"BELARUS—BACK IN THE U.S.S.R.?"

HEARING

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"BELARUS—BACK IN THE USSR?"

TUESDAY, APRIL 27, 1999

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC

The Commission met at 10 a.m. in room 340, Cannon House Office Building, Honorable Christopher H. Smith, Chairman, presiding.

Commission Members present: Hon. Steny H. Hoyer; Hon. Sam Brownback.

Witnesses present: Ross Wilson, Principal Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State for the New Independent States; Ambassador Hans-Georg Wieck, Head of OSCE Advisory and Monitoring Group; Arkady Cherepansky, Charge d'Affaires, Embassy of the Republic of Belarus to the USA; Ambassador Andrei O. Sannikov, International Coordinator for Charter 97; Rachel Denber, Deputy Director, Human Rights Watch, Europe and Central Asia Division; and Catherine A. Fitzpatrick, Executive Director, International League for Human Rights.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN

Mr. SMITH. The Commission will come to order, we will be joined shortly by Mr. Hoyer and some of the other Commissioners, and at that point I will yield to them for any opening statements they may have.

Three years ago this month, the Commission held a hearing on the aftereffects of the Chernobyl nuclear explosion, in which we heard testimony from the Belarusian ambassador at that time on Chernobyl's devastating legacy on his country. In fact, yesterday marked the 13th anniversary of this disaster. Chernobyl, however, is far from the only calamity that the people of Belarus have known. Belarus—a country of 10 million people in the heart of eastern Europe has an old, rich and often tragic history. Over the course of this century, the people of Belarus suffered profoundly the horrors of both Nazi and Soviet domination. And now, having gained independence in 1991, they are under assault from their own President, as he steadily erodes their rights and their liberties. Indeed, President Lukashenko's illegitimate 1996 constitutional referendum, in which he extended his personal power, disbanded the duly elected 13th Supreme Soviet and created a new legislature and constitutional court subservient to him, has been described by a leading Belarusian jurist as a "legal Chernobyl."

The international community has widely censured Lukashenko for his disregard for international commitments. The Organization for Security and Cooperation in Europe, which for the last year has had an on-the-ground presence in Minsk, has repeatedly called upon the Government of Belarus to respect fundamental human rights and democratic principles. Despite these efforts, we have not seen greater compliance with OSCE norms, principles and commitments, which Belarus freely undertook when it became an OSCE member in 1992. To cite just one example, earlier this month, on April 4, Belarus held local elections. Despite efforts by the OSCE Advisory and Monitoring Group in Minsk, the local election law adopted was undemocratic. As a result, the opposition boycotted the elections and there were irregularities in the registration process.

The Helsinki Commission, through various means and channels, has endeavored to promote human rights and democracy in Belarus, especially since 1994, when Lukashenko was elected and violations of human rights increased. Last November, Commission staff visited Belarus and attempted to convey the Commission's deep concerns about the situation in Belarus and issued a report in which we urged the Belarusian Government to review the cases of individuals imprisoned on politically motivated charges, to cease the harassment of opposition activists, NGOs and the independent media, and to permit them to function, to allow the opposition access to the electronic media, to create the conditions for free and fair elections, and strengthen the rule of law. Unfortunately, we have failed to see progress in any of these areas.

Belarus currently is facing a constitutional crisis. Earlier this year, the disbanded 13th Supreme Soviet set a date for the next presidential elections for May 16 and set up a Central Election Commission to conduct these elections. According to the democratically adopted 1994 constitution, Lukashenko's term expires in July. Lukashenko's 1996 constitution, which the West does not recognize, provides for elections in the year 2001. The authoritarian president has rejected calls for the May 16 elections and has taken actions to neutralize the opposition and to thwart the election process. In early March, Viktor Hanchar, head of the opposition-appointed Central Election Commission, was sentenced to 10 days administrative detention. And, on March 30, one of the two registered presidential candidates, former prime minister Mikhail Chygir, was detained and sentenced to 3 months in jail, in what strongly appears to be a politically motivated act. I call upon the Belarusian authorities to release immediately Mr. Chygir and to begin a constructive dialogue with the opposition to address the current constitutional impasse created by the illegitimate 1996 referendum.

