

A cohesive response to the Belarus border crisis?

WRITTEN BY MADEC AUSTERN

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In August 2020, the Belarusian election was widely seen as fraudulent, rigged to ensure that the so-called “last dictator of Europe” remained in power, which led to widespread international condemnation. It also prompted the EU to adopt sanctions against the regime under Article 215 TFEU, aimed at securing the end of autocratic rule and the reorganisation of elections. This led to a heightened antagonism between the EU and Belarus, culminating in last month’s border crisis. Indeed, the Belarusian government relaxed its visa entry requirements in August (Loanes, vox, 2021) in an apparent attempt to incentivise migrants to privilege the Belarusian route into the EU and funnel in a large number of people in the hope of creating political difficulties within the Union, thus weakening it. This led to approximately 3,000 to 4,000 people trying to pass into the EU through Poland at the Belarusian border. Tensions have since erupted. At the height of the crisis, there were serious concerns of a potential escalation in the first ten days of November, with some European leaders warning Belarus that it could lead to military conflict (Barigazzi, Politico, 2021). Not only that, but the Russian military – a long-time ally of the Lukashenko regime – took the drastic step of flying nuclear-capable bombers over Belarus’s airspace in a thinly veiled threat against potential EU escalation in the region (Antonov, Reuters, 2021). There have been reports of Belarus’s soldiers providing migrants with the tools to destroy the Polish fence between the two countries and even assaulting border guards to distract them from preventing migrants from entering the EU (Loanes, vox, 2021). These developments had many stakeholders on high alert, from NATO to neighbouring countries, who all saw the potential for a significant conflict to erupt (Euractiv with Reuters, 11 November 2021).

In this context, examining the EU’s response as a bloc can be quite instructive, not only regarding this particular crisis but also regarding how likely it is for a centralised effort to emerge in the future. This is a particularly sensitive topic for the EU, as the topic of migration has starkly divided the bloc since 2015. In that sense, this is a real test of the EU’s ability to coordinate and could be a defining moment in how the EU’s borders are kept safe.

The EU recently passed new sanctions against the Belarusian regime in mid-November. These built upon pre-existing restrictions passed shortly after the aforementioned election to render them more effective in the present situation. Namely, it renders illegal to provide the Belarusian government with any form of insurance (Council regulation 2021/1986). The sanctions also preclude individuals that have been found to facilitate the illegal crossing and the smuggling of illicit goods across the EU border to enter the EU or access funds within the Union (Council regulation 2021/1985 and Council decision 2021/1990). This will ensure that the EU can punish and eventually deter the individuals who promote the flow of migration across its borders. This is a significant development as such measures require a unanimous vote in the Council and thus a cohesive approach from the Member States. It is important to note that such a response came far more quickly than that following the election, where the EU was subject to criticism for its delayed response. However, one must admit the clear limitation of sanctions in general when trying to alter a foreign government’s policy. While it is true that these sanctions will impact the ability of those involved in smuggling migrants within the EU to access funds and interact with the Union, it does not affect their prospect in other parts of the world, in particular regarding their close partnership with the Russian Federation. Perhaps there is no clearer indication of this inefficiency than Lukashenko’s unaffected behaviour since last year’s infamous election. Although these measures are not completely ineffective, they are likely to be insufficient to end the tension on their own and respond to the crisis appropriately. However, these recent sanctions are a step in the right direction and show the Member States’ ability to coordinate in a crisis.

Interestingly, the EU seemed to acknowledge that sanctions alone will not suffice and endeavoured to complement them with other measures. What stands out in particular is the Union's efforts to ensure that third countries prevent the flow of migrants from reaching Belarus and thus deprive its government of the ability to launch further "hybrid attacks" against the EU border. This is demonstrated by the talks recently held between the EU and Central Asian leaders (Brzozowski, Euractiv, 2021) and Uzbekistan's pledge to no longer allow free travel to Belarus in an agreement with the EU to limit the flow of migrants (Herszenhorn, Politico, 2021). These actions are encouraging in the sense that they are taken at the EU level rather than by the individual Member States and thus showcase a nascent willingness within the EU bloc to act in concert as a centralised authority.

However, there remain areas of dissent and concern regarding the way in which the EU has responded to the crisis. Perhaps the most prominent is the remaining discord regarding the use of border fences around the EU to avoid unauthorised access to its territory. This is a longstanding topic of migration (Barigazzi, Politico, 2021), but one that became particularly relevant during the present crisis, as the Member States on the border are increasingly inclined to rely on this approach to curb the flow of migrants. This is a deeply divisive issue, with the EU historically opposed to the construction of border fences and still refusing to pay for their construction, which has prompted Member States like Poland, Hungary, and Lithuania to erect a physical barrier at the EU's border without consensus and outside the EU framework. This is a problematic development, as it hurts the bloc's unity in response to a crisis at the border. Of course, legally, the Member States are entitled to protect their borders. Still, the fact that they decide to do so in a manner that has not been centrally approved and to which President von der Leyen remains adamantly opposed is not a positive sign. In addition, the EU has failed to come to a concerted response regarding the military threat presented by Belarus's forces. In fact, Estonia and the United Kingdom brought military forces to Poland with the goal of assisting at the border (Kotkamp, Politico, 2021). This was done without EU involvement, which shows how much progress remains to be made in coordinating EU armed forces, particularly regarding rapid and potentially controversial decision-making.

Overall, the EU's response can still be said to be encouraging, as it managed to reach a coherent response relatively quickly through sanctions and efforts to mitigate the flow of migrants to Belarus. However, regarding the coordination of the military response and the border fence issue, inaction remains at the EU level, leaving the Member States to make decisions individually and thus standing in the way of integration. This is not surprising, as these decisions are particularly sensitive and difficult to coordinate at the EU level. Nevertheless, the improved speed at which decisions were taken in the EU is an encouraging sign that it is getting better at responding as a bloc.

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