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EU POLICY TOWARDS BELARUS AND CUBA: A COMPARATIVE ANALYSIS

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**EU POLICY TOWARDS BELARUS AND CUBA:
A COMPARATIVE ANALYSIS**

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EXECUTIVE SUMMARY

This briefing paper explores the EU policy towards Belarus and Cuba, with a particular focus on the promotion of human rights and democracy. During the last two decades, the EU has become an increasingly important trade and aid partner both for Belarus and Cuba and thus strengthened EU's ability to influence the leadership in both countries.

A consistent difficulty for relations between the EU and both Belarus and Cuba has been the unwillingness of the countries to integrate into the EU-preferred conditional system of cooperation. Independent Belarus have not been integrated into the European Neighbourhood Strategy and relations have not even been formalized through a Partnership and Cooperation Agreement, while Cuba has remained outside the Cotonou agreement despite becoming a member of the Africa, Caribbean and Pacific group of countries in 2001.

Relations between the EU and Belarus and Cuba has at several occasions been promising for further positive developments but has been interrupted by high-profile cases of blatant undemocratic behaviour and human rights violations. The EU has acted coherently and condemned these events, and imposed sanctions primarily against the leaderships in the two countries. These measures have largely been symbolic in nature but that has proven to have an effect on the Cuban government, while additional economic restrictions also were imposed on Belarus in 2007.

The EU has supported local human rights activists, in particular in Belarus, through the funding of independent media and NGOs as well as raising the profile of the opposition. At the same time, the EU has maintained an open political dialogue with the regimes and encouraged steps towards a transition to democratic rule.

Some differences can be found with regards to EU:s approach to Belarus and Cuba, where the policy towards the latter to a larger extent has been directed by a single member state, Spain. This has produced some advantages towards Cuba but is a practice that potentially undermines the credibility of general EU policy for the promotion of democracy and human rights.

As the negative measures against Cuba have been removed, and Belarus is preparing for elections, the EU can contribute to secure further steps in the process towards democracy and the respect for human rights in both these countries. This paper suggests that the promotion of these objectives is most likely to succeed through conditionality agreements. Sanctions are a useful tool but it needs to be employed on a case by case basis where they can be tailored to be as effective as possible.

1. Introduction

The importance of the promotion of democracy and human rights has consistently been an important imperative for joint action as EU foreign policy has developed. The 1973 Copenhagen Declaration promoted common values such as the respect of human rights as the basis for the developing European Political Co-operation (King, 1999). As EU foreign policy became more formalized in the early 1990s, the promotion of democracy and human rights was designated 'one of the cornerstones [...] or relations between the Community and its Member States and other countries' (European Council, 1991). Further evidence of the centrality of these issues can be found in EU strategic documents covering guidelines and policies for development, security, sanctions, and inter-regional relations (European Commission 2000, 2001, 2004, European Council, 2003, 2004). In order to pursue these policies, the EU has developed and employed a multitude of measures. Resources allocated for democracy and human rights projects more than tripled during the 1990s, while reviews of the EU's use of sanctions and development aid policies have also been influenced by these goals (Kreutz, 2005; Orbie and Versluys, 2008; Youngs, 2001). This briefing paper explores the EU policy towards Belarus and Cuba, with a particular focus on the promotion of human rights and democracy.

1.1. EU Policy towards Belarus

After the 1991 break-up of the Soviet Union, the EU held bilateral negotiations with the successor states resulting in Partnership and Cooperation Agreements (PCAs). Following the adaptation of a new constitution in Belarus in 1994, the presidential elections were won by the independent candidate Aliaksandr Lukashenka on a platform to stop inflation, corruption, and crime, combined with a restoration of ties to the other newly independent states of the former Soviet Union (Rudling, 2008). Within six months of taking power, Lukashenka restricted media freedom and started a process to consolidate and increase his presidential powers. A May 1995 referendum established Russian as an official language in addition to Belarusian, Soviet symbols were reintroduced, economic integration with Russia was to be promoted, and the President would have the right to dissolve parliament. According to election observers, both the referendum and the parliamentary elections held at the same time were not free and fair, and international criticism followed (Marples, 2004).

