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### The limits of EU governance: Belarus's response to the European Neighbourhood Policy

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## The limits of EU governance: Belarus's response to the European Neighbourhood Policy

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The article examines some conceptual and practical tensions related to the application of the external governance framework to the European Neighbourhood Policy (ENP) in less motivated states, such as Belarus. First, it critically analyses the foundations of the external governance framework – from M. Smith's perspective – in order to suggest that the failure of the ENP to legitimize in Belarus should not be solely attributed to the vices of Lukashenko's regime. Second, it argues that an understanding of specifically Belarusian 'boundaries of order' – geopolitics and culture – is essential for tailoring a more nuanced policy that will be able to accommodate the needs and interests of 'less motivated' ENP partner states. In conclusion, it is suggested that a new policy framework – of extended partnership – should be more technical and less political, based on horizontal networks of cooperation rather than on hitherto hierarchical governance by conditionality that has found little appeal in the less motivated neighbourhood. Can an Eastern Partnership framework become such an alternative?

**Keywords:** EU–Belarus relations; external governance; European Neighbourhood Policy; Eastern Partnership; geopolitics and domestic culture; Russian foreign policy

### Introduction

... We have to be prepared to offer more than partnership and less than membership, without precluding the latter ... [Our proximity policy] must be *attractive* ... It must *motivate* our partners to cooperate more closely with the EU. The closer this cooperation, the better it will be for the EU and its neighbours ... and the greater the mutual benefits will be. (Prodi 2002, p. 5, emphasis added)

After enlargement, the European Neighbourhood Policy (ENP) has become the Union's attempt to define its relationship with its new neighbours – a relationship envisioned as an effective and viable alternative to enlargement. The new policy was to offer *partnership* (rather than membership) founded on 'mutual advantages and mutual obligations' and 'joint ownership of the process' associated with 'the awareness of shared values and common interests' (European Commission 2004, p. 8). Building on the success of enlargement, the ENP has, to date, received a varied degree of support among its EU-oriented neighbours (Ferrero-Waldner 2008a, Missiroli 2008), with whom the Union has now proceeded to discuss Progress Reports based on partners' implementation of the first Action Plans.

There are, however, some states in the EU neighbourhood that so far have shown little or no sign of engagement with the EU. Belarus – a focus of our attention here – is the only country in the EU's eastern neighbourhood that expressed no aspiration for EU membership, or indeed an explicit desire for becoming a recipient of the ENP. The Union, until recently, has not been

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action-prone either. EU–Belarus relations effectively ceased to exist in 1997, with the increase of authoritarian tendencies in the country. Technically, Belarus is still covered by the 1989 Trade and Cooperation Agreement (TCA) signed with the USSR. In the absence of a Partnership and Cooperation Agreement (PCA), which was never concluded in 1995, the Union cannot initiate the ENP Action Plan with Belarus, and its Strategy Papers and National Programmes, in the absence of proper dialogue, remain non-committal and unilateral (Vieira and Bosse 2008). In 2006, the Commission issued a Non-paper (European Commission 2006b), in which it reiterated its principled and non-compromising approach to the ‘last dictatorship in Europe’, and made any future cooperation strictly conditional upon Belarus’s fulfilment of 12 requirements related to democratization and protection of human rights. In early 2008, the EU and Belarus nevertheless agreed to the opening of the EU representation in Minsk, and in autumn 2008, after Belarus’s parliamentary elections, the EU temporarily suspended a travel ban for the Belarusian president, pending the country’s further progress in democratization. Furthermore, Belarus has now also been conditionally invited to join a new associational initiative – the Eastern Partnership (EaP), which is to be officially launched in Brussels in April 2009 by the Czech Presidency (European Commission 2008).

To summarize, the EU has, to date, operated a twin-track approach of: (1) limited engagement with Belarusian officials; and (2) declaratory support for the needs of civil society and the people of Belarus. The country is thus not a partner, but a subject of the ENP, simply by virtue of being a next-door neighbour, and is covered by a limited share of the European Neighbourhood and Partnership Instrument (ENPI). It also qualifies for some funding under the European Instrument for Democracy and Human Rights (EIDHR), the Stability Instrument, Nuclear Safety Instrument and the Non-state Actors and Local Authorities Development programme, which, under the current government regulations, rarely receives a go-ahead. The total aid from the EU to Belarus does not normally exceed €10 m per annum, and as such forms only a fraction of Belarus’s GDP (Chubrik and Pelipas 2007).

Evidently, with Belarus, the ENP has failed to become an effective and, more crucially, a legitimate – that is, resting on public support (M. Weber, quoted in Clark 2003, p. 79) – policy tool for the neighbourhood. This necessarily begs a question as to why a supposedly differentiated and jointly owned ENP has been unable to strike an attractive and motivational cord with Belarus, a small, transient and resource-dependent country. Furthermore, why has the EU, counter to its expanding authority, capacity and resources (Friis and Murphy 1999), chosen to leave the country adrift and unreformed – a strategy perhaps commendable on moral grounds with a view to punish an international pariah, but also a strategy that would knowingly affect the people of Belarus, and prevent ‘the EU from pursuing increased cooperation on issues of mutual interests’ (European Commission 2003, p. 15)? Can this be a sign of an ill-conceived or indeed a failing policy? To this question, the Head of the EU delegation in Minsk has emphatically stated, ‘what happens in Belarus cannot be considered as a weakness of the ENP’,<sup>1</sup> and therefore cannot de-legitimize either the policy or its instruments. It may be so: one outlier in early stages of the ENP implementation is not a statistic. On the other hand, the policy that tolerates a defiant and threat-bearing Belarus in the heart of Europe invariably defeats its objective – that is, of building a stable, prosperous and secure Europe.

