as naturally given. By accepting EU external governance to exist *ex ante*, however, the approach cannot account for the factors that enable and/or constrain the Union's ability to expand its rules in the first instance. Belarus is a case in which EU 'rule transfer' is by no means self-evident, and one of the most important analytical challenges is indeed to conceptualize and explore the factors that impact on the Union's influence over the country.

We therefore re-visit Michael Smith's notion of 'boundaries of order' as a conceptual tool by which to capture the limits of EU governance in Belarus. According to Smith, different types of boundaries — geopolitical, institutional/legal, transactional and cultural — 'exist or can be constructed between the Union and its environment' (M. E. Smith, 1996: 13).[1] However, whereas Smith maintains that 'the key variable […] is the ability of the Union to draw, to maintain or to modify a boundary between itself and the changing European order' and that the 'EU can structure and control the linkages between insiders and outsiders' (M. E. Smith, 1996: 12), we argue that the existence and the construction of boundaries between the Union and its neighbouring states are essentially a two-way or 'mutually constitutive' process (Barth, 1969; Newman and Paasi, 1998). In other words, besides constructing and shifting its own boundaries (and thereby extending its own rules to outsiders), the EU is itself subject to the boundaries constructed by neighbouring countries and/or regions. We argue that these boundaries, in particular, severely constrain the EU's ability to exercise external governance.

Smith's conceptualizations of the legal/institutional, geopolitical, transactional and cultural boundaries do not therefore solely comprise the boundaries 'erected by the EU' (M. E. Smith, 1996: 15). The *legal/institutional boundary* between the EU and neighbouring states is not just constituted by the EU's ability or decision to exclude or include third states in its legal, institutional or administrative order (M. E. Smith, 1996: 15–16), but also by, for example, the legal/institutional ties between a neighbouring state and other states in the region (i.e. Belarus's treaties with the Russian Federation). Also the 'mismatch' between the legal, institutional and administrative order of the EU and the system in the respective neighbouring state can constitute a significant boundary on the Union's influence. *Transactional boundaries* refer to the restrictions on the movement of goods, capital, services and persons across the borders separating the Union and third states

(Friis and Murphy, 1999: 217). This boundary, too, can be constituted by the border and visa regime of the EU, but also by the border politics of the third country. *Geopolitical boundaries* are not constituted solely by the EU's geopolitical interests or discourses (M. E. Smith, 1996: 15). The dominance of US/Iranian interests in the Middle East, US/Russian/Turkish interests in the South Caucasus and the increasing prevalence of Russian interests in its 'near abroad' (specifically Belarus) are fairly obvious reminders of the boundaries inhibiting EU influence over its neighbourhood. The focus on geopolitical boundaries therefore draws attention to the geopolitical positioning of an ENP partner state like Belarus in wider international/regional relations, as well as to changes and continuities in the interpretation of the international environment (i.e. the EU and its policies) by neighbouring states. *Cultural boundaries* are not only constructed by the EU and 'European exceptionalism', which is based on the Union's values 'expressed or written in such a way as to make others a threat' (M. E. Smith, 1996: 17). Cultural boundaries are also constituted by 'values-gaps' between EU member states and ENP partners which originate in the domestic political culture or elite perceptions/values in neighbouring states (form of government/regime, state-society relations, transparency and communication, public opinion) (Bogutscaia et al., 2006). As Hiski Haukkala recently observed, the 'liberal consensus', which has dominated much of the immediate post-Cold War world, has started to erode, and, as a result, so has the 'automatic' pull of the EU as a role or export model of governance (Haukkala, 2007).

In the empirical analysis that follows, we explore the current state and shape of EU–Belarus relations through the theoretical lenses of the external governance approach and its focus on different modes of interaction: as 'hard' and 'soft' as well as network modes of governance. We then examine the effect of institutional/legal, transactional, geopolitical and cultural boundaries between the EU and Belarus on the ability of the EU effectively to exercise 'rule-transfer' through each respective mode of governance.

Part II: The Modes of EU Relations with Belarus and Their Legal, Institutional and Administrative Boundaries

'Hard' Mode of Governance and Conditionality

Relations between the Union and Belarus had looked very promising just after the end of the Cold War. The EC recognized Belarus's independence in December 1991 and until 1994 their relations were based on the Trade and Cooperation Agreement (TCA) concluded with the USSR in 1989. In 1995, the EC and Belarus signed a Partnership and Cooperation Agreement (PCA) as well as an Interim Trade Agreement to bridge the time until the PCA's final ratification by all member states. Between 1994 and 1997, however, the positive trend in EU–Belarus relations came to an end following President Lukashenko's attempt to extend his presidential mandate in a referendum in 1996 by changing the constitution and increasing

repression in Belarus of the opposition, independent media and the judiciary. These developments prompted the European Council in 1997 to suspend the process of ratification of the PCA and to freeze the Interim Agreement. Since then, EU relations with Belarus have remained covered by the 1989 TCA, which does not include any provisions for regulatory approximation to the EU's trade-related *acquis*. The 1997 Council decision also restricted all political contacts with Belarus to below ministerial level. The only other legal instrument binding the Union and Belarus is the 1993 bilateral agreement on trade in textile products (Piontek, 2006). Briefly, the EU has reinforced its legal/institutional boundary through suspension of the PCA and all high-level political dialogue.

