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The OSCE Representation in Belarus

Responsibilities and Initial Activities

After some delay the Lukashenko regime, at the meeting of OSCE Foreign Ministers in Copenhagen in December 1997, agreed to the Europeans' proposal that an OSCE "Advisory and Monitoring Group" be sent to Minsk to search for a way out of the constitutional conflict that had openly broken out in November 1996. Last minute obstacles had arisen when Lukashenko refused to grant diplomatic status to the Head of the Group and made clear that he was willing to tolerate its presence only for a limited period of time. It is still not clear to what extent the dispute over the expulsion of Western diplomats from the "Drozdy" residential complex, a park-like compound on the edge of Minsk (June 1998) - an act contrary to international law and to treaty obligations - will limit the work of the just-established OSCE Group. This arbitrary act certainly constitutes a serious blow to prospects for co-operation with the Belarussian authorities, which were already difficult enough.

The main reason for the President's approval for the establishment of this newest OSCE representation - along with gentle pressure from Moscow - is as follows: owing to policies characterized by arbitrary rule and hostility to reform Belarus runs the risk of isolating itself more and more, thereby wasting valuable time needed for vital changes and losing the opportunity to adapt itself to the reform states surrounding it. By inviting the OSCE Group to Minsk the regime hopes to keep open the door for tying the country into European structures. The five-man OSCE Group began work in January 1998. Its premises are located in the International Education and Exchange Centre of Minsk (a German-Belarussian joint venture). The office was formally opened at the end of February by Polish Foreign Minister Geremek, the Chairman-in-Office of the OSCE, with participation by Belarussian officials and representatives of the opposition and of civil society.¹

The Group, tailored to the specific requirements of the situation, is a novelty in the history of the OSCE: it is the first representation to deal exclusively with the commitments of a participating State in the area of the human dimension, in order to adapt them to "European standards".² Thus its formal mandate is directed towards assisting the Belarussian authorities in promot-

¹ Cf. his speech, excerpted in: OSCE Newsletter 2/1998, pp. 1f.

² Cf. the speech of Danish Foreign Minister Niels Helveg Petersen, then Chairman-in-Office of the OSCE, to the Permanent Council of the OSCE on 16 October 1997, reprinted in: Helsinki Monitor 4/1997, pp. 99-102, here: p. 100.

ing democratic institutions and in complying with other OSCE commitments, including the monitoring of this process and reporting on it. One peculiarity lies in the fact that the mandate of the OSCE Group - in contrast to most other OSCE missions - was issued, at OSCE insistence, without any time limit. (The term "group" does not, therefore, signify a lower standing than that of a "mission" but is meant to make clear its character as a long-term institution.) The results of the Group's work will be regularly evaluated *ex officio* by the Permanent Council of the OSCE; they will also be discussed in appropriate bodies of the EU and the Council of Europe.

As Geremek pointed out in his speech at the opening, the OSCE Group's task is to "offer advice for the development of democratic institutions and the implementation of all OSCE principles, in particular those that refer to human rights, rule of law, pluralistic democratic structures and (the) free form of economic activities". In concrete terms, he noted, what is needed is practical help with a view, say, to separation of powers, internal democratic checks and balances and democratic election procedures. Progress in these areas in a pluralistic society, Geremek concluded, would help to "bring Europe closer to Belarus and Belarus, in turn, closer to Europe".

Particularly important for the start of the OSCE Group in Minsk was a concession by the regime which has so far actually been kept. Not only government officials but representatives of the (legitimate) Supreme Soviet, the political parties, the trade unions and civil society organizations are entitled to maintain unimpeded contact with the OSCE Group and participate in discussions of the various topics mentioned - in a "free and open debate without fear", as Ambassador Hans-Georg Wieck, the German Head of the Group (who as former German Ambassador to Moscow is very familiar with the territory) stressed. This is of importance because these groups embody democratic legitimacy and through their involvement, which often enough entails substantial personal risk, demonstrate their ability to develop a pluralistic and democratic reality as well as ideas in foreign and security policy for Belarus.³