How could Belarus ‘escape’ the ENP’s pole of attraction? Traditionally, it is always an awkward partner to blame, a Lukashenko regime, which allegedly exhibits ‘a fundamental mismatch and contradiction in values, goals, and instruments’ to those of the EU (Rakova 2007, p. 1). The EU seems to find it difficult to engage with the ‘last dictatorship in Europe’ without compromising its own integrity and risking ‘sending a signal of support for policies which do not conform to EU values’ (European Commission 2003, p. 15). How otherwise is the EU planning to deal with its external disturbances if not by ‘internalizing’ (Smith 1996)

them and extending its resources and authority to warrant further democratization and stability on its own doorstep? As discussed in the preceding article (Bosse 2009), a ‘values-vs-security’ nexus, within which the EU-neighbours’ relations seem to have been inadvertently placed, offers an ultimate challenge to the EU governance in the country – that is, to find a flexible approach that will not compromise the Union’s moral standing, but which, at the same time, will offer some practical solutions to the security concerns posed by less motivated states such as Belarus. In the mean time, leaving Belarus to its ‘self-isolation’ and awaiting its adoption of EU conditions before resuming any dialogue is tantamount to the ENP’s failure to fulfil its purpose.

There is evidently a problem not only with Belarus’s regime *per se*, but also with the conceptual framework of the ENP and, more precisely, its translation into practice. Until recently, the ENP had been tested only on favourable grounds of those partner states who demonstrate willingness to associate with the EU in one form or another, which is not sufficient to make conclusions about the soundness of the policy and its instruments. In Eastern Europe, Belarus has become the first stumbling block for the policy – allegedly by virtue of being an outlier or (a more likely case) as an indication of a somewhat misconceived policy.

In this article, I shall therefore examine the ENP from Belarus’s perspective to suggest that the policy has failed to gain legitimacy in the country not only because of Lukashenko’s authoritarian leadership, but, more crucially, because of some explicit misconceptions that have guided the policy formulation from the start. Rather than a policy based on partnership, the ENP is now widely regarded as an instance of ‘governance by conditionality’ (Raik 2006, Lavenex 2008, Gänzle 2008, Bosse and Korosteleva 2009), which in the light of poor incentives (no ‘golden carrot’ of membership) and a clearly asymmetrical relationship, underscores the second problem of the governance framework for the neighbourhood – the lack of understanding of the mutually constitutive boundaries between the EU and its neighbours that prevent participating sides from having effective cooperation.

The article proceeds as follows. In the first part, I uncover some conceptual tensions relating to the use of the external governance framework in less favourable cases, such as Belarus. In particular, I argue that Smith’s (1996) concept of ‘boundary politics’ has failed to translate effectively into a partnership-building approach, and instead has become misguided by the politically motivated logic of governance by conditionality. The latter, naturally operating from the EU perspective, struggles to account for specifically Belarusian boundaries of order, and by ignoring those, is unable to gain any leverage over the country. In the second part I examine in detail specifically Belarusian ‘boundaries of order’, its geopolitics and culture, to account for the situation of ‘why and how the western policy misses the mark’ with Belarus (Ioffe 2008). In the final part, and by way of conclusion, I discuss whether the EaP may become an effective alternative to EU governance, and pave the way to a more successful cooperation founded on a technical and interest-based relationship between the Union and its ‘less motivated’ neighbours.

### **Problematizing the ENP: a policy of missed opportunities?**

The ENP has emerged out of the necessity to deal with the new neighbourhood, which, despite wide geographical variety, allegedly has one important commonality: neighbours’ interest in the EU (Sasse 2008, pp. 298–299). Many EU neighbours have a GDP per capita below €2,000 per annum (with the notable exception of Israel and Lebanon); for many the EU is already their main trade partner and their foreign direct investment (FDI) is mostly generated in the EU area. Their prospects of economic development are therefore seen as dependent on preferential access to the EU single market, and they also share a strong interest in the EU labour market as well as issues of border control, energy, environment and transportation (European Commission 2003, Annex).

All except for one country in Eastern Europe: although their trade is on the rise (Belarus Trade 2006, Chubrick and Pelipas 2007), the EU is by no means Belarus's main economic/political priority. Instead, it is Russia with whom, until recently, Belarus has enjoyed a very close partnership that largely accounted for its unprecedented GDP growth, which had literally doubled in the past 10 years (*ibid.*, p. 13). If the perception of interdependency between the EU and its neighbours served as a legitimizing tool for the Union to assume governance over its 'near abroad' (Lavenex 2004, p. 685) at the expense of 'partnership-building', this clearly began on the wrong footing with Belarus.

Conceptually, a new policy sought to offer an alternative to membership, which would close the gap between the prosperous Europe and its poor and unstable 'backyard' (Prodi 2002, p. 3). As Smith (1996, p. 22) argued, it had to be the *politics of inclusion*, which was seen as a better way to accommodate the growing disjunction between the EU and its external environment – by way of blurring the boundaries to engage with outsiders. Smith contended that a new policy should, first, demand diversity of method and paths of development that need to be tailored to the needs of each partner state. Second, he insisted on the 'internalization of disturbance' rather than its 'containment', in part due 'to the fuzziness of boundaries or their disappearance'. Third, he believed the politics of inclusion should rather 'focus on access than on control', even if the EU were to 'encounter resistance from those whose established positions are threatened', thus inferring that the existence and construction of boundaries between the Union and its external environment is essentially a two-way process. Finally, the new discourse, according to Smith, must not be based exclusively on a powerful language of the Union's policymaking, it needs to be that 'of negotiated order, in which not only the outcomes but also the process itself of the EU boundary setting is a matter of negotiation'. In summary, the new 'politics of inclusion' should be more about learning about the boundaries of others, and 'crossing rather than defending the boundaries' (*ibid.*, p. 23) with the sole purpose of overcoming disjunction between the Union and its environment.

The concept of 'boundary politics' resonated well with the Union's neighbourhood initiatives, and served as the basis for conceptualizing the ENP under the school of external governance (Hubel 2004, Lavenex 2004, Gänzle 2008). Its practical translation, however, has deviated considerably from Smith's original thinking, leading to the policy's failure to legitimize in less motivated partner states and the need to search for a new and more flexible framework. In particular, the governance framework fails to recognize Smith's 'boundary politics' as essentially a two-way process, whereby not only does the EU find itself to be in the process of constructing and shifting its boundaries, but it also appears to be subject to boundary construction by the partner states (Bosse and Korosteleva 2009). The EU's difficulty in striking the right motivational cord with less willing partners lies precisely with the EU's lack of awareness and understanding of the mutually constitutive boundaries with its neighbours (which are not always interdependent and EU-oriented!). Below I shall explore some existing misconceptions of the external governance framework that, first, concern the principle of partnership, and, second, the recognition of boundaries of 'the other', and the need to 'access' rather than 'control' them.