In 2002/3 the EU began to develop what was then called the 'Wider Europe–New Neighbourhood Strategy', initially designed as a response to the challenges and opportunities arising from the Union's new Eastern border. The emphasis here was clearly on Ukraine, but Belarus was considered as a partner or 'subject' of a new neighbourhood policy right from the start. The Commission and High Representative initially highlighted an 'upgrading of the PCA relations with Ukraine and Moldova' with Belarus being a 'different partner', yet still a central focus of the Union's efforts to 'engage more actively in resolving problems' on its 'doorstep' (Patten and Solana, 2002: 3–4). In October 2002, the General Affairs and External Relations Council even stated its intent to develop enhanced relations with 'Ukraine, Belarus and at a later stage Moldova' (GAERC, 2002). The 2003 Commission Communication on 'Wider Europe–New Neighbourhood' did not, however, present a clear strategy for engagement with Belarus. It stated that:

> The EU faces a choice over Belarus: either to leave things to drift – a policy for which the people of Belarus may pay dear and one which prevents the EU from pursuing increased cooperation on issues of mutual interest – or to engage, and risk sending a signal of support for policies which do not conform to EU values. (Commission, 2003: 15)

Between 2004 and 2006, the EU started drafting Country Reports as well as Action Plans for implementation of the ENP with most partner states, including the Mediterranean and South Caucasus, excluding Belarus. The 2006 Commission Communication on 'Strengthening the ENP' makes no mention of Belarus (Commission, 2006a). Instead, the Commission issued a 'non-paper' in December 2006 which essentially contains a list of democratization measures 'reflecting a principled, non-compromising approach'. It states that 'the EU cannot offer to deepen its relations with a regime which denies its citizens their fundamental democratic rights' and demands 'political, economic and administrative reforms' (Commission, 2006b). The non-paper is yet another expression of the Union's 'governance through conditionality' approach: adoption of political and economic reforms in return for full participation in the neighbourhood policy.

In summary, the Union has set and maintains a strict legal and institutional boundary between itself and Belarus and it tries to transfer its rules

(political reforms) through conditionality as a mode of 'hard' governance. The EU's 'hard' governance, however, has had no measurable effect on the Lukashenko government, not least because the broad and almost 'existential' conditions set out in the non-paper cannot feasibly be implemented at once. As George Dura notes, 'Lukashenko would have to democratise Belarusian politics and society, thereby seriously jeopardising his future as Belarus' president' (2008: 6).

Hard vs. Soft Governance?

Still, there is more to the Union's neighbourhood policy than hard governance. The mode of soft governance is reflected in the EU's efforts to 'win the hearts and minds' of the Belarusian population as expressed in the 2004 Commission Strategy Paper:

> More can be done […], in particular to support civil society, democratisation, independent media, the alleviation of problems in the areas affected by the Chernobyl disaster, humanitarian assistance as well as regional cooperation. (Commission, 2004: 4; 12)

The support for civil society and NGOs is financed through the Neighbourhood Programmes (2005–6) and the European Neighbourhood and Partnership Instrument (ENPI) from 2007.[2] Assistance in 2005–6 totalled €10m (€8m committed) and focused on (i) support for institutional, legal and administrative reform and (ii) on support in addressing the social consequences of transition, including support of civil society and democratization, education and training and support of the alignment with international conventions (Country Strategy Paper, 2005–6). Additional assistance was also provided via the European Instrument for Democracy and Human Rights (EIDHR) (€5m in total, €2m from TACIS budget) (Country Strategy Paper 2005–6). The ENPI is a new EC assistance tool and comprises national, regional, cross-border and thematic components. Belarus receives assistance for projects under the thematic programmes 'Democracy and Human Rights' and 'Non-State Actors and Local Authorities Development', the national component (€5m p.a.) including actions to alleviate the consequences of the Chernobyl catastrophe and democratic development and good governance (Country Strategy Paper, 2007–13).

Whether and how this assistance translates into actual 'soft governance' on the ground is not clear. Most projects that have been funded through TACIS since 2005 aim at improving border management. A mere €130,000 was allocated to micro projects (human rights/democracy). €2m went into awareness-raising TV/Radio programmes for Belarus, but the funds only supported projects and project partners outside Belarus, i.e. a radio station for Belarus broadcasting from Poland.[3] One specific problem that frequently occurs in the funding of 'grass-roots' and NGOs is the lengthy registration process for projects, which effectively gives the Belarusian authorities a veto

on proposed projects. According to a Commission official, projects under the Annual Programs that have already been agreed in partnership with the relevant mid-level authorities are often rejected by the central authority, which refuses to register them.[4] The very strict auditing rules and regulations of the TACIS instrument are also to blame for the difficulties in allocating funding to unregistered NGOs. The rules of the ENPI contain even stricter criteria which organizations participating in projects have to meet. This is one of the reasons why, even within the European Commission, the ENPI is not considered a useful tool for funding bottom-up/civil society projects, especially in countries that do not welcome such support.[5] Because of their greater flexibility and direct funding channels (which do not require the prior agreement of national authorities), the EIDHR and the Non-State Actor Programmes are designed to finance the majority of civil society projects in the future (Bosse, 2008b: 52–3).[6] The suitability of the ENP/ENPI as a tool of 'soft governance' in support of civil society and NGOs in Belarus is therefore questionable.