The EU and Belarus signed a PCA in 1995 but ratification of this agreement has been postponed because of the subsequent political developments in Belarus. Despite limited economic reforms in the early 1990s, the Belarusian economy remained closely linked to Russia and members of the CIS (Commonwealth of Independent States). In 1999, 61% of all exports went to, and 64% of all imports came from, CIS countries (Ioffe, 2004). The EU, in particular Germany, was the main partner outside the CIS and it has become increasingly important since. Today the EU is Belarus' second biggest trading partner, with almost 1/3 share of the country's overall trade. Even more importantly, it is the primary recipient of Belarusian exports. The main exported commodity is processed oil products while it imports primarily machinery, transport equipment, and chemicals from the EU (Dura, 2008, European Commission, 2008).

Relations between Belarus and the EU worsened in 1996, after Lukashenka further expanded Presidential powers. Public protests were dispersed by the police and hundreds of protesters, journalists, and opposition leaders were arrested (Marples, 2004). In response, the European Commission suspended new TACIS (Technical Assistance to Community of Independent States) programs in Belarus, EU member states were instructed to refrain from high-level official contacts, and the European Parliament decided to withhold its assent on any bilateral agreements with Belarus. Furthermore, both the Parliament and the Council encouraged the initiation of pro-democracy programs in Belarus despite the formal suspension of the TACIS program. The

Commission used the human rights clause of the TACIS regulation as the basis for positive incentive measures in the form of a Civil Society Development Programme supporting independent media and civil society (Dura, 2008; European Council, 1998; Bartels, 2005; Simma et al, 1999, Rontoyanni, 2005).

The EU policy towards Belarus has been closely coordinated through a joint 'European Troika' that also includes the Council of Europe and the Organization for Security and Co-Operation in Europe (OSCE). The Council of Europe suspended the Belarusian application for membership in 1997 while the OSCE decided to establish an Advisory and Monitoring Group (AMG) in Minsk to help promote democracy and human rights in Belarus. In the following year, the 'troika' adopted a policy of conditional engagement with Belarus and named four criteria that needed to improve in the parliamentary elections 2000: the return of substantial power to parliament, opposition representation in electoral commissions, fair access to state media for the opposition, and electoral legislation in line with international standards (Gänzle, 2008; Marples, 2004).

A diplomatic crisis developed in spring 1998 when parts of the Drozdy diplomatic compound in Minsk were renovated. EU ambassadors complained that the renovation was a cover up for an attempt by Lukashenka to take over the entire compound. After water and electricity was cut off in the embassies, the EU argued that the Vienna Convention was violated, and on 9 July 1998, the Council imposed a visa ban against members of the Belarusian government. In February 1999, the visa ban was lifted after an agreement had been reached regarding EU diplomatic residences in Minsk. Upon advice from the AMG, other EU sanctions were also gradually removed in 1999 (Davidonis, 2001).

Despite EU insistence that Lukashenka's mandate expired in 1999 (as stated in the 1994 Constitution), relations continued to improve. The AMG had some success in promoting dialogue between the Belarusian government and opposition parties, and in early 2000 the EU broadened its assistance to Belarus to include small projects in support of private enterprise, cross-border cooperation between low-level authorities, and educational exchanges. Furthermore, Belarus applied for observer status in the EU's Northern Dimension in 1999 and adopted a strategy of improving relations with the EU in May 2000 (Ronoyanni, 2005). Following reports from the AMG that the Belarusian parliamentary elections in 2000 and presidential elections of 2001 were undemocratic, the Lukashenka government claimed that the OSCE supported the opposition and acted outside of its mandate (Marples, 2004). Belarus refused to grant visas to members of the AMG and the AMG office was effectively closed down because staff visas were not renewed in October 2002. In response to the treatment of the AMG, EU member states except Portugal imposed travel restriction on senior members of the Belarusian government on 19 November 2002.

Following the opening of a new OSCE office in Minsk in early 2003, the EU targeted sanctions were removed as it developed the European Neighbourhood Policy (ENP) that was intended to include relations with Belarus (European Commission, 2004). In December 2003, the EU initiated investigations regarding violations of the freedom of association in Belarus as a potential first step toward a temporary withdrawal of the Generalized System of Preferences (GSP) from the country. In the run-up to the 2004 parliamentary elections in Belarus, the Council stated 'its hope that Belarus will take its rightful place among European democratic countries' (Gänzle, 2008, 218). After reports that the Belarusian authorities blocked the investigation of the disappearance of four opposition figures in April 2004, the EU imposed travel restrictions on senior officials. Sanctions were extended in November following elections and a referendum in October 2004 which were deemed to be neither free nor fair, and which were followed by street clashes between police and demonstrators. OSCE criticized the presidential elections 2006, as the opposition had been harassed and not been given access to the media while there was a lack of transparency in the counting process and some complains about malpractice at the voting stations. The opposition claimed that the election results, which reported Lukashenka as having received over 82 % of the vote, had been

falsified and organized demonstrations demanding a new election later in the year. During these protests, over 500 people were arrested or detained, of which at least 392 were sentenced to prison (OSCE, 2006). In response to the crackdown on protesters, the EU expanded its list of targeted persons to also include those involved in organising the 2006 elections.