3 On this, see Anatol' Ljabez'ka, Zur außenpolitischen Konzeption der demokratischen Opposition in Belarus, Teil 1: Belarus im postsowjetischen Kontext, Teil 2: Belarus im euro-atlantischen Kontext [On the Foreign Policy Concept of the Democratic Opposition in Belarus, Part 1: Belarus in the post-Soviet Context, Part 2: Belarus in the Euro-Atlantic Context], Aktuelle Analysen [Current Analyses] of the *Bundesinstitut für ostwissenschaftliche und internationale Studien (BIOst)* [Federal Institute for Russian, East European and International Studies], 13 and 14/1998. The author is deputy chairman of the liberal United Citizens Party and member of the legitimate Parliament and deputy head of its Committee for International Relations.

A Cold Coup d'Etat and Its Consequences

The occasion for the activities of the OSCE Group was provided by a cold *coup d'état* on the part of Lukashenko on 24 November 1996.⁴ In a referendum characterized by breach of the constitution, indoctrination and massive manipulation, he succeeded *de facto* in eliminating the separation of powers and laid the foundation for the establishment of a presidential autocracy. Particularly egregious in this process were: the dismantling of the democratic constitution of March 1994, which had been worked out with the help of experts from the Council of Europe, in favour of one tailored to presidential power; the dissolution of the elected Parliament (13th "Supreme Soviet") to make way for an organ which the President personally "formed", solely on the principle of personal loyalty; the purging of the Constitutional Court of all members committed to the 1994 constitution (including its chairman, Tikhinya), to be replaced by unconditional supporters of the President. Through this cold *coup d'état* Lukashenko set up a counter-model, as it were, to those in the reform states in the vicinity of Belarus.

One of the main points of controversy between government and opposition is the dispute over the character of the 1996 constitution. This problem has been at the centre of mediation efforts by the EU and the Council of Europe since the beginning of 1997 and will probably also preoccupy the OSCE Group. What is it about?

In the view of Lukashenko and his supporters the 1996 constitution represents only a *continuation* of the 1994 constitution (such as can be decided by referendum), not a fundamentally *new* constitution (which, according to the constitution of 1994, could not be decided by referendum). Thus it came into existence legally, as they see it. Opponents of the regime, for their part (in agreement with the opinion of the former Constitutional Court as well as of the European organizations - OSCE, Council of Europe and EU) take the position that the referendum of November 1996 was not only heavily manipulated but that its results are quite simply illegal because it was, by virtue of its contents, a *new* constitution that was put to a vote and not simply a variant of the old one.

A look at Lukashenko's new constitution makes clear that there has indeed been a qualitative break with the constitution of 1994 because the authority of the President is now almost unlimited. Under the new constitution it in-

4 For more detail, see Astrid Sahn, *Schleichender Staatsstreich in Belarus. Hintergründe und Konsequenzen des Verfassungsreferendums im November 1996* [Creeping Coup d'Etat in Belarus. Background and Consequences of the Constitutional Referendum of November 1996], in: *Osteuropa* 5/1997, pp. 475-487; Heinz Timmermann, *Belarus - A Dictatorship in the Heart of Europe*, in: *Transitions* (Brussels) 1-2/1997, pp. 5-28; and Rainer Lindner, *Präsidialdiktatur in Weißrußland. Wirtschaft, Politik, Gesellschaft unter Lukashenko* [Presidential Dictatorship in Belarus. Economy, Politics, Society under Lukashenko], in: *Osteuropa* 10-11/1997, pp. 1038-1052.

cludes among other things: calling referendums; setting the date for parliamentary elections; dissolving the Parliament; nominating half of the membership of the Central Election Commission (including its chairman); appointing and replacing the Prime Minister as well as his deputy, ministers and other government members; appointing and replacing half of the members of the Constitutional Court, including its chairman, the chairman and judges of the Supreme Court and the Supreme Economic Court, the Chief Public Prosecutor, the chairman of the Committee for State Control, the chairman of the National Bank and the members of its directorate, the supreme command of the armed forces, and the state-secretary of the Security Council. In addition, the President can issue edicts and decrees that have the force of law. Most of these rights were previously held by the Parliament. With the so-called principle of "vertical presidency", finally, he created for himself and his executive branch an instrument that permits him to determine the political future of functionaries at every level of the state structure, down to the smallest village. Thus the regime has marked feudal characteristics.