The EU itself appears to hamper the effect of its 'soft' governance approach towards Belarus through its lack of direct financial commitment to the Belarusian population and by having erected serious administrative boundaries to financing civil society through the ENPI. That boundary is further reinforced by the 'mismatch' between the EU's administrative order (strict auditing rules) and the (lack of) institutional/legal framework in Belarus.

EU Rule Transfer through Networks?

Technical or expert cooperation, however limited, has been a relatively consistent feature of cross-border/regional cooperation under the TACIS instrument. Belarusian Oblast' (regions) participate in three of the EU's cross-border cooperation (CBC) programmes: Latvia–Lithuania–Belarus, Poland–Belarus–Ukraine and the Baltic Sea Programme. All three projects continue to be financed under the ENPI. Belarus has hosted several meetings of project selection committees, and cooperation on border crossing/service issues is generally regarded as constructive.[7] At the same time, and possibly as a side effect of shifting TACIS/ENPI finances towards non-controversial/technical projects, even meetings between the Commission and Belarusian line ministries on the indicative programmes have become less political.[8] A novelty of the ENPI is the requirement for third countries to sign financing agreements with the Commission, which then adopts the annual action programmes without additional approval by the member states (Council, 2006). This has further led to the de-politicization of cooperation, which tended to be characterized by formal exchanges of official political rhetoric.[9] In the words of one Commission official commenting on recent technical meetings with Belarusian officials, 'everyone involved knows the situation' and the Commission only 'puts its lines' if requested by the Council.[10] The mutual agreement on pragmatic engagement can be interpreted as a small but significant *socialization effect* (Raik, 2006) not just on Belarusian officials, but

also on EU officials towards a common style of interaction and negotiation. That in turn might lead to a slight reduction in the formal cultural/political or 'values' boundary constraining much of the interaction between the EU and Belarus.

The Commission appears to be moving towards an approach of technical engagement with Belarus in other policy areas, too. The 2004 ENP Strategy Paper confirms that:

> […] if significant positive developments take place in democratisation in Belarus, there is scope for more active engagement with the Belarusian authorities at political level. Contacts between officials at technical level could be intensified and meetings at senior level, such as the Regional Directors' Troika resumed. (Commission, 2004: 11)

Contrary to the 'principled' conditionality approach of its 12-point non-paper, the Commission's recent interpretation of 'significant positive development' appears to be measured against fairly small political steps taken by the Belarusian authorities, such as the release of political prisoners. In January 2008 and following the release of three political prisoners, experts from the Commission met their Belarusian counterparts in Minsk to discuss 'technical matters relating to the energy and transport situation in the EU and Belarus', and an additional meeting took place in early February on environmental issues (Commission, 2008a). The areas discussed in these technical meetings range from the identification of joint interests and possible projects, such as the improvement of safety of trucks, to investment plans or Russia's North and South Stream Projects.[11] On part of the Union, usually officials from DG RELEX and the relevant line DGs participate, together with experts at or below the deputy ministerial level. According to one Commission official, the Belarusian side is always very well prepared, professional and committed not to exploit the meetings for media propaganda.[12] It is important to note that both the Commission as well as Belarusian officials see these meetings as instances of cooperation based on shared interests and partnership (rather than 'rule-transfer'). According to Commissioner Ferrero-Waldner, there can be possible spillover effects from technical to political cooperation: 'The holding of technical meetings between experts of both sides could lay the ground for substantial co-operation in the framework of full partnership […]' (Commission, 2008a: 1). The signing of the Memorandum of Understanding with Belarus on the establishment of a fully fledged EC Delegation in Minsk on 7 March 2008 may serve as an opportunity for the Commission to further develop expert cooperation with the relevant stakeholders in Belarus.

Belarusian experts are also included in technical meetings and training events to address issues of strengthening and reinforcement of asylum, migration and border management standards and capacities within the framework of the 'Söderköping Process'. This comprises an annual senior level review meeting and working level cluster meetings for migration service and border guard officials, as well as non-governmental organizations (Country Strategy Paper, 2007: 13–15).[13] These instances of technical cooperation, as

a mode of governance, have already led to some EU 'rule transfer', including the transition to international standards of border control in Belarus, such as the establishment of an International Training Centre on Migration and Combating Trafficking in Human Beings in Minsk in July 2007 or the introduction of an automated control system at all border check points.[14]

The ability of the EU to exert governance through technical networks remains difficult to judge, because many of the expert networks have emerged very recently and/or take place on an *ad hoc* basis. Small aspects of the formal political/cultural or 'values' boundary between the EU and Belarus are potentially being reduced because both EU and Belarusian officials have agreed on a common style of interaction in many of these networks. That, however, is less the result of EU rule-transfer and more the result of a mutually accepted agreement based on partnership. Evidence of actual EU rule-transfer is scarce and limited to the establishment of border control standards or training facilities.