Thus, the EU sanctions on Belarus were motivated by (1) the lack of investigation of disappearances in 1999/2000; (2) the fraudulent elections and subsequent crackdown on demonstrators in 2004; and, (3) the elections and subsequent crackdown in 2006. Later in the same year, following the Commission investigation on violations of the freedom of association in Belarus, the EU further decided to temporarily withdraw GSP preferences from Belarus. The decision was made in December 2006 but not immediately implemented, as the EU made another attempt at including Belarus into the ENP. As part of that effort, the Commission published a so-called 'non-paper' in December 2006 addressed to the people of Belarus which promised easier travel, more investments, and increased cooperation in several sectors if the Belarus authorities took steps towards democratization, including the release of political prisoners. The paper committed the EU to continued support of independent media and to provide assistance for Belarusian students in the EU (European Commission, 2006). The EU initiative had little visible effect on the Belarusian leadership and the temporarily withdrawal of GSP preferences was implemented in June 2007.

The impact of the EU trade restrictions on Belarus was heightened by the advent of less cordial relations between Russia and Belarus. During the 1990s, it seemed that Belarus was moving towards unification with Russia, and the two countries created a union in 1997 and signed a treaty on the formation of a Union State in 1999, including the establishment of a single currency (Verpoest, 2007). It became clear, however, that the two countries had opposed visions regarding the fundamental principles of unification and the process stalled in 2004. At the same time, Russia wanted to end subsidies to the Belarusian economy, primarily in the form of preferential price rates on oil and gas. In May 2007, a new agreement was concluded on the supply of oil and gas from Russia to Belarus which established a gradual increase in price until it eventually reaches the 'European price' in 2011 (Dura, 2008). As Belarus has become more interested in closer economic cooperation with the EU, the administration has changed its rhetoric, with President Lukashenka suggesting in January 2007 that he would rather adopt the euro and EU membership than the Russian ruble and a union dominated by the Kremlin. During 2007, Belarus indicated an ambition to initiate a privatization of many state-owned enterprises while calling for increased cooperation with the EU in the economic sector (Dura, 2008). As the Schengen agreement extended in 1997 to include bordering Poland, Lithuania, and Latvia, it has become more difficult for the Belarusian population to cross the borders. Even though specific arrangements have been set up to facilitate the granting of visas from Belarus, the cost of such visas has restricted interaction with the EU. The last political prisoners in Belarus were released in August 2008, a move that was supported in statements by the EU as a first step towards improving relations. There is currently an OSCE monitoring team following the campaign for parliamentary elections scheduled for late September 2008.

1.2. EU Policy towards Cuba

Following the overthrow of the authoritarian Batista government in late 1958, Cuba was transformed by the communist government under Fidel Castro into a one-party state that nationalized property, banned independent media, and established close relations with the Soviet Union (Szulc, 1986). The nationalization and expropriation of foreign-owned property led to the imposition of unilateral sanctions by the US in 1960, followed by additional measures by the OAS (Organization of American States) in 1964-1975 (Luxenberg, 1989; Tomasevski, 1997). Despite US pressure that European countries should follow, only West Germany acted through severing diplomatic relations with Havana in 1963-1975 (Ondetti, 1995). Cuba did not participate in the

Lomé agreements signed between the European Community (EC) and the Africa, Caribbean and Pacific (ACP) group of countries. Indeed, the establishment of diplomatic relations between Cuba and the EU followed the signing of the joint declaration with the Council for Mutual Economic Assistance (COMECON) in June 1988.

As trade links and development assistance from the Soviet Union ended at the end of the Cold War, Cuba suffered a severe economic crisis. The GDP fell by 34% between 1989 and 1993 despite attempts by the Cuban government to create incentives for foreign investment and small-scale private businesses (Tzivelis, 2006). Since then, the EU has become Cuba's most important foreign trading partner, with a third of all the trade, almost half of direct foreign investment, and more than half of the tourists coming from Europe. The EU member state with the most interaction with Cuba has been Spain, but there are also significant British, French, Italian, Dutch and German investments. In addition, the EU has financed almost €145 million of assistance measures in Cuba during 1993-2007.