### ***'Joint ownership' or direct 'rule transfer'?***

The first challenge to Smith's original concept is posed by the inadvertent alteration of the partnership principle into a governance framework (Lavenex 2004, 2008). For example, Lavenex explicitly sees the concept of governance as better suited to neighbourhood tasks, and defines it as 'more than "cooperation", as it implies a system of rules which exceeds the voluntarism implicit in the term cooperation' (2004, p. 682). The EU external governance thus *a priori* assumes supremacy and embedded asymmetry in its cooperation with the neighbours, which

somewhat negates the envisioned principle of partnership, and instead revokes the notions of hierarchy and conditionality. The Union's approach to partnership under the ENP therefore appears to be not of *negotiation* based on the recognition of mutual interests and values, as Smith initially contended, but strictly of *conditionality* and neighbours' *compliance* with the EU predetermined set of norms and values – a so-called *quid pro quo* approach stipulating that 'our partners [should] fulfil *their* commitments ... [before] *we* offer deeper political and economic integration with the EU' (Landaburu 2006, p. 3, emphasis added).

The ENP inherited this logic from enlargement, which was regarded as by far the most successful foreign policy instrument (European Commission 2003, Dannreuther 2006, Gänzle 2008). The latter, however, operated under a completely different set of circumstances, including the nature of transformation and, more essentially, the quality of incentives offered to the candidate countries. Although it may have been effective in promoting rapid democratization and economic reform in Central Europe, it was not without its own problems (Grabbe 2006).

Nevertheless, the same logic was extended to the new neighbourhood on the grounds that 'governance needs not to be "new" ... Instead ... EU external relations may exhibit many features of "old governance", including the highly asymmetrical relationship between insiders and outsiders and the imposition of predetermined formal rules ...' (Lavenex 2004, p. 682). Unexpectedly or otherwise, it has wielded a far less legitimizing effect in the neighbourhood (Yeliseiev 2008, *The Economist* 2008, pp. 18–21). If for the candidate countries, motivated by a membership prospect, the adoption of *acquis* became more or less a technical exercise, for 'the ENP countries politics has been brought back into the process' (Sasse 2008, p. 298). The ENP's vague incentives structure, under the governance framework, makes a partner state, rather than the EU, responsible for change and requires a far deeper commitment and grounding in domestic politics. 'Governance by conditionality' may be a sufficient stimulus for those partners who aspire to become the EU's close associates, but it is perceived as unduly conditional and too political by those who display little enthusiasm for participating in the ENP, as in the case of Belarus.

The Commission, paradoxically, does not view 'cooperation for change' as an instance of 'hard governance'. Instead, it claims that:

The EU does not seek to impose priorities or conditions on its partners. The Action Plans depend, for their success, on the clear recognition of mutual interests in addressing a set of priority issues. There can be no question of asking partners to accept a pre-determined set of priorities. They will be defined by common consent and will thus vary from country to country. (European Commission 2004, p. 8)

This statement is clearly misleading. The EU does set conditions, even before the Action Plans can be assumed (as in the case of Belarus), and the closeness of its relations depends on the extent to which the partner states adopt required norms. As Raik contends:

The impression of the neighbours having freedom to choose is quite deceptive ... The EU is far stronger economically and politically, which makes the relationship inherently unequal, but nevertheless the rhetoric of 'equal partnership' is commonly used. This can be seen merely as an attempt to evade responsibility. (Raik 2006, p. 88)

Furthermore, the purpose of conditionality is not only the EU's 'benevolent projection of acquired civilian virtues', but also 'a more strategic attempt to gain control over policy development through external governance' (Lavenex 2004, p. 685), which partnership, as a more interest-driven process, cannot fully warrant. From the EU's perspective, the politics of intervention is absolutely justifiable in order to ensure the continuity of change and the success of reform in the neighbourhood. Naturally, less motivated partners view the politics of control differently – as a politics of 'double standards' and 'diktat', informed by rather ambiguous



incentives, as well as explicit political meddling in their internal affairs (Lukashenko 2006). To summarize, ‘governance by conditionally’ may be an effective tool when it is buttressed by respective incentives of membership, as it was in the case of enlargement. When extracted from its ‘quid pro quo’ setting, however, governance framework loses its appeal. Whereas partnership, being less ambitious in its incentives but far more pragmatic and apolitical by nature, offers a more flexible alternative essentially tailored to the needs and interests of participating sides. The new turn in the EU–Belarus relations may be an indication of that. . .

### *Internationalization or containment?*

So, what happens to those countries that are not tempted by the offer of ‘cooperation for change’, and resist the external imposition of shared rules, norms and values on their community? Will they be disqualified from partnership with the EU, a partnership whose chief objective is allegedly to overcome disjunction between the Union and its ‘unstable’ environment? ‘No’ in principle, but in practice they are excluded from cooperation until a possible change of regime (Raik 2006, p. 90).

As in the case with Belarus, which happened to be insufficiently motivated to adopt the EU’s requirements, the Union’s approach has until recently been nothing more than the politics of exclusion and containment. It rather evolved from the total isolation in 1997 through to ‘a benchmark’ approach (1999) to arrive finally at a ‘12-point’ political *acquis* in 2006 – all instances of same ‘hard governance’ associated with strict conditionality, few incentives and little interest in the needs and reasoning of a ‘partner state’. Rhetorical change in the EU discourse has wielded little if no leverage over the country; instead, it seriously enhanced further wall-building by the regime itself (Bosse and Korosteleva 2009). The Head of the EU Delegation in Minsk aptly described the EU–Belarus relations as non-existent. On further thought, possibly accounting for some meagre Union’s involvement, he clarified: ‘There are some projects, so I should not say that cooperation does not exist, it is just very difficult’.<sup>2</sup>

According to Smith (1996, p. 13), there are different types of boundary – institutional, legal, transactional, geopolitical and cultural – that may exist between the Union and partner states. It is evident from the current EU–Belarus relations that the boundaries on both sides are too tight to offer any opportunity for a dialogue and cooperation. The EU institutional and legal links with Belarus are almost extinct: currently there are no provisions for an Action Plan to be launched, and there is no clear-cut strategy that foresees the development of EU–Belarus cooperation in the future. As the previous article in this issue has demonstrated, the EU funding and instruments envisioned to promote democratization in the neighbourhood are either not suitable for their purpose or misguided through their implementation, for example by trying to affect Belarusian civil society by foreign non-governmental organizations (NGOs), and through media broadcast from outside the country.