Apart from constructing many of its very own legal, institutional and administrative boundaries to exercising effective 'soft', 'hard' or network governance, the EU's limited influence on Belarus is also due to a set of broader factors, which we discuss in the following section.

Part III: Mutually Constitutive Boundaries of EU Governance in Belarus

Transactional, geopolitical and cultural boundaries limit the EU's ability to project and transfer its rules to Belarus. We suggest that the Union's neo-liberal assumptions of interdependency and normative responsibility to project 'good governance' abroad encounter several of these boundaries. Whereas some aspects of these boundaries are maintained by the Union, many others are in fact constructed by the Belarusian government and conditioned by its unique geopolitical positioning between the Russian Federation and the 'West'.

Transactional Boundaries

Bilateral trade and economic relations between the Union and Belarus remain covered by the TCA, concluded by the USSR in 1989 and subsequently endorsed by Belarus. The TCA provides for MFN (most favourite nation) treatment with regard to tariffs. The EU does not apply trade sanctions against Belarus, but it subjects the country to one of the toughest bilateral textile regimes of all its trade partners (Dura, 2008: 5). Following a complaint by the International Trade Unions, the Commission started the procedure of withdrawing the EU Generalized System of Preferences (GSP) from Belarus. The Council adopted the Commission proposal in 2006 and the withdrawal entered into force in June 2007.[15]

It is clear that the Union has not moved towards facilitating trade transactions with Belarus. The EU is Belarus's second main trading partner and

accounts for approximately one-third of Belarus's trade (total turnover in 2006 was Ú8.7 billion, half of which was EU exports and half EU imports).[16] At the same time, the customs union between Russia and Belarus prevents a free trade agreement with the EU (Dura, 2008: 4). Still, the significance of the 'transactional' boundary between the Union and Belarus has to be placed in the context of the actual products exported by Belarus. Over 60% of these exports are products using oil delivered to Belarus from Russia (Dura, 2008: 4). According to estimates, the removal of GSP represents a difference of 3% of the standard tariff that now applies and will affect only 10% of Belarus's exports (Office for a Democratic Belarus, 2007a). Therefore, use of GSP withdrawal as a sanctioning or 'hard governance' tool by the EU to affect political changes in Belarus is questionable. Even if, as is often suggested, GSP withdrawal was meant less as a 'threat' to Belarus's economy and more as a soft-governance strategy to 'name and shame' the Belarusian leadership internationally (the EU has so far withdrawn GSP status only from Burma), it had no visible effects on the Belarusian government other than provoking some disquiet among 'softliners' (working towards ending Belarus's international isolation) and 'hardliners' (aiming to preserve the status quo) within the Belarusian authorities (Office for a Democratic Belarus, 2007b).

With regard to financial transactions, EU private investment fund managers have begun to show a greater interest in Belarus during 2007. At the same time, the Belarusian government seems to be opening up towards Europe and has indicated that many state-run companies and assets may be privatized in the near future (*International Herald Tribune*, 2008). In May 2007, the Belarusian government and a number of large European companies set up the Council for Business Cooperation between Belarus and the EU. The main purpose of this non-profit organization was to promote the establishment of economic ties between Belarusian and EU businesses and to attract foreign investors to finance major projects in Belarus.[17] In October 2007, Telekom Austria became the largest investor in Belarus after buying a 70% stake in a GSM network operator (MDC) for €730m (Wilson, 2008). Much of Lukashenko's recent policy allowing for increased European Foreign Direct Investment (FDI) in the country stems from Russia's decision to treble the amount Belarus has to pay for natural gas in 2008 (from $47 to $150 per 1k cubic metres annually). Lukashenko's popularity depends on economic stability, which in turn explains his tactical engagement now with European investors. On 4 March 2008, the president signed a decree to waive the Golden Share rule, which is vital for attracting foreign European investment (Allnutt, 2008). Still, trade and financial transactions between the EU and Belarus are dwarfed by the amount of equivalent transactions between Belarus and Russia.

Besides the boundaries limiting trade and financial relations, the physical EU border constitutes a very visible boundary to the movement of Belarusian citizens. Following enlargement of the Union and the Council's decision to extend the Schengen area in November 2007, the standard fee for both single and multiple entry visas for Belarusians has increased from zero entry

fees (with Latvia) or €5 (with Lithuania) to €60. This is roughly one-third of the average monthly salary in Belarus. Only students who participate in the EU's Erasmus Mundus programme may qualify for a waiver of visa fees (Melyantsou, 2008). Although a signature campaign has been launched by Polish, Latvian and Austrian members of the European Parliament to reduce visa costs for Belarusian citizens, the majority of member states in the Council are opposed to entering negotiations on a visa facilitation agreement with Belarus prior to the country agreeing to the ENP and an ENP Action Plan from the EU.[18] Cross-border movement from Belarus into the EU was very low prior to the introduction of the Schengen visa (less than 5% of the population of Belarus) and might now be decreasing even further (Stefan Batory Foundation, 2007: 2).