In 1992 the US strengthened its' embargo against Cuba and introduced the possibility of penalties towards non-US companies (¹), while the European Parliament promoted a more active role of the EU towards political change in Cuba. Resolutions in 1992 and 1993 condemned the US embargo against Cuba and called for its lifting. In 1993, the EU started to provide humanitarian aid through the European Union's Humanitarian Office and support projects focusing on the transition to a more open society. During the Spanish presidency, exploratory talks about EU-Cuba relations were held in November 1995, and the following February a Commission delegation went to Havana. The reports from the Council and Commission acknowledged the need for further political reform in Cuba before the process could continue (Ondetti, 1995, Tzivelis, 2006).

Following the March 1996 elections in Spain, the PP (Partido Popular) took over from the PSOE (Partido Socialista Obrero Español) as government. The new Spanish administration suspended development aid loans to Cuba and appointed a new ambassador, José Coderch Planas, with instructions to foster closer ties to Cuban dissidents. In December 1996, Cuba retracted its approval of Coderch following his announcement that he was planning to give open audience to Cuban dissidents in the Spanish embassy (Azicri, 2000). After an initiative by the Spanish prime minister José María Aznar, the EU adopted a Common Position promoting democracy in Cuba on 2 December 1996 that stated that 'full cooperation with Cuba will depend upon improvements in human rights and political freedom' (European Council, 1996b, 1). In 1998, the Commission initiated projects to promote economic reforms in Cuba and the establishment of a Human Rights Working Group to monitor the situation on the island and to develop a more coordinated dialogue with dissidents, human rights groups, and independent elements of the civil society. Cuba was admitted as an observer to the ACP group during the negotiations that preceded the 2000 Cotonou agreement. However, Cuba withdrew its application from the process in the last minute, claiming the EU had contributed to a resolution on Cuban human rights violations by the United Nations Human Rights Commission in 2000 (Roy, 2003; Tzivelis, 2006). A few months later, Cuba was admitted in the ACP group as the only member that was not a signatory to Cotonou. During 2001,

¹ According to the 1992 Cuban Democracy Act (also known as the Torricelli Act), sanctions were mandated against US companies whose foreign subsidiaries operate in or trade with Cuba, as well as prohibited ships from entering the US up to six months after having been in Cuba. As a response, the UK (and Canada) instructed companies not to comply with the US legislation. When the US in 1996 passed the Cuban Liberty and Democratic Solidarity Act (usually referred to as Helms-Burton Act after its congressional sponsors), the EU threatened sanctions against the US. According to the Helms-Burton Act, it is possible to file suits in US courts against anybody (company or individual) for 'trafficking' in property that was confiscated by the Cuban government in the 1959 Revolution. The EU and several other countries complained that US legislation should not apply extraterritorially, that US foreign policy should not affect companies outside the US and Cuba, and that the Helms-Burton Act violated the free trade principles of NAFTA (North American Free Trade Agreement) and WTO (World Trade Organization). On 22 November 1996, the EU adopted measures to counteract the Torricelli and Helms-Burton Acts (Azicri, 2000; European Council, 1996a; Tomasevski, 1997).

the first funds were committed to Cuba within the EIDHR (European Initiative for Democracy and Human Rights).

Following EU attempts to resume dialogue in 2001 and 2002, Cuba was granted observer status for the signing of an Economic Partnership Agreement in September 2002, and Cuba requested admission to the Cotonou agreement on 8 January 2003 (Roy, 2003). At the same time, the EU stated its support of the so-called Varela project in Cuba that demanded a national referendum on democratic reform, and its leader Oswaldo Payá Sardiñas was awarded the Sakharov Prize by the European Parliament in 2002 (Tzivelis, 2006).

In late March 2003, Cuba jailed 78 opposition figures, an event followed by the execution a month later of three men who had been caught trying to seize a commuter ferry to aid its passengers to escape to Florida. The EU strongly showed its disapproval through a Parliament Resolution and declarations by the presidency as well as the Council in the same week of April 2003 (European Parliament, 2003; EU Presidency, 2003a; Commission on Human Rights, 2003). On 1 May, the European Commission decided to file the still pending petition of Cuba to the Cotonou agreement while EU member state diplomats did not attend the May 1st celebrations in Havana. Cuba responded on 17 May by rejecting the EU policy as 'US-dictated' and withdrew its intent of joining Cotonou. On June 5, the EU presidency issued a declaration condemning Cuban actions and introduced collective measures to limit the bilateral high-level government visits, reduce the profile of member states' participation in cultural events, invite Cuban dissidents to national day celebrations, and re-evaluate the EU common position of 1996 (EU Presidency, 2003b). In July 2003, the EU Council of Foreign Affairs confirmed the diplomatic sanctions while the Cuban President Fidel Castro declared that Cuba rejected all future aid from the EU.