Transactional boundaries also remain very tight. Although under the 1989 TCA, Belarus was covered by MFN (most favoured nation) provisions, a recent Council’s decision to withdraw the EU Generalized System of Preferences (GSP) from Belarus in 2007 evoked one of the toughest bilateral textile regimes among its trade partners (Dura 2008, p. 5). Further communication was prevented by the erection of a physical border between the Union and Belarus. Following the extension of the Schengen Zone to the Belarusian borders in 2007, the standard fee for any type of visa for Belarusians has increased from as little as €5 to €60, which is almost half of an average monthly salary in Belarus (Chubrick and Pelipas 2007, Appendix, p. 6). Although some categories of the population are allegedly entitled to a fee waiver, as an official in the German Embassy in Minsk explicitly claimed,<sup>3</sup> this has not been commonplace, and significantly affected cross-border movement and people-to-people communication between Belarus

and the Union. A signature campaign launched by Polish, Latvian and Austrian MEPs to reduce visa costs for Belarusian citizens found only limited support in the European Parliament, which yet again insisted on a 'cooperation for change' principle, calling on Belarus to adhere to the 12-point *acquis* first (Declaration on Reducing the Costs of Obtaining Visas 2008).

Belarus's geopolitical and cultural boundaries for the EU, as will be shown in the next section, remain indefinable, and thus severely constrain the EU's ability to exercise external governance towards Belarus.

After the 2008 parliamentary elections in Belarus, the EU's politics of 'conditionality' and 'containment' has somewhat altered. Perplexingly, there is no evidence to suggest that Belarus has finally attended to the EU's demands, or that the elections were conducted in a more open and democratic manner. Quite to the contrary, according to Anne-Marie Lizin, Vice-President of the OSCE Parliamentary Assembly, 'the clear signals to improve the election process were not implemented and substantial improvements are required if Belarus is to conduct genuinely democratic elections' (Klaskouski 2008).

Nevertheless, the European Council, in response to some rhetorical signs of democratization in Belarus, took the decision to suspend temporarily the travel ban on Lukashenko, thus offering him an opportunity for dialogue and cooperation, and the Commission invited him to participate in the launch of the Eastern Partnership in April 2009, subject to Belarus's further fulfilment of EU conditions of democracy and human rights (Ferrero-Waldner 2008b). Is it an attempt by the EU to find a more pragmatic approach towards Belarus, based on a slow recognition of interest-based relations? Or is it another attempt by the EU to appeal to the defiant partner through the same 'governance by conditionality' (with new incentives added) in the hope of revitalizing the policy's reach?

It is perhaps too soon to judge. Nevertheless, two preliminary observations surface: first, to date there has been no substantial change in Belarus itself (Khalip 2008), apart from some cosmetic image alterations at the effort of Western PR (Runner 2008); and second, the EU's understanding of specifically Belarus's boundaries has not yet altered to set a new format for more successful cooperation (European Commission 2008).

### ***Legitimizing governance with or without Belarus?***

So, the question is how to make the ENP effective for and inclusive of Belarus? Interestingly, all interviewed public officials indicated that, for instance, cooperation that required technical expertise and apolitical engagement on issues of mutual interest (cross-border management, energy, etc.) had yielded constructive dialogue and some practical results. This is because 'both the Commission and Belarusian officials see these meetings as instances of cooperation based on *shared interests* and *partnership*, rather than "*rule-transfer*"' (Bosse and Korosteleva 2009). This 'technical' apolitical engagement is more frequently seen as a 'window of opportunity', and 'the way forward', as there can be possible spillover effects to economic and indeed political cooperation: 'The holding of technical meetings between experts of both sides could lay the ground for substantial cooperation in the framework of full partnership . . . ' (Ferrero-Waldner 2008a)

This is not, however, the prevailing mode of thinking in the EU. The official line is still that of 'hard governance through conditionality', and sanctions: 'Sanctions take time, and it is too early to judge their effect . . . One however should be explicit about what conditions are required for sanctions to be lifted. Sanctions are usually very smart means, as long as they are purposeful and consistent.'<sup>4</sup> Under the surface, however, there is no clear vision as to what to do with Belarus and how to make the ENP effective there. The EU effort to legitimize the ENP by addressing the people of Belarus directly has not worked, not least because it could only



reach less than 6% of the population – those having access to the internet. More crucially, the EU's 'dual-track' approach, drawing distinction between those responsible for the violation of human rights and the Belarusian population at large, is misleading in general and does not account for the cultural specificity of Belarus that *willingly* hosts the very foundations for Lukashenko's regime (Ioffe 2008, Korosteleva 2009).

What is more alarming is not the physical absence of a roadmap for Belarus *per se* or the general sense of impasse when it comes to dealing with Lukashenko's regime (Policy Proposal 2009), it is actually a persistent discrepancy between personal views of public officials, which are usually expressed off the record, and the official line of the EU when discussing the strategy for Belarus. Almost unanimously, the EU officials interviewed in Belarus have commented that sanctions and the lack of dialogue are inappropriate, and 'simply not working'. One has specifically noted: 'Sanctions wielded little result in the past. We need to talk to people instead. When one applies sanctions, people become angry and less cooperative. This is my personal view, and I am not to make any executive decisions.'<sup>5</sup> Another official was more explicit in his personal capacity:

The EU approach is half-hearted and bureaucratic involving too many regulations and paperwork. It is also unrealistic (referring to Non-Paper): its demands are too broad, and should be prioritised, or even reduced to 2–3 broad issues. Major task is to open up the borders especially for the young . . . we must not demand anything from Belarus. Instead we should convince the Belarusians that change is in their interests, and build our cooperation on that. (Interview with an official, German Embassy, Belarus, 29 May 2008)

Clearly, external governance, being tangled in the values/security nexus and accounting for EU interests alone, has failed to identify areas of attraction for the reluctant outsiders. Perhaps it is time to examine specifically Belarusian boundaries in order to understand the country's reasons for the rejection of the ENP. As Friis and Murphy have aptly pointed out, 'it is ironic that the application of a concept which assumes a blurring of boundaries between inside and outside has largely ignored or downplayed the significance of "outside" in shaping the "inside"' (Friis and Murphy 1999, p. 213).