Nor does constitutional reality correspond in any way to the minimum standards normally applied to a European country of our time. The Lukashenko regime has used the concentration of power in the hands of the President to repress the already weak efforts to establish parties, associations, independent media and other structures of a civil society and to subject all areas of life to his unlimited control. Any real or potential resistance is nipped in the bud. Indications of this are, among other things, repression and harassment of all kinds against parties that are critical of the system, trade unions, NGOs and the press; splitting of democratic parties and organizations; stricter laws and decrees - with elastic clauses capable of arbitrary interpretation - on freedom of assembly and demonstration and on the press, not least to protect the "honour and dignity" of the Republic and its President. It remains unclear which institutions the concept of "honour and dignity" is supposed to apply to. At the same time, Lukashenko is trying to create his own "virtual civil society"⁵ by promoting parallel structures that are loyal to the President - e.g. by granting them material and organizational privileges (youth, students, "entrepreneurs", other occupations). The President continued to hold fast to a policy of restoration and repression - which could be characterized as a strategy of calculated nationalization of politics, the economy and society - even when various missions from the OSCE, EU and the Council of Europe came to Minsk in the course of 1997 to mediate and seek a compromise.

There are still limited opportunities for parties, trade unions, associations, NGOs and organs of the press, as seeds of a democratic alternative, to con-

5 Alexander Lukashuk writes cogently on this subject in: *Transitions* (Prague) 5/1998, pp. 48-53, here: p. 52.

tinue their work and express themselves publicly. There has so far been no systematic persecution of opposition elements. Hence what we have seen hitherto in the Lukashenko regime is more of a presidential autocracy characterized by arbitrariness and repression and not (yet) a thoroughly organized dictatorship. But the internal dynamics of the regime, its deliberate incitement of fear (over the loss of a job, the opportunity to study at a university, or the possibility of arrest and detention), point clearly to a tendency towards dictatorship. The Lukashenko regime depends heavily on the continuous portrayal of new images of "the enemy" in order to deal with contradictions and resistance from the society that are caused by the system. This is not directed at internal "enemies" alone but also at Belarus' neighbouring states and at the West as a whole. The development of an essentially incalculable dictatorship on the eastern border of an enlarged EU could, as a consequence, dangerously undermine the close co-operation that has grown up in this region and disturb seriously the development towards greater European interdependence.

The Collapse of Initial Mediation Efforts

With his *coup d'état* followed by a policy of repression, Lukashenko has flagrantly violated the *acquis démocratique* developed by the European organizations, which represents a standard for measuring the possibilities and limits of co-operation between partners: respect for human and civil rights, the rule of law and separation of powers, an independent constitutional court, pluralism of political parties with free democratic elections, free and independent media. Following the breach of the constitution the OSCE, and with it the EU and the Council of Europe, came to logically unavoidable conclusions.⁶ The OSCE refused to recognize the Parliament that had been personally "formed" by Lukashenko. In the eyes of the OSCE the 13th Supreme Soviet which Lukashenko dissolved is the only rightful Parliament.⁷ The OSCE invites a deputation from the legitimate Parliament - which with about 50 deputies is continuing its work under difficult conditions (President: the Agrarian Sharetsky) and has set up a kind of shadow government (Chairman: the Lib-