I am very pleased to welcome our distinguished witnesses and to hear their views on the current situation in Belarus. What is more important, we are interested in learning how best to encourage meaningful progress to strengthen human rights, democracy and civil society in Belarus, and what implications President Lukashenko's vision of a union with Russia or a future "Slavic Union" has on the democratic future of Belarus and its neighbors. We also would be interested in hearing suggestions for possible solutions to the current constitutional impasse, especially considering the May 16 elections are less than 3 weeks away.

I'd like to ask our first witness, Mr. Ross Wilson, if he would begin

his testimony in a moment, and I will provide some very brief background.

Mr. Wilson assumed the position of the Principal Deputy to the Ambassador at Large and Special Advisor to the Secretary of State on June 30, 1997. Since entering the Foreign Service in 1979, he has served twice as economic officer at the U.S. Embassy in Moscow, as well as in Prague and Melbourne, where he served as U.S. Consul General. Mr. Wilson was Deputy Executive Secretary of the State Department from 1992 to 1994, and Special Assistant to the Under Secretary of State from 1990 to 1992.

Mr. Wilson, thank you again for being here. Please proceed with your testimony.

TESTIMONY OF ROSS WILSON, PRINCIPAL DEPUTY TO THE AMBASSADOR-AT-LARGE AND SPECIAL ADVISOR TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES

Mr. WILSON. Thank you very much, Mr. Chairman. It's a pleasure and honor to represent the Administration in this hearing on Belarus.

I have a prepared statement which I would ask be admitted into the record.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

Mr. WILSON. This hearing provides an important opportunity to exchange views on what has taken place in Belarus. The trends, as you have noted in your opening statement, are negative.

President Lukashenko has destroyed the constitutional balance of power, disbanded the Supreme Soviet, installed a rubber stamp legislature, and subordinated the judiciary. He has clamped down on dissent and on independent political organizations, in defiance of Belarus' OSCE commitments. His regime uses spurious charges to constantly harass and intimidate opposition leaders, some of whom are here today.

Public demonstrations and assemblies are capriciously denied or severely restricted. For expressing opinions contrary to Lukashenko's, publishers are fined, editors and journalists are harassed and sometimes beaten up, publications are confiscated, papers are closed, and programs are taken off the air.

Lukashenko has rejected economic reform, worked to keep the old Soviet economic machine in his country alive, and sent his economic advisors to jail when things have inevitably gone wrong.

As he abuses his people at home, so Lukashenko misbehaves abroad. He violated the Vienna Convention and effectively abrogated the U.S.-Belarusian agreement when he evicted our ambassador from his official residence, ostensibly for sewer and water repairs, but really just to confiscate this and other properties for his cronies.

We have serious proliferation concerns with Belarus. Lukashenko's has been the worst government in Europe on the issue of ethnic cleansing in Kosovo and NATO actions to stop it.

The Lukashenko regime's overthrow of the constitution in 1994, violation of Belarusian democracy, suppression of human rights, and rejection of economic reform have taken Belarus back in time. These actions represent the hijacking of liberty and freedom. They have cut Belarus off from the democratic market economic transformation taking place throughout central and eastern Europe and Eurasia.

Our policy of selective engagement reflects our view of Lukashenko and what he represents. Our contacts with his government are limited. We criticize actions that are inconsistent with democracy, respect for human rights, both privately and publicly. We make the point, as I did when I was in Minsk in March, that Lukashenko's illegitimate referendum in 1996 created a political impasse, and that the government should initiate dialogue with the opposition and with the society as a whole to resolve that impasse. We made clear that until such a dialogue takes place, it will be impossible for Belarus to have a more normal relationship with the United States or, to a very large extent, the broader Euro-Atlantic community.