### **Specifically Belarusian boundaries: ignored or overlooked?**

In order to understand why the EU–Belarus relations remain inoperative, we need to adopt a Belarusian perspective to account for 'internal' factors that may play a far more crucial role in defining the framework for possible cooperation. I believe there are two essential boundaries – geopolitics and domestic culture – that prevent ENP legitimization in Belarus and render the EU governance approach futile, at least in its current operational format.

#### ***'Tell me who your friend is, and I tell you who you are': Belarus's geopolitics***

Being sandwiched between two large and competitive neighbours, the EU and Russia, and not being of direct interest to both of them, Belarus considers its foreign policy priorities carefully. As the German Ambassador has aptly put it: 'The policy of Brussels is more Russia-centred . . . It is not interested in Belarus as such . . . The strength of Belarus is in its transit location.'<sup>6</sup> Indeed, Belarus matters for the EU for at least two reasons: as a transit country for Russian gas (Guicce and Kirchner 2007, Gromadzki and Kononczuk 2007); and as a non-compliant and hence threat-bearing neighbour. For Russia, Belarus is of strategic importance, not only as a transit (and cheap) territory for passing its goods to Europe, but also as a military ally and a link to Kaliningrad, a Russian strategic enclave (Rozanov 1999, p. 123, Gromadzki and Kononczuk 2007, p. 13, Liakhnovich 2008, p. 5).

Are both powers of equal importance for Belarus? ‘Yes’ in principle, as the increasing trade with both neighbours indicates: Russia and the EU are Belarus’s major import (58.7 and 22.4%, respectively) and export (34.7 and 45.6%, respectively) partners (Belarus Trade 2006). In reality, however, the choice is far more complex than the surface suggests. Belarus’s foreign policy (FP), which is yet to define its strategic partnership, serves as a testimony to the country’s highly intricate relations with its powerful neighbours.

Until early 2007, Belarus had not had any explicitly committing national FP strategy, being driven by the leadership’s perceptions of opportunities in the international environment. Rather, it embodied a collection of documents – often based on single and incongruent statements of the president – reflecting the country’s periodic oscillation between its two larger neighbours. In particular, in the course of FP gestation, the government dismissed two drafts of FP doctrine, in 1993 and 1997, explicitly committing Belarus to the course of European integration (Rozanov 1998, Ulakhovich 2001), and witnessed two unambiguous calls of Lukashenko on Europe, in 1999 and 2007, for ‘cooperation’ and help. These sporadic ‘returns’ to Europe, however, should not be mistaken for a change of direction in Belarus. They often serve as a ‘function of Belarus–Russia relations’ (Melyantsou and Silitski 2008), and Belarus’s attempt to blackmail Russia for specific concessions. As such, the development of Belarus’s FP, with Russia being at the heart of it, can loosely be divided into three main periods: (1) heydays of Belarus–Russia integration during 1994–99 under Yeltsin’s presidency; (2) ‘cooling off and crisis’ during 2000–06, under Putin’s leadership; and (3) FP diversification from 2007 onwards.

### *Heydays*

During 1995–1999 the two countries signed a number of bilateral agreements, including the Treaty of Friendship (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). Signing these treaties ensured vast economic benefits for Belarus with an annual equivalent of 11–14% of national GDP (J. Korosteleva 2007), allowing Lukashenko to achieve the so-called ‘Belarusian miracle’ associated with sustained economic growth, low unemployment, regular wages and pensions – the policies that still account for the President’s continuing popularity (White *et al.* 2005).

The end of Yeltsin’s era, however, became marred by conspicuous disagreements regarding the status and the future of the Union State with Russia, causing Lukashenko for the first time to consider diversification of Belarus’s FP in the European direction: ‘We have made a big mistake . . . We have been leaning on the East for too long’ (Lukashenko 1999). The Treaty was signed after almost a year of negotiation, inadvertently spelling an end to the heydays of Belarus–Russia integration.

### *Cooling off and crisis*

In 2000, with Putin’s election to office, Lukashenko briefly enjoyed a period of stability in Belarus–Russia relations, which coincided with economic slowdown for Belarus (1999–01) and its increasing demand for Russian subsidies and investments (Korosteleva 2007). From 2002, however, Russia’s policies took a more pragmatic turn, insisting on fewer subsidies and more commitment from Belarus, which led to an escalation of the crisis in Belarus–Russia relations in 2006–2007. In 2002 Russia refused to increase the quota of natural gas to Belarus at Russian domestic prices. This forced Lukashenko to seek rapprochement with NATO, which failed miserably when the Czech Republic denied him an entry visa. In addition, the

EU's Council of Foreign Ministers declared Lukashenko *persona non grata*, based on Belarus's refusal to cooperate with the Organization for Security and Cooperation in Europe (OSCE), and the lack of democratization progress. Russia, conversely, was the only country that extended a hand of friendship, on its own conditions to Lukashenko (for which he was to pay in 2006). Consequently, Belarusian GDP had surged again, from 4.5% growth in 2002 to 9% in 2005 (Korosteleva 2007). In 2004, during a prolonged negotiation of the Union's Constitutional Act, Gazprom suspended gas supply to Belarus. The conflict was soon reconciled but served as a signal of far deeper disagreements between the two states.