6 On the following, see Elisabeth Schroedter, Über den Stand der Beziehungen der EU zur Republik Belarus und die Chancen ihrer Entwicklung, Arbeitsdokument des Europäischen Parlaments [On the Status of Relations between the EU and the Republic of Belarus and the Prospects for Their Development, Working Document of the European Parliament], Brussels 1997 (the author is a member of the Greens' parliamentary group in the European Parliament); and Astrid Sahn, Belarus und Europa oder das Scheitern eines Dialogs [Belarus and Europe or the Failure of a Dialogue], in: Egbert Jahn/Astrid Sahn/Manfred Sapper (Eds.), Konflikt- und Kooperationsstrukturen in Osteuropa [Structures of Conflict and Co-operation in Eastern Europe], Mannheim 1998, pp. 51-56.

7 Cf. Resolution of the Parliamentary Assembly of July 1997 in Warsaw, reprinted in: Helsinki Monitor 3/1997, pp. 93-99, here: p. 98.

eral Karpenko)⁸ - to sessions of the Parliamentary Assembly and its Standing Committee.

The EU, for its part, has cancelled its agreements with Belarus: the Treaty of Partnership and Co-operation, signed in March 1995; the interim agreement relating to the trade portions of that treaty; and the TACIS programme to promote the transformation process. The only exceptions were humanitarian assistance and funds to support democratization - about five million ECUs altogether for 1998. The European Parliament, as well, maintains contacts only with representatives of the legitimate Parliament of Belarus (among other things by frequent invitations to Brussels).

Finally, the Council of Europe stopped its action programme in preparation for Belarus' admission to the Council. Moreover, it suspended Belarus' status as a special guest, which it had had since 1992. Full membership, for which application was made in 1993, has thus been put off indefinitely. Logically, Lukashenko received no invitation to the Strasbourg Summit Meeting of Heads of State or Government of October 1997. As a result of all this, the Lukashenko regime has driven Belarus into a state of self-isolation and cut off the main channels of communication to the West.

Soon after the constitutional conflict began, the OSCE, EU and Council of Europe, in close co-ordination with one another, offered to mediate between the parties to the conflict in Belarus in order to find a way out of this blockade situation. At the Lisbon Summit of the OSCE in December 1996, following sharp criticism of the constitutional *coup d'état* on the part of most of the participants, Lukashenko agreed to a proposal of the EU Troika to send a fact-finding mission to Belarus. Further rounds of discussion with EU delegations, which until the summer of 1997 were held in the form of trilateral negotiations (i.e. including representatives of the opposition to Lukashenko's regime) to seek a solution of the constitutional conflict, ended in complete failure. The government refused to use the constitution of 1994 as a basis for the discussions or to revise the results of the controversial referendum of November 1996 in any way.⁹

The EU thereupon broke off the negotiations and decided in mid-September 1997, in addition to the above-mentioned restrictions, to issue an express recommendation that Belarus not be admitted to the Council of Europe. Bilateral contacts at the ministerial level between governments of EU countries and Belarus were to take place in future only by way of the Presidency or the Troika, and this is in fact the way it has been done. In June 1998, in the course of the "Drozdy" scandal, EU members (and the United States) withdrew their ambassadors from Minsk, a step which was followed by a number

8 Cf. Vladimir Nistjuk, Verkhovny Sovet zhduť v Kopenhagene [The Supreme Soviet is Expected in Copenhagen], in: Politika 2/March 1998, p. 2. Nistjuk is a Social Democratic member of the legitimate Parliament.

9 Cf. Lukashenko's interview with Interfax of 31 October 1997.

of other European countries, including Poland. The high point of escalation so far was reached in mid-July 1998 when the EU Council, with the subsequent approval of the European Parliament, published a list of 130 names of leading representatives of the regime who were henceforth to be refused entry into EU member states. At the head of the list, which refers to the Presidential Office, the Council of Ministers, and all ministers and leaders of the State Committees, is President Lukashenko.¹⁰ One of the few countries not applying the list was Poland. Poland's special role was determined not least by its desire, as current holder of the OSCE Chairmanship, to hold open all possible channels of communication with the Belarus government and not to give the regime a pretext for curtailing the activities of the OSCE Group in Minsk.