We do not, we must not, ignore or forget Belarus. The State Department, our embassy in Minsk, interested non-governmental organizations and others, and you, Mr. Chairman, have closely followed events there. We call attention to the government's most flagrant abuses to Belarusian liberty, and we work with the EU, the OSCE and other democratic partners to push for change.

We have an assistance program in Belarus which is active in focusing on long-term transformation toward the independent, prosperous market democracy that we would like to see Belarus one day become. Key targets include independent media, the non-governmental sector, student and academic exchanges, all of which are designed to provide a measure of support to those seeking democratic change and to help build constituencies in Belarus for such change.

We provide no assistance to the Lukashenko government. We still have humanitarian programs, including to help address the consequences of the Chernobyl nuclear disaster you referred to earlier. These are carried out through NGOs, local authorities, and hospital administrators. We discourage U.S. investment in Belarus. We no longer have EXIM, OPEC or TDA programs. Our national security programs in Belarus have been suspended.

When he was evicted from his residence last summer, our ambassador was recalled, he remains here awaiting progress on a new residence and on compensation for the losses sustained by the United States due to Belarus actions.

Belarus internationally recognized 13th Supreme Soviet legislature that Lukashenko deposed, has, as you noted, called for a presidential election on May 16, just 3 weeks from now. This bold initiative to hold a presidential election, in spite of the government, represents an effort by democratic forces to engage in the dialogue with the public that the government rejects. It has united opposition forces. It has dramatized the constitutional and political impasse that Lukashenko created.

The expiration of President Lukashenko's democratic mandate on June 20 under the 1994 constitution will formalize a process that began several years ago. His departure, the country's agreed-upon constitutional framework, and the steady encroachment on the rights of the Belarusian people have already eroded the legitimacy of that democratic mandate in a democratic Europe. Only a small minority dare say it, but many Belarusians sense what he represents.

No amount of manipulation or orchestration by the government can alter this perception. As democratic forces become stronger over time, with the international communities assistance, Belarus will change.

Mr. Chairman, when I was in Minsk last month, I told the opposi-

tion and government leaders alike that Belarus was missing out on the market democratic revolution that is sweeping central and eastern Europe and Eurasia. I said that we are disappointed by that, we regret it, as do Belarus' neighbors, Belarusians themselves.

Belarus had promise in the years following independence, promise that reflected the democratic and European aspirations of the Belarusian people, who have seen such suffering in this century. We want to see it live up to that promise.

I hope that this hearing, among other things, will give encouragement to democrats and democratic change in that country, and that Belarus will soon occupy again its rightful place in a Europe that is whole and free.

Thank you very much.

Mr. SMITH. Mr. Wilson, thank you very much for that excellent testimony, and for the good work you are doing.

I'd like to yield to Commissioner Hoyer for any opening statement he might have.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. HOYER. I thank the Chairman, and I apologize for being a little late.

Mr. Wilson, I have read your entire statement, and as you were saying it, I was sort of doing both at the same time, but I did read your statement and it's an excellent statement. I think it is very appropriate that the Chairman has scheduled this hearing to review what is happening in Belarus. Obviously, it's of great concern to the OSCE, as well as the European Union, and the international community, and it is a complicated situation, but your observation about not forgetting the Belarus people, who are being subjected to the dictatorship of Lukashenko, it's very important that we keep that in mind, just as we keep in mind—as we are involved in Kosovo and Serbia, that our argument is not with the Serbian people or with the people of Belarus, but with the leadership and the dictatorship that's being imposed upon them.

Mr. Chairman, I would like my whole statement to be included in the record at this time, and, again, thank you for convening this hearing, and I look forward to hearing the other witnesses who are going to testify.

Thank you, I join the Chairman, Mr. Wilson, in thanking you for your efforts.

Mr. SMITH. Thank you, Mr. Hoyer, and without objection your full statement will be made a part of the record.

Mr. Brownback?

Senator BROWNBACK. Thank you very much, Chairman Smith. I really appreciate your holding this hearing, and I appreciate your testimony, too, Mr. Wilson.