Finally, in 2006 Putin vociferously demanded an end to Russian subsidies and for Belarus to implement its legal obligations within the Union Treaties. After a prolonged negotiation, Belarusian authorities were made to agree on the 50% acquisition of Beltransgaz by Gazprom, a Belarusian enterprise that owned Druzhba pipeline, which acted as Lukashenko's leverage to counteract his growing dependence on Russia. Furthermore, Belarus–Russia relations were moved to a market mode, which included new gas pricing and oil taxation for Belarus. From then on, gas price was to be calculated according to a dynamic correction coefficient until it reached the world market price in 2011 (from US\$47 per  $\text{tm}^3$  in 2006 to approximately 162 in 2008, 187 in 2009 and exponentially until 2011), and Belarus was to pay a special export duty on crude oil imports from Russia as well as export duties on oil products refined in Belarus for further export, which was previously free (Guicce and Kirchner 2007, pp. 3–4). In the mean time, Russia successfully reduced the importance of the Druzhba pipeline, thus depriving Belarus of its vital bargaining chip, by launching the Primorsk terminal in 2002, and by recently abandoning its plans for erecting the Yamal-Europe II pipeline through Belarus (Gromadzki and Kononczuk 2007, p. 21).

This is a huge hit for the Belarus economy, whose development since independence has been structured around Russian subsidies and trade revenues showing unprecedented 10% GDP growth rates for an unreformed economy in 2004–06. 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' (*Belorusskii Rynok* 2007). In these new pragmatic relations with Russia, the Belarusian unreformed 'miracle' of stable wages and low unemployment becomes difficult to sustain, with ensuing considerable budget reductions in social policies, on which Lukashenko's legitimacy is founded. The 2006 'gas-and-oil' crisis forced the Belarusian leader to seek a second formal rapprochement with Europe, claiming:

... 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 ... (Lukashenko 2006)

### *New opportunities from 2007*

Although Belarus's GDP in January–May 2008 showed a steady 10.4% growth in comparable prices over the same period last year (Belarus GDP 2008), the consequences of the new 'pragmatic' relations with Russia are already showing. The net impact of gas and oil prices on trade balance of Belarus in 2007 equalled a loss of  $-\$1,709$  m; it is forecast to double in 2008 ( $-\$3,184$  m) and nearly triple by 2011 ( $-\$4,674$  m) (Guicce and Kirchner 2007, p. 4). In August 2007 Gazprom repeatedly warned Belarus against cuts in gas supplies by 45% due to unpaid bills of \$456 m for the first half of 2007 (Dura 2008, p. 4). In early July 2008 Gazprom threatened to take Beltransgaz to court if it continued to deviate from its contractual payments. Although the official Minsk initially refused to cover the price increase (from US\$119 per  $\text{tm}^3$  in the first quarter 2008 to 127.3 in the second quarter 2008), a consensus was eventually found without much detail being released to the press. More alarming for the

Minsk official is Gazprom's forecast for early 2009, whereby Belarus is likely to pay US\$260–270 per  $\text{tm}^3$  of a market price that would double the figure initially envisaged in the budget (*Belorusskii Partisan* 2008b).

Further economic analysis suggests that in the light of its limited foreign exchange reserves, one of the lowest privatization and FDI revenues, and also being one of the highest energy consumers in the region, Belarus seriously needs to consider diversification of its economic priorities and energy sources in order to be able to recover partially from the 2006 gas-and-oil shock, and become less dependent on Russia (Guicce and Kirchner 2007). In early 2008, after his meeting with Putin in Sochi, Lukashenko unequivocally considered FP diversification:

... 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 ... (Lukashenko 2008)

The meeting with a new Russian president, Dmitry Medvedev, in July 2008, preceded by a formal update of Russian FP priorities, finally spelt an end to Russia–Belarus concessionary relations under the banner of integration. From now on 'Russia will continue its agreed line on the creation of favourable conditions for the effective building of the Union State by way of gradual reorientation of Russia–Belarus relations onto the market principles in the process of formation of single economic space' (Russian Foreign Policy Priorities 2008).

So, in principle, the official FP strategy of Belarus has now become *multi-vectoral*, seeking international cooperation on the basis of mutual interests and respect for sovereignty, being based on two essential dimensions: (1) diversifying its foreign energy supplies by fostering closer ties with energy-rich countries in the CIS and abroad; and (2) adopting a clear pro-EU discourse asking for more cooperation in several areas of mutual interest, including transport, borders and energy (Dura 2008, p. 4).

In practice, however, Belarus remains as dependent on Russia (if not more) as ever before. In particular, when it badly needed loans to repay its debts to Russia, the latter eagerly provided them to Belarus, thus keeping the country on a tight financial lead (Melyantsou and Silitski 2008). When Belarus needed Russia's political and, for that matter, economic backing to ensure legitimacy of Belarus's voting, Russia easily froze its gas prices for Belarus on the eve of the 2006 presidential elections, and has done so again for the 2008 parliamentary elections (*Belapan*, 26 July 2008, 1 August 2008).

Belarus's economic and political dependence goes far deeper than the now market relations with Russia suggest. Unreformed and being the highest gas consumer in the region, Belarus totally relies on gas supplies from Russia. Not only has it to keep households warm at a quarter of its total gas consumption, it also pays heavily in gas prices for the enterprises that account for a large part of Belarus's GDP and export revenues. Furthermore, Lukashenko's economic miracle is entirely dependent on its concessionary relations with Russia: from selling gas and processing oil imported from Russia at below market prices, and then exporting it tax-free abroad at market price; from duty free shipping and trading as well as illicit arms trading with third countries on Russia's behalf (e.g., *News ISI Emerging Markets*, 27 July 2008, *Bloomberg*, 6 March 2007). If, before, Belarus could have counteracted Russia by owning the stretch of land and the pipeline that transported gas to Europe, this leverage will cease to exist by 2011 with the acquisition by Gazprom of 50% shares of Beltransgaz. Russia also is now well placed to gain access to Belarus's two oil refineries, in Mozyr (with over 45% of shares belonging to Russian companies) and Novopolotsk, and it also plans to lessen its dependence on transit through Belarus by investing more in the North Stream and Unecha-Primorsk projects. The biggest leverage of all is, however, the gas price politics by which

Russia is pragmatically steering the course of Belarus–Russia relations in a favourable direction for her (Gromadzki and Kononczuk 2008).