Following the 2004 elections in Spain, in which the PP government was replaced by the PSOE, the EU policy towards Cuba was revised. The new Spanish administration promoted more engagement with Cuba, and noted that the 2003 measures had not been fully implemented. In October 2004, Cuba refused entry to Jorge Moragas, a Spanish PP deputy, and two members of the Netherlands Parliament who arrived in Havana with the intent of meeting with dissidents. Both Netherlands and Spain demanded an official apology from the Cuban government, while the latter reiterated its commitment to the common EU policy on Cuba (Roy, 2004). The EU's diplomatic sanctions on Cuba were suspended in January 2005, following the release of fourteen of the seventy-five jailed Cuban dissidents, but also as a consequence of Spanish lobbying. The Cuban response was initially hesitant, as the health problems of President Castro created uncertainty about the future direction of the government.

In 2007, the process quickly gained momentum following a visit by the Spanish foreign minister Miguel Ángel Moratinos to Havana and the public signing of Spanish-Cuban agreements in the fields of economics, investment, and a political dialogue including human rights (Roy, 2007). When the European Council in June 2007 reviewed the suspended measures of 2003 and the 1996 Common Position, no changes were made but the EU offered Cuba the opportunity to send a special delegation to Brussels to discuss all matters of mutual concern (European Council, 2007). After Fidel Castro resigned from the Presidency in Cuba for health reasons and was replaced by former vice president Raúl Castro in February 2008, some reforms were introduced in the country. On 4 March, Cuba signed two UN human rights pacts, and the EU aid commissioner remarked five days later that 'the time is right for the EU to begin a dialogue with Cuba towards normalizing ties and removing sanctions'. In the following months, there were further developments which improved economic freedom in Cuba, and Raúl Castro released a number of political prisoners and commuted some thirty death sentences (Coonradt, 2008). Regardless of these developments, it is estimated that some 200 political activists remain imprisoned in Cuba. At the European Council meeting in June 2008, the EU decided that the 2003 sanctions would be removed, but subject to a review a year later at which time Cuba must meet several criteria in the field of human rights and democratization.

2. EU Police towards Belarus and Cuba: an assessment

2.1. EU potential to influence Belarus and Cuba

In order to assess the EU's potential to influence the behaviour of Belarus and Cuba, it is necessary to consider the impact existing EU measures have had on the countries. Sanctions, as well as threats of sanctions, are only likely to be efficient when their imposition results in substantial costs for the target. Regardless of whether the sanctions consist of a comprehensive economic embargo or targeted sanctions, the impact of the measures will generally be dependent on the pre-sanctions relationship between the sender and target.

During the last two decades, the importance of the EU has increased both for Belarus and Cuba and thus strengthened EU's ability to influence the leadership in both countries. Even though Belarus' main economic and political interests were initially focused on Russia, there has been a shift within the Belarusian leadership towards a more pro-EU attitude. This shift has in part been caused by the EU investments in the country but it can primarily be attributed to several other factors. First, the EU enlargement in 2004 led to a common border with Belarus, as well as increased interest in the relationship with Belarus through initiatives by new member states such as Poland and Lithuania. Second, the enlargement further increased the importance of links between the EU and the Belarus, a factor that became further strengthened in 2007 when Poland, Lithuania, and Latvia joined Schengen. Third, and arguably the most important factor, is the deterioration of Belarus relations with Russia. As Belarus increasingly pursues a policy independent of Russia, it needs to foster economic and political ties elsewhere, and the EU is the most viable alternative. As the country is landlocked and remains dependent on foreign investments to strengthen the economy, the benefits of a closer relationship with the EU are obvious.