I think this is a very timely and important subject to address what's taking place in Belarus. The problems there have been growing. They are growing more pronounced, and I was noting in an editorial in the Washington Post that appeared April 20 about Europe's "other dictator" concerns Belarus. I note that one of the key opposition leaders who has spoken out about the problems with the current leadership, Belarus former Prime Minister Chygir, has been in prison for advocating democratic ideals. Yet, he is actively campaigning, or trying to, from prison, for the upcoming presidential races.

Last week, Amnesty International officially acknowledged Mr. Chygir to be a prisoner of conscience, indicative of the now routine imprisonment of opposition leaders.

But, I want to stress one point in particular. It's not that the West is isolating Belarus, but Belarus was isolating itself with these unfortunate policies. Belarus is doing this by consistently transgressing the fundamental principles presented in the Helsinki Final Act, as well as numerous other international human rights agreements. This country freely obligated itself to uphold these universal principles now sacrificed on the altar of expediency and so-called "security."

I hope that the exposure of these trends will open a door of freedom for those seeking to usher their country into a better era, marked by freedom and justice. And, by this statement today I deliberately reach out my hand to the democrats of Belarus, who continue to oppose this crushing return to the Soviet model.

This is an important hearing from that standpoint, Mr. Chairman, that we reached out and say, we don't want to fight, but if you are going to ignore the principles that you agreed to, that you freely signed on with, we are going to be very critical of you and continue to point this out to governments worldwide.

Belarus could be a great nation, but it's not going to get thereby ignoring fundamental human rights. So, I'm delighted to be a part of this hearing, and to hear all the testimony.

Thank you.

Mr. SMITH. Commissioner Brownback, thank you very much for those comments.

Mr. Wilson, let me just ask a couple of opening questions. What happens if Lukashenko refuses to engage in a dialogue with the opposition, ignores the May 16 elections, and July 20 rolls around and he still clings to power and refuses to budge? Are there additional steps contemplated by the Administration and the international community to try to ratchet up pressure?

Mr. WILSON. Well, one thing I would say is that President Lukashenko most certainly will not completely ignore the May 16 election. He has already taken action against those trying to organize the election. He has imprisoned, as you noted, one of the two presidential candidates, former Prime Minister Chygir. I think a number of us have concerns about further actions that the government may take over the course of the next 3 weeks to further crack down on those who are attempting to participate in the free expression political will in Belarus.

We will have a difficult set of issues to try to face, in the period between and right up to those elections, between that election and July 20, and, obviously, after July 20.

As I noted, in a very real, tangible sense, President Lukashenko ceased to have democratic legitimacy a long time ago. In a certain sense, that is not going to materially change. It will be made clearer, more obvious, it will be laid bare for all to see just how threadbare his legitimacy is when his legal term of office expires.

As a practical matter, the United States will continue to deal with the government that's there. We do that around the world. We will continue in every way we can to provide support, both direct and tangible support, as well as political support that we can provide, encourage the European Union to be active, encourage the OSCE to continue its activities, which have been constructive in Belarus, to

put pressure on the government to change, of course.

Mr. SMITH. Could you give us some insight regarding the relationship between Russia and Belarus, with the call to join together as a group? Now that Milosevic has made an appeal to join that axis, do you see that as a potential threat to and a consolidation of dictatorship?

Mr. WILSON. Well, clearly, this is something we have been watching carefully. As you noted, the decision to establish a Russia/Belarus Union was taken a couple of years ago. Progress to implement that agreement has been exceedingly slow. It would be wrong to say that there is, really, anything meaningful or tangible that the political decision to create a union has produced. There are a number of people in Moscow who are quite nervous about this, nervous about Russia taking on another large economic liability at a time when they have plenty of economic problems of their own. There are still many democrats in Russia who recognize exactly what is going on in Belarus, who understand exactly what a threat that represents to democracy in Russia and also in other parts of the Soviet Union.

We also believe that Belarusians are not as supportive of the idea of a Belarusian-Russian union as some might pretend. There is interest in economic integration, but there is also a great deal of interest among Belarusians in maintaining the sovereignty and the independence of the country.