For its part, the OSCE, beginning in early 1997, through parallel contacts with government circles in Belarus which were carefully co-ordinated with the European organizations, tried to open a permanent office in Minsk - with ultimate success in January 1998, as mentioned at the beginning of this article. Lukashenko's agreement to this step was doubtless attributable to his desire, already mentioned, to break out of his painful political self-isolation and persuade the Europeans once again to come to Belarus as investors and partners in modernization. An additional factor was that Russia, since the autumn of 1997, had obviously been putting increasing pressure on its partner in the "Union" to accept the OSCE presence.¹¹

On the one hand, Moscow supports President Lukashenko and the constitutional situation he has created. It is, incidentally, the only one of 54 participating States to do so in the OSCE, e.g. by rejecting condemnation of the breach of the constitution at the Lisbon Summit in December 1996 and by its polemics against the presence of representatives of the legitimate Parliament, rather than the new one, at the meeting of the Parliamentary Assembly in Warsaw in July 1997.¹² For the time being, Lukashenko is regarded, despite all his escapades, as the guarantor of close relations with Russia, especially considering that there is no Russophile, pragmatic alternative to the current President in sight. Seizure of power by the democratic opposition could unleash developments in Belarus that would lead the country away from Russia

10 Cf. the "Conclusions" of the General Council of the EU of September 1997, Press Release of the EU; and the "Joint Position" of the General Council of the EU of 8 July 1998, *ibid.* On the specific position of Poland, cf. Bronislaw Geremek, PAP, 13/7/1998.

11 On the complicated relations between Russia and Belarus, see Olga Alexandrova/Heinz Timmermann, *Russie - Biélarussie - CEI: efforts d'intégration et tendances à la désintégration*, in: *Politique étrangère* 1/1998, pp. 93-108; and Heinz Timmermann, *Lukashenkos Traum vom "gemeinsamen Haus der Brudervölker"* [Lukashenko's Dream of a "Common House of Fraternal Peoples"], in: *Frankfurter Rundschau* of 15 April 1998.

12 On this, see Aleksandr Potemkin, *Assambleya OBSE* [OSCE Assembly], in: *Sovetskaya Rossiya* of 10 July 1997.

and into the wake of the West with its integration mechanisms. That, at any rate, is what large parts of the Russian elite fear.

On the other hand, Russia, as mentor of the repressive and anti-reform Lukashenko regime, has had to bear a large part of the political and economic costs of Minsk's self-isolation. To go on giving the unpredictable Lukashenko unconditional support would tarnish the Europeans' image of Russia and undermine the processes of European integration. Russia's obvious interest in the development of a "greater Europe" and in building a political and economic partnership with the EU and its member states are the very factors that offer some hope for its participation in mediating between the parties to the conflict in Belarus and exercising a moderating influence on Lukashenko.¹³ When Yeltsin stressed, at his meeting with Lukashenko in Moscow in January 1998, that "Belarus cannot be pushed aside and that the country must be included in work with the European institutions and with international structures"¹⁴ he must have been well aware of the political price to be paid for European willingness to open up towards Belarus and must have tried to influence Lukashenko accordingly. Russia is a vital factor in influencing Belarus and the positions it takes are thus of decisive importance for the future success or failure of the OSCE Group.

The Beginning of Discussions - Formally Correct

The beginning of the OSCE Group's work went smoothly and correctly, not least owing to the involvement of Foreign Minister Antonovich. Members of the political opposition and social groups had ready access to the OSCE office in Minsk. In March 1998, responding to a request from the OSCE Group, the government set up five working groups in the following areas: political issues; legislation on human rights and fundamental freedoms; implementation of laws for securing human rights; democratic institutions; and training on human rights issues.