So, no matter how hard Belarus now tries to counteract its resource dependency on Russia, Lukashenko's regime seems to be firmly hooked, economically and otherwise, by its greater eastern neighbour.

Can the EU help to untether Belarus from Russia? A realistic answer is 'no'. Not just because cooperation with the EU offers fewer incentives and is too conditional on reforming the Lukashenko's regime:

As things stand at present, Belarus is not interested in the ENP offer, because the price to be paid by the political elite . . . is too high . . . The economic benefits of the increased cooperation with the EU are dwarfed by the subsidies and economic cooperation with Russia, even in the post-'oil and gas crisis' setting. (Dura 2008, p. 6)

More important is that the EU has not yet defined its own unanimous position *vis-à-vis* Russia and energy issues: there is at present no consensus as far as the EU energy policies are concerned (Gromadzki and Kononczuk 2007), and thus it cannot commit fully to reforming Belarus, at any costs.

Can Belarus in principle interest the EU (apart from a theoretical prospect of failing the ENP)? Deputy Minister of MFA in Belarus stated emphatically:<sup>7</sup>

We have a very constructive approach to the EU. We are very interested in cooperation and even ready to take many EU demands into consideration. The main principle is a common interest. However, there is at present very little trust and understanding of mutual interests and positions. Why? The EU is simply not talking to us. (Interview with a Deputy Minister of Foreign Affairs, Belarus)

Although in private talks 'there is explicit understanding of the need to be more flexible with Belarus',<sup>8</sup> this has not yet been translated into a more flexible policy of engagement on the part of the EU. What Belarus needs are apolitical and pragmatic relations with the EU, stemming from technical cooperation on matters of mutual interest. Projects of cross-border management, transportation and energy diversification prove to be very successful and promising steps in the direction of cooperation. The EU concerns of undermining its own values by cooperating with Lukashenko are unfounded. The more dialogue there is, the more the regime will find itself vulnerable to the effects of modernization and growing public awareness. Change of regime can come only from within the country, and only when the people are ready for it, and until then no governance – conditional or otherwise – will be able to foster it externally. The German Ambassador has noted: 'It is necessary to make Belarusians realise the need for change themselves – by opening borders and seeing the world outside. The drive for change should be through the realisation of their interest, rather than at our demand.'<sup>9</sup>

### ***Lukashenko forever? Belarusian cultural boundaries***

The other way to foster a more realistic approach to EU–Belarus relations is through the understanding of its domestic culture. The specificity of Lukashenko's regime lies with the electorate: it is the *contentment* of many Belarusians and their *identification* with the President that defines the regime's most enduring feature – its genuine legitimacy, in the Weberian sense. Lukashenko's legitimacy is in his political and economic efficacy. The people will support him as long as their perception of their own well-being remains positive and secure, as it is seemingly so.

For example, the 2008 Independent Institute for Socio-economic and Political Studies' (IISEPS) opinion polls indicate that an absolute majority (73%) see their material well-being as stable or better off; believe (50.2%) that the country is moving in the right direction and



that their family life has improved considerably (51.2%) since 1994 (Lukashenko's rise to power). A percentage of those who firmly relate their hopes with the President in solving economic problems has hardly altered in 14 years (48.7% in 1994; 44.4% in 2008). An absolute majority (60.6%) trust that their life conditions will improve considerably under the incumbent government.

Furthermore, if one were to choose between economic well-being and democracy, well-being comes first: 66% agreed versus 22.7% of those who disagreed. Clearly, in a situation where personal security, associated with material well-being and overall stability, plays a far more significant role than the regime's encroachment on human rights, the incumbent may continue with re-election in office indefinitely. Hence, the dynamics of people's positive preferences for Lukashenko in the future presidential election may not be surprising: he remains the sole alternative on the Belarusian political landscape, as Figure 1 indicates.

More importantly, people vote for Lukashenko *knowingly*, and this is a specifically Belarusian cultural boundary. In their majority, people are aware of the regime's misgivings, including fraudulent elections, corruption and abuse of law. They are also well informed about the political disappearances of Lukashenko's opponents and who is likely to have orchestrated them. The people also understand why Belarus is called the 'last dictatorship in Europe' from witnessing the regime's daily beatings, harassment, persecution and belittling of its own people. None of these, nevertheless, prevents them from continuingly voting for their president – that is, in support of his politics and policies. Why? Because this is their 'strategic choice' of leadership, who promised and delivered perceived stability: 'bread and circus'; and because they know that in the absence of any eligible alternative, Lukashenko is the best bet. Strategic learning is Belarusians' cultural boundary that adjusted them to live in contentment – economic and personal – with the regime; the sort of contentment, inadvertently fostered by the EU policy of containment, which is unlikely to breed dissent. That is why one of the Belarusian intellectuals bitterly commented in her interview to Ioffe: 'The point is not that we have no Havel, we do, but that they are not called for by society' (2006, p. 161).

The 'no-need-for-Havel' situation in Belarus explicitly invalidates the EU 'dual-track' approach of separating a regime from its own people. As Valery Voronetsky, the Deputy Minister for Foreign Affairs, commented: 'It is absurd, and shows complete lack of understanding of the situation in Belarus ... I say it again, many EU conditions are justifiable and objective. However, we live through difficult times and need more patience and understanding from our neighbours.'<sup>10</sup>

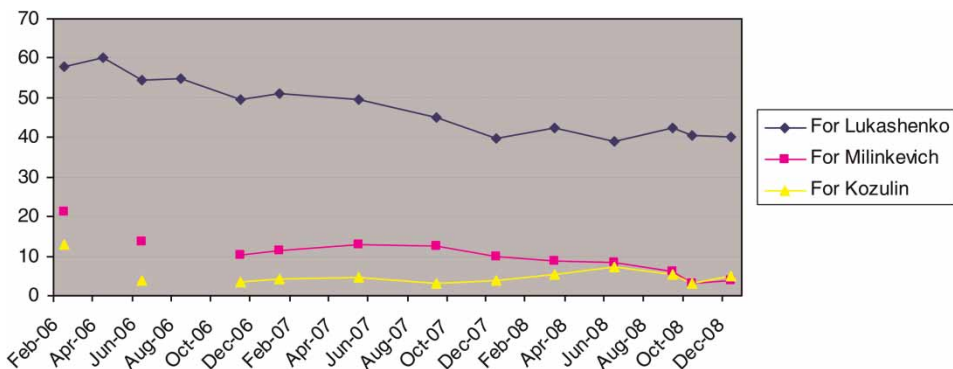


Figure 1. 'If a presidential election were tomorrow, whom would you vote for?' (2006–2008).