There is little support, as best we can tell, in Belarus for a union that would also involve Yugoslavia, although President Lukashenko has made some remarks on this subject, and some inflammatory statements by others, including out of Belgrade. The President has backed away from some of that, talked about the complications. I think that union with Yugoslavia is an idea that's probably going nowhere fast.

Mr. SMITH. I will ask one final question. The Lukashenko government has established that all NGOs need to re-register by July 1 and recognize the legitimacy of the 1996 constitution. Where does that leave our U.S. AID program, vis-á-vis those NGOs that may refuse to re-register and recognize the flawed and bogus constitution? Is this something that might be thwarted, or is this something you think may be cast in stone in terms of that re-registration requirement?

Mr. WILSON. This is an issue that we've been particularly concerned about. We've discussed with the OSCE mission in Minsk our concerns on this issue, which the OSCE mission shares.

The implications of this re-registration requirement are not all entirely clear. Among other things, it may make it illegal for people to work for unregistered NGOs and may make it impossible for unregistered NGOs to have bank accounts.

We've seen these kinds of tactics in Belarus, for that matter in other states of the former Soviet Union before, an attempt to shut down alternative points of view.

We have worked with the OSCE to raise this. We will not let President Lukashenko decide what organizations the United States provides assistance to.

Mr. SMITH. Again, with regards to humanitarian aid, do you see this? I appreciate that last final comment, we will not allow them to disqualify or veto to whom we give money, especially in light of some of the pressing humanitarian concerns. As I said in my opening, we had a very telling hearing about the disproportionate share of agony imposed upon the Belarusians as a result of Chernobyl. I am sure Mr.

Hoyer remembers it very well, as do I.

I know I said that was my last question, but very briefly, are we assisting NGOs and are we assisting Belarusian people who have been adversely affected by the Chernobyl incident?

Mr. WILSON. Yes, we do, Mr. Chairman. We do this. We provide assistance to the victims of Chernobyl through NGOs and directly to hospitals, working with hospital administrators. This is part of a program that's not just Belarus. It also includes parts of Russia and much of Ukraine.

Those programs are of great benefit to the Belarusian people. We would certainly hope that they would not be in any way interfered with. Although we have, as we discussed here, no small number of problems with the Belarusian government, I would like to think that the Belarusian government shares our interest in continuing those programs.

Mr. SMITH. Thank you.

Mr. Hoyer?

Mr. HOYER. Mr. Smith has asked many of the questions that I think are critical for us. Can you give a general overview, to the extent you think is appropriate, of the political situation referenced in your statement, but, more specifically, in terms of the opposition leaders, the opposition groups, and the possibility for success, in terms of either changing Lukashenko's policies or changing Lukashenko?

Mr. WILSON. It's difficult to give you a very precise answer. It's certainly difficult to predict the future. My perception, from having been there and having talked with opposition leaders last month, is that the opposition does enjoy substantial public support. President Lukashenko obviously controls the media, he controls the mechanisms by which the opposition can get the word out, but dissatisfaction among the public is substantial, in particular, having to do with the economic crisis that Belarus has fallen into and people's disappointment with the political situation in which the free exercise of their rights is inhibited.

There was, I understand, yesterday or several days ago, demonstrations, substantial demonstrations, several thousand people in Minsk demonstrating on the anniversary of the Chernobyl nuclear disaster. But demonstrations like that, as was the case in eastern Europe in the mid-1980s, take on a political color that is all out of proportion to the cause that they were there for.

Is their cause hopeless? I don't think so. I served in Czechoslovakia in the mid-1980s, when it certainly looked hopeless to a number of people who were there. It seemed highly unlikely that Vaclav Havel would ever occupy any position of authority. He does now, and for that and a variety of other reasons, we certainly have hope that democratic change can come to Belarus, that the people who are advocating for respect for fundamental human rights and democratic principles can succeed.