Finally, discussions were begun in April on specific laws, for which Western experts were also brought in. In detail, legislation in the following areas is involved:

- *Elections.* The new election law which the government has prepared is designed for the municipal elections at the beginning of 1999 but also

13 On this complex of issues, see: Heinz Timmermann, Deutschland - Europa - Rußland, Impulse für eine Partnerschaft [Germany - Europe - Russia. Impulses for a Partnership], Aktuelle Analysen of the BIOst 18/1998.

14 See the report of Larisa Rakovskaya, Novye initsiativy liderov Belarusi i Rossii pridayut Soyuzu dinamiku [New Initiatives of Belorussian and Russian Leaders Give Dynamism to the Union], in: Sovetskaya Belorossiya of 23 January 1998.

meant serve for later parliamentary and presidential elections. The OSCE Group has offered assistance in working out the law and has asked the Council of Europe as well as the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw to co-operate with the Belarussian Helsinki Committee in training local election workers. Ensuring the independence of the electoral commissions is regarded as a particularly urgent problem.

- *Ombudsman*. The OSCE reviewed the draft law on establishing an Ombudsman and recommended that experiences in this area in Bosnia and Herzegovina be taken into account. The three Ombudspersons of the Federation were invited to Minsk for this purpose. A central point of discussion is whether the ombudsman shall be appointed and dismissed by the President or whether - as the OSCE Group recommends - the way in which he is appointed shall be such as to guarantee his independence.
- *Penal Code and Penal Code Procedure*. Draft laws are being examined by the OSCE Group with the help of experts and compared with corresponding arrangements in other OSCE States. Owing to the special problems of the country, a central goal is to obligate the government and the administration to accept a system of criminal law that guarantees legal advice to the accused and makes no use of physical violence.
- *The Mass Media*. In close co-operation with the Council of Europe, the OSCE Group is subjecting existing laws and administrative regulations on radio and television (completely under government control) and the print media (90 per cent under government control, as measured by circulation) to a critical review. The objectives are freedom to publish, proportional air time for the broad spectrum of political parties and social organizations, and transformation of the government stations into public law institutions, i.e. corporations in which administration, government, opposition, associations and social groups all participate.

Parallel to the work on legislation, the OSCE organized at the end of April 1998 a conference on "Free and Fair Elections" which was attended by more than 100 people of all political colourations. There were representatives from governmental institutions (among them the chairpersons of the Constitutional Court and of the National Election Commission), the opposition (the 13th Supreme Soviet), political parties, NGOs, the press, scientific and scholarly institutes, and the diplomatic corps.¹⁵ The conference provided an excellent opportunity for dialogue between the opponents in the constitutional conflict

15 Cf. OSCE Newsletter 4/1998, p. 10; and a detailed treatment by Hans-Georg Wieck, *Erstes Ziel der OSZE-Arbeit in Belarus: "Freie Rede und Versammlung ohne Furcht"* [First Goal of the OSCE's Work in Belarus: "Freedom of Speech and Assembly without Fear"], in: *Belarus-News* 2/1998, pp. 12f.

and for making known the views of international experts, especially in view of the fact that a number of prominent international representatives had come to Minsk: the OSCE Representative on Freedom of the Media (and Member of the German *Bundestag* from Hamburg) Freimut Duve; the deputy director of ODIHR, Peter Eicher; the director of the foreign policy division in the Council of Europe, Hans de Jonges; and a member of the international division of the European Commission, Thomas Scott. Furthermore, the conference provided the OSCE Group itself with an opportunity to make its work better known throughout the country. A similar conference was planned for September 1998 on the subject of "Pluralistic Economic Structures".

Against this background, the meeting on 9 April 1998 between Lukashenko and Wieck seems to have proceeded in correct and businesslike fashion. The core subject was an initial comparison of positions on amendments to laws governing human and civil rights so as to ensure an opportunity for the political opposition and NGOs, in "a free and open debate, without fear", to take part in the political opinion-building process.