Source: IISEPS, [www.iiseps.org/poll06.html](http://www.iiseps.org/poll06.html); [www.iiseps.org/poll07.html](http://www.iiseps.org/poll07.html); [www.iiseps.org/poll08.html](http://www.iiseps.org/poll08.html) [accessed February 2009].



In summary, the EU seems to have overlooked two important boundaries in devising its external governance approach to Belarus – those of geopolitics and culture. The former seems to have hooked Belarus's regime for a long prospect of dependency on Russian resources, and the latter makes Lukashenko's government legitimate and resistible to any attempts of external 'democracy promotion'. Can there be anything done to alter the status quo?

### Conclusion: Eastern Partnership – a promised land?

In relation to those neighbours that do not share the EU's basic values, dialogue and pragmatism are required to avoid neglect and isolation. (Raik 2006, p. 78)

The ENP was initially envisaged as a policy of mutual interests and revenues, negotiated rather than imposed, whereby the EU would seek access rather than control and would internalize rather than isolate irritating 'disturbances' of its neighbourhood. In its current format the ENP appears to have deviated considerably from the original tenets of partnership, as conceptualized under the traditional governance perspective, and there have been recent calls for revision by its own protagonists (Lavenex 2008).

A 'new' governance approach should not necessarily demand 'approximation with the Community' through legal *acquis* (as in the case of enlargement), but instead offer a gradual 'establishment of relevant national institutions with *sufficient* capacities' (European Commission 2006b, p. 3, emphasis added). Consequentially, the ENP should be perceived more as a 'roof over an expanding regional integration' that foresees the 'emergence of more horizontal process-oriented modes of network governance'. It should focus more on the 'management of the EU's interdependence with neighbouring countries' and allow for more flexible forms of integration, for example, membership in policy networks or sectoral regimes – that is, less a 'traditional conditionality framework' (Lavenex 2008, p. 939).

One direction for the above-mentioned 'regional integration' may be a 2008 Polish–Swedish initiative for Eastern Partnership, which offers 'more profound integration . . . with *all* eastern partners', and according to which 'the cooperation with Belarus [should] initially take place on a technical and expert level' (Eastern Partnership 2008, emphasis added).

In November 2008 the European Commissioner, Benita Ferrero-Waldner, made a prominent address to the Polish Parliament, in which she detailed further the contours of the proposed (revamped?) concept of partnership:

the Partnership will be flexible and tailored to each partner's needs and capacity . . . The Eastern Partnership will be based on the principle of joint ownership and, as in all of the EU's partnerships, frank dialogue about reform . . . Commission has intensified its technical cooperation with Belarus . . . The EU is ready to engage with Belarus, but Belarus must do its part too – by continuing its recent positive trends. (Ferrero-Waldner 2008c, p. 5)

On 3 December 2008 the Commission put forward for discussion to the Parliament and the Council of Ministers a more detailed strategy for the Eastern Partnership (European Commission 2008), which is currently being considered. In the draft there seem to be some positive signs of a prospect for genuine cooperation, including the promise of a 'more ambitious partnership', 'the guiding principle of [which] should be to offer the maximum possible, taking into account political and economic realities and the state of reforms of the partner concerned . . . An essential component of EaP will be a commitment from the EU to accompany more intensively partners' individual reform efforts' (European Commission 2008, pp. 2–3). In other words, the EU seems to be willing and ready to take account of geopolitical realities of the states concerned, and to revamp the idea of 'joint ownership', which is seen as 'essential' for undertaking mutual 'commitments' and 'responsibilities' (European Commission 2008, p. 3).

On the other hand, a perplexing absence of such key words as ‘joint interests’ and ‘mutual advantages’, as well as a heavy emphasis on partners’ commitment to the EU’s common values and the adoption of the ‘loyalty’ yardstick – that is, ‘the extent to which these values are reflected in national practices and policy implementation’, and against which ‘the level of ambition of the EU’s relationship with Eastern Partners’ will depend (European Commission 2008, p. 3) – are alarming and potentially undermining of the ‘revolutionary’ newness of the initiative. Is the new partnership going to be more pragmatic, ‘technocratic and unpoliticized’ (Lavenex 2008, p. 952), driven by mutual interests and stakes, or is it going to be the same ‘old governance by conditionality’ craftily reworded but still uninformed of the local needs and motivations? As a preamble to the document implies, the EU continues to see partnership-building with Eastern Europe through ‘control’ rather than ‘access’, and be modestly disregarding of the cultural and geopolitical diversity of its neighbourhood, and the boundaries of others:

Our partners in Eastern Europe ... *all* seek to intensify their relations with the EU ... The EU will give strong support to these partners in their efforts to come closer to the EU ... (Lavenex 2008, p. 1, emphasis added)

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### Notes

1. Interview, Delegation of the European Commission to Belarus, 2 June 2008.
2. *Ibid.*
3. Interview with an official, German Embassy, Belarus, 29 May 2008.
4. Interview with an official, British Embassy, Belarus, 2 June 2008.
5. Interview with an official of the Delegation of the European Commission to Belarus, 2 June 2008.
6. Interview, German Embassy, Belarus, 29 May 2008.
7. Under the ESRC project we undertake a series of interviews with government officials, NGOs, think-tank and media representatives in Belarus, Ukraine, Moldova and Russia. The first pilot interviews in Belarus with MFA officials (Deputy Minister; Head of EU section and desk officers) were taken in June 2008, and the comments are quoted here. The second series of interviews took place in January 2009, and are currently in the process of analysis.
8. Interview with an official, Ministry of Foreign Affairs, Belarus.
9. Interview, German Embassy, Belarus, 29 May 2008.
10. Interview with a Deputy Minister of Foreign Affairs, Belarus.

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