It is therefore difficult to identify significant shifts in the transactional boundary between the Union and Belarus. Whereas some signs point to slight improvement in the movement of European FDI across the border, other developments point to tightening of the transactional boundary, specifically following the extension of the Schengen visa regime to Poland, Latvia and Lithuania.

Geopolitical Boundaries: Belarus's Multi-Vector Foreign Policy Strategy

The evolution of Belarus's foreign policy serves as a barometer of its geopolitical and geo-economic dependence on its larger neighbours — EU and Russia — thus further conditioning the construction of boundaries. Interestingly, for the first 16 years of its independence, and certainly in contrast to its neighbours, Belarus has not had any national foreign policy strategy. The strategy received its first formal pronouncements in late 2006. These pronouncements were not in response to the EU's increasingly principled approach to Belarus; instead, they were precipitated solely by the rift in Belarus–Russia relations over energy prices.

Before 2006, several attempts were made to develop a clear strategy towards its neighbours, the two most prominent being the 1993 draft of Foreign Policy Concept calling on Belarus's return to its European home and the 1997 draft 'Strategy for Belarus' proposing a closer integration with both Europe and Russia.[19] The outcome of these endeavours, however, ensured the unequivocal prioritization of Russia as a cornerstone of Belarus's foreign policy. During 1995–99 the two countries signed a number of bilateral agreements[20] resulting in the Union State between Belarus and Russia warranting vast economic benefits for the former with an annual equivalent of 11–14% of national GDP (J. Korosteleva, 2007: 4) and allowing Lukashenko to achieve the so-called 'Belarusian miracle' associated with sustained economic growth, low unemployment, regular payment of wages and pensions. Russia's 'brotherly' aid rendered Lukashenko's regime envious stability and reasonably high standards of living, thus ensuring full legitimacy of his government (White et al., 2005), and thereby contributing to the erection of an explicit geopolitical boundary between Belarus and Europe.

In the course of his extended presidency, however, Lukashenko made two explicit attempts to 'return' to Europe and counter-balance his evidently one-sided foreign policy. The first 'come-back' occurred in 1999, when the President called for renewed cooperation with the EU and 'more decisive steps towards Europe', noting that '[…] we have made a big mistake […]. We have been leaning on the East for too long'.[21] The new 'Western' rhetoric was caused by the slow progress of negotiations on the Union State Treaty with Russia, and clearly aimed at blackmailing its large eastern neighbour. Interestingly, the EU's conditional response led Lukashenko to declare a short-lived 'responsible neighbourhood policy', whereby Belarus would seek closer cooperation with *all* its neighbours, including the EU. It also planned to seek participation in the formation of a 'self-sufficient system of European security', unfreezing of the PCA and closer engagement in cross-border cooperation; the 'Northern Dimension' and trade relations (Ulakhovich, 2003). In other words, at the will of the President, the geopolitical boundaries were moved (albeit briefly) closer to Europe. This happened not due to the seeming success of the EU external governance, however, but evidently in an attempt to negotiate the Constitutional Act with Russia and pertaining political and economic conditions of the Union State.

As anticipated, Lukashenko's pro-European rhetoric was short-lived. With Putin's election in office in 2000 and his initially favourable attitude to Belarus–Russia integration, the Belarusian leader rapidly altered his foreign policy stance, confessing that 'renouncing the course to bring Belarus closer to Russia would mean political death for me' (Danilovich, 2006: 124). This U-turn in Belarusian external relations yet again demonstrated Belarus's unambiguous prioritization of the Russian factor in its geopolitical and economic considerations.

The second explicit 'come-back' of Lukashenko to Europe was precipitated by a new and more pragmatic stance of Russia towards its CIS neighbours. After repeated gas-and-oil price aggression by Russia in 2002, 2004 and in late 2006, Belarus was finally forced to negotiate a 50% share acquisition of Beltransgaz by Gazprom, as well as a gradual increase in prices of gas, the introduction of export duty on crude oil supplies and an annual transfer of 70% of tax revenues to Russia earned from refined oil products (J. Korosteleva, 2007: 8). Russia also abandoned its plans for the Yamal-Europe II pipeline through Belarus, thus cutting a potentially vital supply of commodities upon which a large share of Belarusian GDP would rest, and continuously threatening to stop gas supplies to Belarus for deferred payments.

Being absolutely dependent on Russia's subsidies and resources, receipt of which ensured reliable 10% GDP growth rates during 2004–6, the Belarusian leadership was left in disarray. As Putin commented on Russian TV:

> $6bln revenues from energy deals — is our support for Belarus' economy. … If we recall that Belarus budget in 2007 was $14bln in total, then our subsidies equal to about 41% of that figure. (*Beloruskii Rynok*, 2007)

In these new pragmatic relations with Russia, the Belarusian unreformed 'miracle' became more difficult to sustain, prompting considerable budget reductions in social policies, on which Lukashenko's legitimacy was founded, and forcing Lukashenko to seek homage in Europe as his second explicit 'come-back':

> Our strategic line to the European Union is clear. We are saying frankly: without intending to join the EU, we offer a mutually beneficial partnership with this strong neighbour … Belarus is not an enemy of the EU, she is their partner. We are ready to cooperate. (Minsk, 2006)[22]