With regards to Cuba, the EU does not have a similar geographic connection, but has still become the most important foreign partner. Following the sudden withdrawal of Soviet aid to Cuba in the early 1990s and the continuous US embargo on the island, the EU quickly became the most important and significant aid provider and economic partner for Cuba. Even though the EU and the US generally pursue similar policy objectives including the promotion of democracy and human rights, there have been visible differences regarding interaction with Cuba. While the EU rejected US attempts to forcibly expand its embargo to include foreign firms, it did harden its approach to the Castro regime in the late 1990s. The main source of this shift however, was the change of government in Spain rather than a concessionary move towards the US. In addition to the economic interests of the EU in Cuba, it is also important to note the political importance that the EU has attributed to the country. The Castro government has a long tradition of international activism and a desire to position itself as independent from US influence, and the EU could serve as an alternative ally.

2.2. Similarities in EU policy towards Belarus and Cuba

The EU has not been able to incorporate Belarus or Cuba into its conditional system of penalties and incentives which has become increasingly the norm for EU external relations. Indeed, whether Belarus and Cuba would join arrangements such as the Cotonou, TACIS and ENP has been a contentious issue. Cuba has been reluctant to join Cotonou primarily because of the *acquis* it then would have to subscribe to, while Belarus sought a closer relationship with Russia rather than the EU after independence in 1991. The problem for the EU in dealing with countries that refuse to participate in existing institutional networks and programs is that EU policy arguably becomes more sensitive to domestic considerations, and the implementation of policy changes takes longer to complete. One example is the reinterpretation of the human rights clause in the TACIS framework

1996 that introduced positive measures towards democracy in Belarus, as the EIDHR did not exist at that time.

The potential impact of sanctions is often dependent on clear information from the sender about why sanctions are imposed and what criteria needs to be met for them to be lifted (Brzoska, 2001; Wallenstein et al, 2003). In this respect, EU policy has been exemplary both towards Belarus and Cuba, as the reasons for restrictive measures have been clearly communicated to the respective governments and the necessary conditions for removal of the sanctions have been imparted.

2.3. Has EU policy focused on the promotion of democracy and human rights?

There have been similarities between EU policy towards Belarus and Cuba, but also notable differences. While the early EU measures on Cuba were based on a very general objective as the 1996 Common Position calling for ‘improvements in human rights’, it later imposed measures specifically related to the arrested members of the opposition in 2003. In contrast, the measures on Belarus have consistently been more specified and concerned with the lack of investigation of disappearances, as well as fraudulent elections. As a consequence, the sanctions towards Cuba have been removed despite substantial numbers of political prisoners remaining, while the release of all political prisoners in Belarus does not meet the requirements for a review of those sanctions.

The concern over the lack of democratic development and abuse of human rights has been the guiding force for EU policy towards Belarus since 1995. This was visible as the EU rejected attempts to separate political reform from economic interaction, and instead extended the measures against the Belarusian government, in addition to promoting a direct dialogue with the Belarusian people rather than the authorities. With the exception of the first travel restrictions on government officials in 1998, which was more motivated by a diplomatic row than concern for democracy, the EU have consistently related to the promotion of democracy and human rights as the reason for sanctions. In addition, the EU has on several occasions offered to change its policy if steps were taken towards promoting democracy and a greater respect for human rights in Belarus.

In contrast, EU policy towards Cuba has not been coherently focused only on the promotion of democracy and human rights in the country. Even though these objectives have been influential, the EU has been equally or more interested in promoting greater economic freedom in Cuba. This can be seen as the effect of several developments, including the US policy of imposing sanctions extraterritorially, an ambition to protect and promote European investments, and the domestic debate on Cuban policy in Spain as well as within the EU. Even though the EU has reacted strongly and coherently when human rights have been violated, there has also been a greater willingness to limit the requirements which need to be met for measures to be removed. Moreover, economic liberalization has often been considered a valid substitute for political liberalization.

2.4. Has the EU employed measures to increase democracy and respect of human rights?

Focusing on the measures introduced, the EU has mainly focused on positive actions such as humanitarian aid in Cuba and support for independent media and civil society in Belarus. When negative measures have been imposed, the EU has been careful not to harm the civilian populations, permitting humanitarian aid and necessary trade to continue. There have been some differences, however, with how these efforts have contributed to fostering improved democracy and human rights in the recipient countries.