A Long and Tough Struggle

And so the OSCE Group, formally speaking, had a successful start. That conclusion is especially justified when one considers that the members, over and above their activity as mediators, have used the opportunity to hold conversations with a large number of institutions, organizations and individuals, both official ones and those critical to the regime, in Minsk and other regions of the country. There have, for example, been lectures at ministerial academies and universities, visits to prisons, discussions with the Association of Independent Journalists, and contacts with local politicians in the provinces. There is also a great demand for literature in Russian on democracy, constitutional problems, human and civil rights and the rule of law. Thus the mere presence of the OSCE Group in the country helps to promote democracy and professionalization and strengthens the feeling among the people that Europe has not left them to their own devices.

Despite the positive start it is still much too early for optimistic predictions about the chances for the sort of democratic change that would have to find its outstanding expression in democratic and internationally supervised elections. The positions of government and opposition on the constitutional issue are still at odds. The opposition are holding to their view that the constitution of 1994 (the main lever of their legitimacy) continues to be valid while the government, for its part, insists on the sole legitimacy of the constitution of 1996. This creates problems for the Europeans because according to the 1994

version Lukashenko's mandate will expire in 1999 while the 1996 version, which he supports, does not call for new elections until 2001.

There are two conceivable ways out of this complicated situation. One would be to modify the demand for restoration of the 1994 constitution in such a way that its essential contents could be formally clothed in the one of 1996. Another, more promising, possibility would be to set the intricate constitutional controversy aside (without reducing its relevance) and concentrate instead on eliminating the legal and administrative obstacles to the development of democratic freedoms and creating conditions in which free and fair elections in accordance with OSCE standards can be held at an early date. However, this kind of solution, which according to the opposition leader Karpenko is supported by the European organizations and by Russia, has, initially at least, been rejected by Lukashenko.¹⁶

Given these circumstances it is likely that the OSCE Group has a long and tough struggle ahead of it. The Belarussian authorities have, to be sure, demonstrated their *formal* willingness to set up mixed consultative bodies and to begin a dialogue, mediated by the OSCE, with groups critical of the government. But it remains to be seen whether they are really disposed to transform the verbal declarations of intention they have so far made into a relevant political reality, i.e. to promote by solid actions the building of democratic structures based on the rule of law and thus to make a *substantial* contribution to democratic change.

Several indicators point, for the moment, to a need for caution. Among them is the continuing, undiminished political repression against those whose ideas and actions are critical of the regime, e.g. in response to protests by young people (long periods of detention for anti-presidential graffiti) or through practical efforts to strangle the few oppositional newspapers (by prohibiting state agencies from advertising in them). Another indicator is the President's habit of intervening personally in the legislative process and sometimes retracting promises already made. A mission to monitor democracy and the observance of human rights in Belarus is absurd and useless, Lukashenko declared at the beginning of 1998; the OSCE representation could only be tolerated if it reduced its activity and limited itself to occasional assistance in improving the legislative process.¹⁷

This disdainful attitude was further demonstrated by the presidential administration in May of 1998 when it precipitously introduced complete draft laws dealing with matters on which discussions with the OSCE Group were actually just about to begin. Among them were laws on municipal elections and the Central Election Commission - laws, in other words, which strongly prejudice the character and modalities of the parliamentary elections at which

16 Cf. Karpenko's report in: *Nezavisimaya Gazeta* of 9 April 1998.

17 Cf. Reuters of 5 March 1998.

the OSCE Group was aiming. There are provisions, for example, which would forbid any direct or indirect participation by foreign election monitors and strengthen the state's vertical control over the electoral process, e.g. through the appointment of election commissions at all levels. The state authorities appear determined to create accomplished facts and harden their positions even *before* consultations with the OSCE Group. They obviously think that their formal willingness to enter into talks is alone enough to justify the expectation that Western organizations such as the EU and the Council of Europe will now begin to move and open up towards Belarus.