The 2008 handover meeting of Lukashenko with Putin and Medvedev in Sochi evidently reaffirmed the President of the need to seek a multilateral and multi-vectoral foreign policy, paying particular attention to constructing, or indeed shifting, geopolitical boundaries closer to Europe:

> […] Belarus' foreign strategy is based on three fundamental principles: political sovereignty, economic openness and equal partner relations with other countries. The 'Golden Rule' of our foreign policy is multi-vectoredness and interest in reciprocal contracts […]. We are very interested in cooperating with the West, especially the EU […]' (Minsk, 2008)[23]

This brief overview of Belarusian external relations with its larger neighbours clearly demonstrated that the Belarusian president is able to shift geopolitical boundaries; but he does so mainly in accordance with Belarus's strategic interests vis-à-vis Russia and not at all in response to the EU 'hard' governance or indeed EU's vague promises of cooperation and financial support. The now official strategy of the Belarusian government is in principle multi-vectoral, seeking international cooperation on the basis of mutual interests and respect for sovereignty. It is based on two essential dimensions: (i) diversifying its foreign energy supplies by fostering closer ties with energy-rich countries in the CIS and abroad, and (ii) adopting a clear pro-EU discourse asking for more cooperation in several areas of mutual interest, including transport, borders and energy (Dura, 2008: 4). Its declaration has now even seen some practical steps towards its realization: release of political prisoners, energy negotiations, launch of the EU's office in Minsk and a six-month suspension of a travel ban for high-ranked Minsk officials. Is this a sign of the EU effectual governance approach through conditionality and rule transfer? Highly unlikely, as the results of recent parliamentary elections in September 2008 and continuing harassment of the regime's political opponents demonstrate.[24] There may be some thawing in Belarus–EU relations in the form of technical/pragmatic network engagement adopting new styles and formats of dialogue. However, it is too soon to draw any decisive conclusions. After all, on many previous occasions, Belarus tactically deployed its pro-European rhetoric in an attempt to bargain with Russia, thereby exposing her unequivocal loyalty to the Eastern vector.

In conclusion, although the EU presently retains little leverage on the Belarusian government, there is, nevertheless, some scope for cooperation — not through removing but, rather, through shifting the existing geopolitical and, especially, geo-economic boundaries that are currently binding Belarus to Russia, providing that Lukashenko's government sees some practical benefits in the development of new relations with the EU. For the latter to be effective, it ought to be less politicized, less prescriptive and more technically driven.

Cultural Boundaries of EU Governance: Belarus's Domestic Politics

Belarus's geopolitical boundaries have been further reinforced by its domestic culture. Excessive bureaucratization, close government monitoring of any contacts with the West and periodic personal chastising by the President are part of a 'self-defence' mechanism developed by the government to prevent international meddling in domestic affairs. A discourse of 'normative clash' hastily introduced in 1997 by the EU during its 'isolation' campaign has been craftily employed by the Belarusian authorities to their advantage. Lukashenko frequently accuses Europe of 'double standards' towards Belarus, thus justifying his own measures for information blockade, mass media censorship and manipulation of public opinion. Our analysis reveals that this seemingly normative clash is no more than politically motivated boundaries and is carefully constructed and maintained by the Belarusian authorities because of their geopolitical and strategic considerations.[25] These are precisely the boundaries that the EU would find extremely difficult to permeate without the government's consent and assistance if it were to instil any leverage in the country with a view to winning 'the hearts and minds' of the Belarusian population.

All media outlets in Belarus are state-owned/controlled. Alternative press and broadcasting are only available from abroad, and may soon be prevented from circulation.[26] European issues hardly permeate the Belarusian media, which in general pay little attention to foreign affairs. The prevailing topic in media outlets is Belarus–Russian integration; whereas other issues receive limited non-analytical coverage. The most 'consistent reporter' of the events abroad has been the Ministry of Foreign Affairs (MFA): its press releases often serve as a basis for the official line of the mass media. Only successful stories of Belarus's bilateral relations are reported, and never with the EU as a unitary actor. Internet sources are still of limited use (Bykouski, 2006). On average, state daily newspapers have two to three 'European references', in comparison to 20–30 of those in non-state media. There is only one specifically European outlet in Belarus — 'European Choice' — a supplement to the newspaper *Belarusians and Market*, whose own audience covers only 0.4% of the market (IISEPS, 2007). In other words, by controlling the media and censoring the flow of information into the country, the Belarusian government constructs and evidently manipulates a cultural/values boundary between Europe and Belarus.