In Belarus, the EU has consistently supported media and civil society as well as provided opportunities for students who have been expelled because of their political activity to finish their education in EU countries. Rather than specifically providing funds for the opposition, the EU has encouraged human rights activists in Belarus to establish cross-border contacts with European

NGOs. Furthermore, the EU has contributed to raising the profile of the Belarusian opposition by encouraging cross-border contacts, as well as by distributing the Commission's 'non-paper' about the benefits that would follow democratization and closer cooperation with the EU to the population of Belarus. The negative measures imposed by the EU against Belarus have primarily focused on targeted travel sanctions on the leadership, and the freezing of their financial assets. These sanctions, even though clearly motivated by a concern for the lack of democracy and human rights, have not in and of themselves served to improve human rights and democracy in the country. Since the Belarusian leadership was more intent on establishing closer links with Russia than with the EU for most of the time period covered, it is unclear to what extent such restrictions are considered costly for them. Arguably more potent may be the decision to restrict high-level official contacts and bilateral agreements with Belarus, as it hurts the domestic profile of the government. It is so far too early to properly evaluate the effects of the recent withdrawal of GSP status, but as the economy suffers from the strained Belarusian-Russian relations, the trade potential with the EU will be considered an even more appealing prospect by Belarus regime.

The EU has not provided similar support to civil society and media in Cuba, possibly because such measures are already provided by and/or funded by US-based actors. Some EU embassies on the island have provided some services for the domestic Cuban opposition such as allowing them the use of computers for access to the internet. The EU has tried to raise the profile of the Cuban opposition through the European Parliament's awarding of the Sakharov Prize to the Oswaldo Payá Sardiñas, and through the instruction that opposition leaders should be invited to official receptions at the Havana embassies of the member states. Some EU member states, in particular Spain, have been tracking individual cases of political prisoners in Cuba and lobbying for their release with some success, which has improved the human rights situation in the country. The negative measures imposed against Cuba by the EU have been symbolic in nature, since the filing of Cuban membership in Cotonou de facto did not change the status quo, since Cuba would not be allowed in Cotonou because of the human rights clauses anyway. However, the symbolic importance of official criticism of the Castro regime appear to have had an impact since the imposition of measures has often been followed by an elaborate and official reaction to EU criticism.

2.5. Have different EU organs acted in coherence and pursued a consistent policy?

The different organs (Parliament, Commission, Council, and Presidency) have all acted in a similar manner, which indicates that the respect for democracy and human rights is a common denominator for EU policy. There are, however, some important aspects that have influenced the EU policy towards Belarus and Cuba differently over time.

In the policy against Belarus, the EU participated in a decision-making 'troika' that also included the Council of Europe and OSCE. Within this setting, the policy pursued has been relatively consistent ever since the first criticism of the Lukashenka regime in 1995. This policy has largely been determined by the concern for the poor record of democracy and human rights in the country, and it has included an approach of both 'carrots and sticks' in order to promote change.

EU policy on Cuba has been less consistent because it has been influenced by diverging opinions between, as well as within, EU member states. The most active member state with regards to pushing the agenda on Cuba policy has been Spain and the EU approach has changed in accordance the different policies adopted by changing Spanish administrations. Thus, there has been less coherence at times between the type of measures favoured by the EU Council and other EU entities such as the European Social Committee, the Commission, and the Parliament. An aspect that further has influenced EU policy towards Cuba is the behaviour of the US, which primarily directed EU attention away from Cuban political issues and towards the economic consequences of interaction with the island. Even though the EU consistently has pursued policy objectives aimed at increasing economic and human rights in Cuba, the means employed to lobby for such a transition have

differed. This could be interpreted as a lack of patience, but also a necessary flexibility which has made it possible for the Cuban government to be rewarded for smaller concessions than the sanctions were originally intended.

3. Policy recommendations

3.1. Recommendations for EU policy promotion of human rights and democracy

The commitment to promoting democracy and respect for human rights has become a cornerstone in the international identity of the EU, and it is important that these issues be continuously raised within the EU, as well as in external relations with other countries and international organisations such as the UN. The EU use of institutionalized criteria that regulates the level of cooperation, such as the conditionality clauses for development aid is potentially the best approach to influence democracy, human rights, and good governance practices. Sanctions are arguably less useful for these objectives but more suited as a reaction to a specific event rather than the general policy.

For the conditionality clauses to fulfil their potential is not necessarily the content of the agreements, but the even implementation of the stated criteria. All members of the ENP, or the Cotonou, or any other instrument which promotes respect for human rights and democracy, must be treated equally and the EU must be consistent over time and space in imposing similar responses for similar events. By establishing a coherent practice, the programs will also serve as deterrence mechanisms to other signatories to the agreements.