A Difficult Balance

For the time being it remains an open question whether Belarus' growing problems - the critical economic and financial situation, its self-isolation vis-à-vis the West, diminishing material support from Moscow - will impel Lukashenko to correct his course and adopt OSCE standards and norms. The needed pressure from Russia - a key factor here - will be kept within limits since Lukashenko continues to be seen as a dependable supporter of Moscow's geo-strategic interests. All the same, the OSCE Group in Minsk, despite all of the turbulence surrounding the "Drozdy" scandal, has not yet had its ability to work curtailed and discussions are continuing in the five working groups already mentioned. It is obvious, however, that concrete results, if they are to be expected at all, cannot come about as long as the President feels that he is being excluded and discriminated against by the West. The OSCE Group, for its part, faces a difficult balancing act. It must seek a basis for understanding with the regime without thereby weakening the representatives of democratic reform. It must bear in mind that the regime regards negotiations with the European organizations only as an opportunity to obtain "indirect international recognition for the newly created domestic status quo"¹⁸, without making any substantial concessions of its own, and to recover its status as a respected member of the European family of peoples. An observer from Russia put the complicated situation in the following terms: "The presence of the five OSCE observers in Belarus unavoidably causes headaches for both sides. But both sides hope to profit from the difficult feat of co-operation."¹⁹

The real reason for the reduction of relations with Belarus was not, as the regime suggests, the desire of the Europeans to punish Minsk for its close relationship with Moscow. Rather, the decisive issue has been that Belarus re-

18 Sahm, cited above (Note 6), p. 52 (own translation).

19 Sergei Karelin, Konflikt ulazhen, problemy ostalis [The Conflict Has Been Settled - the Problems Have Stayed], in: Nezavisimaya Gazeta of 4 March 1998.

fuses to practice the values, standards and democratic principles which have grown up historically in Europe and which the European community of states, through the OSCE, the Council of Europe and the European Union, have moulded into a consensus. This consensus is not at all tantamount to a levelling down of thought, behaviour and institutions - as the Minsk regime would have us believe through its anti-Western polemics - but it does call for adoption by all of basic democratic values and principles. Among them are fundamental rights and freedoms; political democracy, including party pluralism; separation of powers; the institution of the rule of law; and freedom of the press. These must be systematically achieved *and secured*.

Many of these principles, incidentally, are set forth in the cancelled Treaty of Partnership between the EU and Belarus. It speaks, for example, of strengthening political and economic liberties, of the extraordinary importance of the rule of law and of respect for human rights and of the building of a multi-party system with free and democratic elections.²⁰ Interestingly enough, all of these democratic principles, and more besides, are also to be found in the Belarus-Russia Charter of May 1997, which also has the binding character of a treaty.²¹ In view of the many violations of these obligations undertaken by Belarus, the OSCE, the Council of Europe and the EU would themselves have been acting without principles and in denial of values if they had indulged in "*business as usual*" following Lukashenko's cold *coup d'état* of November 1996.

Against this background, the activities of the OSCE Group in Minsk to date should be judged favourably. By pushing for the establishment of an OSCE presence, the Europeans have shown that they want to hold the European door open for Belarus. Now it is up to the authorities of the country to accept the principles of democracy and of an open, pluralistic society and, step by step, to put them into practice. To the extent that the OSCE Group can find that there has been substantial progress in this direction - in accordance with the estimates of the opposition - the EU and the Council of Europe will surely be willing to revise their attitude towards Belarus, to help the country free itself from its self-isolation vis-à-vis the West, and to put into practice the partnership aimed at by treaty. To be sure, the prospects for this kind of development remain very unsure for the time being, especially because the words of the President and his entourage and their deeds are often startlingly divergent.

20 Cf. the Proposal for a decision of the Council and Commission on concluding an Agreement of Partnership and Co-operation between the European Communities and its member states and the Republic of Belarus, published by the EC Commission in Brussels in 1995.

21 The Final version of the Treaty of "Union" between Russia and Belarus and of the related status are printed in: Rossiiskaya Gazety of 3 April 1997 and 24 May 1997.