Public opinion in Belarus at best can be described as misinformed or indifferent. The Belarusian population seem to 'favour' Eastern broadcasting. For example, those who watch TV regularly (26%) prefer Belarusian (84%) and Russian (81%) channels, with only a small minority having access to 'Euronews' (17%), satellite TV (16%) and Polish/or Ukrainian TV (9%). Regular Internet consumers (6%) prefer Russian and Belarusian resources (38%), with only a small minority (9%) using a European portal. Those who listen to the radio (5%) may infrequently receive Western broadcasting. Overall, however, 92.2% of the population have never heard of new broadcasting channels launched by the EU two years ago (IISEPS, 2008).[27]

Belarusians are remarkably positive about Belarus's international standing, with 52% believing that their country has friendly relations with the rest of the world and only 17% aware of Belarus's isolation. When the EU took a decision to exclude Belarus from the GSP on the grounds of violation of trade union rights, the majority of the population (77%) either criticized the EU, in line with their government response, or remained indifferent. On the question whether Belarus should intensify its rapprochement with the EU, 54% answered negatively or remained indifferent; 41% concurred with Lukashenko's decision to have EU representation in Minsk, with another 40% expressing their total indifference. In other words, public opinion seems to conform fully to the official discourse carefully censored and manipulated by the incumbent government.

Sixty percent of Belarusians are unaware of the ENP; 83% have never been in any EU country and 59% have not had any contact with foreigners in the past three years. Still, the majority of Belarusians (60%) would like to know more about developments in the EU, as well as about activities of various EU organizations (IISEPS, 2008). Belarusians also reveal mixed attitudes towards Russia and the EU: while a majority (52%) are aware of better living standards in the EU, 45.3% still prefer integration with Russia. Overall, however, there has been remarkably little change (until recently) in public attitudes to the EU, which corroborates the government-promoted discourse of geopolitical and cultural boundaries between the EU and Belarus.[28]

In summary, both geopolitical and cultural boundaries have been erected by the Belarusian government to sustain the current regime and, also, in response to the policies of its larger neighbours. Russia clearly and for understandable reasons dominates the agenda of the Belarusian foreign policy, even in light of seemingly improving relations with the West. This, however, should not prevent Belarus from shifting its boundaries in response to better tailored and technically orchestrated moves of the EU, thus ensuring the formation of a more permeable and open to dialogue environment in Belarus.

Conclusions

Our aim in this article has been to analyse recent developments in EU–Belarus relations and in the ability of the EU to exercise external

governance and to transfer its rules and norms to the country. We first examined the current relationship through the theoretical framework of external governance and its focus on different modes of interaction: legal/institutional/network as well as 'soft' and 'hard' modes of governance. The EU has adopted a twin-track approach towards Belarus based on 'hard' governance through conditionality and 'soft' governance based on 'winning the hearts and minds' of the Belarusian population through financial support for civil society. EU governance through conditionality, however, has had very little effect on the Lukashenko government. The EU itself appears to hamper the effect of its 'soft' governance approach towards Belarus through its lack of direct financial commitment to the Belarusian population and by having erected serious administrative boundaries on financing civil society through the ENPI. The ability of the EU to exert governance through technical networks remains difficult to judge, although we found some evidence that EU and Belarusian officials have agreed on a common style of interaction in *ad hoc* issue networks. However, that is less the result of EU rule-transfer and more the result of a mutually accepted agreement based on partnership.

Developing Michael Smith's boundaries of order approach, we then analysed the impact of transactional, geopolitical and cultural boundaries on the ability of the EU to transfer its rules and norms to Belarus. Contrary to Smith's conception of boundaries, we argue that the EU is not the sole actor creating, shifting and maintaining the boundaries between itself and third countries. Our empirical analysis confirms that the Lukashenko government deliberately re-defined its geopolitical and cultural 'values' boundaries with 'Europe', or the 'West', in response to developments in its relations with Moscow. The EU is thus little more than an observer in the construction of the geopolitical and cultural boundaries between itself and Belarus.

In summary, the only visible effect that the EU is having on 'changes' in Belarus is the agreement on a common pragmatic style of cooperation which is generated through expert networks. That effect, however, is not the result of EU governance through rule transfer, as Lavenex and other external governance frameworks would imply. Rather, these changes in the attitudes of Belarusian officials were inspired by the principle of partnership based on 'shared interests'.

Changing official attitudes in expert networks is of course too little and too vague evidence to demand a complete remodelling of the EU's current twin-track approach towards Belarus. Nevertheless, taking into account the negligible effect of 'hard' and 'soft' modes of EU external governance on the country, it would be worth while re-emphasizing the principle of partnership (rather than governance) in the political (and academic) approach to Belarus. The new Eastern Partnership (EaP) (Commission, 2008b) — which will be officially announced at the EU summit in May 2009 — could, for example, constitute a formidable framework through which to pursue a 'triple-track' policy for Belarus based on feasible conditionality criteria, enhanced support for the population and pragmatic partnership.[29]

Notes

1. Lavenex also cites Michael Smith's notion of 'boundaries of order'. She adopts only the institutional/legal boundary for the external governance approach, which greatly reduces the contribution of Smith's approach to conceptualizing the Union's relationship with neighbouring states (i.e. the role of transactional, geopolitical and cultural boundaries) (Lavenex, 2004: 683; see also Gänzle, 2008).

2. Country Strategy Paper/National Indicative Programme: Belarus 2005–06, 28 May 2004; European Neighbourhood and Partnership Instrument: Belarus Country Strategy Paper 2007–13 and National Indicative Programme 2007–10, 2006.

3. European Commission, EuropeAid, Project Database: available at http:// ec.europa.eu/europeaid/cgi/frame12.pl, accessed on 15 March 2008.