The EU should continue the use of positive measures towards civil society, as well as a stated willingness to help support the necessary infrastructure if a country indicates a willingness to initiate democratic reforms. This would entail help with best practices and the necessary funding in the fields of, for example, judicial reform, the establishment of election commissions, and the logistic needs of domestic and international independent election observers.

Rather than outright support of the opposition, the EU should help and support the formation of local non-governmental organizations and independent media in the countries. It is important that the EU clarify that it is concerned with changing an undemocratic system, rather than specifically targeting the regime, as the latter would limit the impact of EU policy. Furthermore, the opposition and the government must be willing to cooperate in bringing democracy if the process is to succeed without violence. One interesting example which shows a potential future measure is the Commission 'non-paper' in Belarus, as it specifically addresses the population and announces the positive effects democratic reforms and subsequently better relationship with the EU could have for the country.

3.2. Recommendations for EU use of sanctions

For the imposition of sanctions, it is important to make an assessment on a case by case basis with regards to all facets of the situation, and that the EU has the option of adding or removing measures as the situation develops. It is also important that the choice of what types of measures employed be tailored to the relationship with the target. The EU should make informed decisions about costliness of different measures for the target, and ensure that it can add, replace or remove measures as it learns about the effects of the specific sanctions regime. Other potential disadvantages with using sanctions in a similar matter as the conditionality clauses is the increased risk that practices would not be consistent with the proposed strategy across cases thus limiting the credibility of the EU, and increasing the difficulty of coordinating sanctions with positive measures.

However, it is also important that the EU have a certain consistency in its sanctioning behaviour, as the potency of the instrument is manifested through cases when the threat of sanctions in itself has pressured targets to change behaviour. In order for the EU to make credible threats, it needs to show

that it is willing to act on the threats if the target does not comply with the stated criteria. Thus, it is of greater importance that the EU is consistent in its policy towards each target over time than pursue a consistent policy across different targets.

In order to impose such consistency, it is critical that the EU clearly state the reasons for the sanctions as well as the necessary criteria to be fulfilled for the lifting of the measures. These criteria should preferably be listed as separate and realistic steps, where the fulfilment of one aspect will generate a partial easing of sanctions, but it is also useful to include what the final objective is and at what stage all relations would be normalized. In doing this for each sanctions regime, as well as reiterating the objectives and measures over time, the EU sends a clear signal both to the target and other potential targets about EU policy objectives and its resolve in pursue these objectives.

3.3. Recommendations for EU policy towards Belarus

As relations between the EU and Belarus have improved in the last years, there is an opportunity for further engagement. The most important factor, however, is whether the elections held in late September 2008 will be more democratic than in previous years. The main objective for the EU should be to improve relations to the point that Belarus can be integrated into the ENP. A first step, providing that no irregularities occur during the elections, would be to review the GSP status of Belarus, as well as to initiate a dialogue about temporary suspension of the targeted sanctions on members of the regime. If the elections lead to similar events as in 2004 and 2006, it has become clear that it is economic measures that have been most effective in putting pressure on the Belarusian leaders. It is possible, however, that the recent willingness of Belarus to distance itself from Russia will increase the impact of high-profile diplomatic measures.

Much of the current EU policy on Belarus should be maintained, such as the support of independent NGOs and media. In order to foster cross-border contacts, an immediate positive measure would be EU subsidies for Belarusian citizens to acquire visas into Schengen, as well as initiating discussions with Belarusian authorities about long-term improvements of the cross-border interaction and trade.

3.4. Recommendations for EU policy towards Cuba

The relations between the EU and Cuba also indicate opportunities for further engagement, even though it is important that the EU critically review whether Cuba continues with its recent advancements in human rights. It is important that improvements in economic rights are not considered as an acceptable replacement for improvements in human rights.

Because the EU is set to review its temporary suspension of sanctions by next year, it could be useful to use the occasion for the release of an EU-Cuba long-term strategy. Such a document would include both the long-term objectives of the EU to make Cuba a partner in Cotonou, provide a detailed examination about potential EU measures to be employed in order to encourage Cuban development in key areas and an analysis of the effect improved EU-Cuba relations would have on Cuban citizens. Such a strategy would help to ensure more long-term stability in EU's policy towards Cuba, which has otherwise been characterized by slight unpredictability.

Finally, the EU should maintain many of its present policies towards Cuba. In particular, it should continue to repeatedly raise the issue of the release of remaining political prisoners, encourage the access of human rights NGOs to Cuba, and promote access to independent media, including the internet, on the island.

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