4. Interview with Commission Official, Brussels, 6 March 2008.

5. Ibid.

6. At the time of writing (December 2008), it is not clear whether or how ENPI, EIDHR and Non-State Actors Programmes will be linked and/or their implementation monitored. The current proposal for the 'Eastern Partnership' is silent on these issues (Eastern Partnership Proposal, 2008; Commission, 2008b).

7. Interview Commission Official, Brussels, 6 March 2008.

8. Ibid.

9. For more information, see our discussion of geopolitical and cultural boundaries below.

10. Interview Commission Official, Brussels, 6 March 2008.

11. Ibid.

12. Ibid.

13. Further information is available at: http://soderkoping.org.ua/page2440. html. Two Belarusian NGOs also participate: the Belarusian Movement of Medical Workers (Refugee Counseling Service) and the Minsk City Bar Association.

14. Söderköping Process, Belarus plans to meet international standards of border control, Press Release, 24 September 2007 and Migration and Combating Trafficking Centre in Human Beings opened in Minsk, Press Release, 20 July 2007.

15. Poland, Latvia, Lithuania and Greece opposed plans to suspend Belarus from the EU's Generalized System of Preferences (GSP) on trade. For more information on the policies of the EU's new Eastern member states towards Belarus, see Bugajski (2007).

16. DG External Relations, EU–Belarus Relations. Available at http://ec.europa. eu/world/where/belarus/index_en.htm, accessed on 6 March 2008.

17. Key participants include the Royal Bank of Scotland, the Netherlands' ABN AMRO, as well as the Belarusian State Petrochemical Industry Concern (Belnaftakhim). Available at http://www.democraticbelarus.eu/node/3577, accessed on 10 March 2008.

18. Declaration on Reducing the Costs of Obtaining a Visa for Belarusian Citizens. Available at http://www.democraticbelarus.eu/node/3329.

19. The 1993 draft was rejected on the grounds of 'being incomplete', and the 1997 draft for being 'too pro-European' (Ulakhovich, 2001: 84, 97).

20. The following treaties were signed between Lukashenko and Yeltsin: the Treaty of Friendship, Good-Neighbourliness and Cooperation with Russia (21 February 1995); the Treaty on a Community of Sovereign Republics (2 April 1996);

the Russia–Belarus Union Chapter (23 May 1997); the Treaty on Equal Rights of Russian and Belarusian Citizens (25 December 1998) and the Treaty on the Creation of the Union State (8 December 1999).

21. Lukashenko's speech reprinted in *Respublika*, 9 April 1999.

22. Lukashenko's speech delivered at the meeting with the heads of Belarus's diplomatic missions (Minsk, August 2006), *Press Release*, No. 26558. Available at: www.president.gov.by; accessed in February 2008.

23. Lukashenko's speech delivered at the meeting with BSU students, 12 February 2008, *Press Release*, No. 49929. Available at: http://www.president.gov.by/; accessed in February 2008.

24. Despite the close attention of the EU and international observers at the recent parliamentary elections in Belarus and Lukashenko's pledges for free and fair elections, no single opposition candidate succeeded in being elected. The evidence may partially corroborate public legitimacy of the Lukashenko regime as well as the limited appeal of the opposition to Belarusian voters. For more details, see E. Korosteleva (2009), 'Was There A Revolution?'.

25. As the provisional results of opinion polls commissioned in Belarus in November 2008 under the auspices of the ESRC grant suggest, public opinion sways in line with the official discourse, now showing signs of interest and considerable meltdown towards Europe.

26. A highly controversial law on the mass media has recently been approved by the Belarus Parliament and ratified by the President in August 2008. It requires all online media outlets to register with the Ministry of Justice or face suspension. It also expands and obfuscates a list of violations on the basis of which a media outlet may be closed (as well as legal enforcement agencies who may issue warnings), which will clearly enhance government control over the Internet press. For more details, see debate at: http://naviny.by/rubrics/society/2008/06/28/ic_news_116_292874/; accessed in July 2008.

27. Unless otherwise stated, the source of the 2007–08 data cited in the article is the Vilnius-based Independent Institute for Socio-Economic and Political Studies (IISEPS) website: www.iiseps.org. IISEPS is regarded widely as impartial and an objective source of information, and its findings are corroborated by a range of other sources (including our own surveys conducted in 2001, 2006 and 2008).

28. Our findings show that the majority of Belarusians *knowingly* support Lukashenko's regime, which they see as the only alternative (or at least the lesser of two evils) and with which they have learned to cope strategically. For more information, see E. Korosteleva (2009).

29. On 3 December 2008, the Commission presented its Communication on the Eastern Partnership (EaP). The initiative aims to enhance EU relations with Armenia, Azerbaijan, Ukraine, Georgia, Moldova and Belarus. Belarus, however, is the only country whose participation in the Partnership remains uncertain. In October 2008, the Union temporarily lifted a travel ban on Lukashenko following the release of political prisoners. That decision will be reviewed in March 2009 and, if confirmed, the Belarusian president will be among the leaders of the six countries taking part in the EU–Eastern Partners summit in Prague in spring 2009; see Jowiak (2008).

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