Mr. HOYER. You mentioned Vaclav Havel, who was, of course, here over the weekend and spoke to NATO observation in the Capitol. Mr. Smith and I were in Czechoslovakia, and we were to have breakfast with Mr. Havel, but he was arrested on his way to have breakfast with us in the mid-'80s. I don't know whether you were there on that occasion of our visit or not.

Mr. WILSON. I believe I was.

Mr. HOYER. Yes.

So, obviously, things can and do change.

Have you followed the activity of the Parliamentary Assembly, as it relates to the Belarus delegation? Do you have any observations on that? As you know, there has been a contention with respect to the delegation that ought to be seated, reminiscent somewhat of our own convention system, and what state delegations were seated in the FE60s.

As you know, we've seated the opposition groups. Do you know anything about that? Has it had any impact or has there been a response in Belarus to that?

Mr. WILSON. Well, we have been—

Mr. HOYER. Particularly, referencing with respect to the Chairman's and my own view, and your statement which said that giving to the opposition credibility is an important thing for us to be doing in the West.

Mr.WILSON. We and other Western countries have continued to recognize the 13th Supreme Soviet that President Lukashenko abolished, which was the legitimate legislature of the country. It is the entity that attends OSCE parliamentary functions. It is the entity that has dealings with the outside world.

I think our policy has an effect in Belarus. It is a burr in the side of President Lukashenko, who resents these people, dislikes the fact that he is isolated, and that his government has isolated itself from the rest of the European mainstream.

The role that we take, the position that we take with respect to the 13th Supreme Soviet gives tangible support to its members, those who want to speak out for democratic change. I think it has a significant effect, yes.

Mr. HOYER. Thank you.

Thank you, Mr. Chairman. As I said, you asked many of the questions that I wanted to have answers to, and I

appreciate Mr. Wilson's responses.

Mr. SMITH. Thank you very much, Mr. Hoyer.

Mr. Brownback?

Senator BROWNBACK. I don't have any questions.

Mr. SMITH. Okay, Mr. Brownback.

I just have one final question, if I could.

Can you give a brief overview of Belarus' relations with neighboring Poland, Ukraine and Lithuania?

Mr. WILSON. I will be brief. The relations are complicated. Obviously, those three countries bordering on Belarus, as well as Ukraine and Russia for that matter, have important economic interests. They have trade relationships that are important to their own economies, and disruptions in those trade relationships that resulted from the Russian financial crisis and its effects on Belarus have worsened and deepened their economic problems, particularly in Ukraine, and to some extent in the Baltics.

There is, in addition, a significant Polish ethnic minority in western Belarus, and a somewhat smaller Belarusian minority across the border in eastern Poland, that obviously creates some additional complications.

The leaders of the governments that border on Belarus have shared with us a number of concerns, we have discussed our concerns about developments in Belarus. Leaders have, on occasion, so we're informed, expressed some of their concerns directly to the Belarusian leader-

ship, including President Lukashenko, and we think that's important It's an important demonstration. This is not just the United States, this is not just Western Europe, this is the entire Euro-Atlantic community that is outraged by what is going on and wants to see positive change.

Mr. SMITH. I do have one final question. You made passing reference to the Drozdy issue in your opening comments. As we all know, the EU ambassadors have returned, and Ambassador Speckhard, who is here, is awaiting, hopefully, a return soon. Could you just lay out the conditions that would be required for him to return?

Mr. WILSON. Sure. We set a standard for the Belarusian Government. We asked for assurances—written assurances—as to exactly what the Vienna Convention on Diplomatic Relations means, and a reiteration of the government's intention to abide by the Vienna Convention in the future.

Those written assurances were received a couple of months ago. We responded appropriately, and told the Belarusians that we were prepared to initiate discussions on a new residence and on compensation for the losses we sustained because of the confiscation of the old one.

What we have told the Belarusians is that as there is progress in those negotiations, we are prepared to return Ambassador Speckhard to Minsk, and welcome the Belarusian ambassador back to Washington. We've said that was not going to be at the beginning of that process. It is not going to be at the end either, but somewhere in the middle. As it appears that these negotiations are headed somewhere we will do this.

And we look forward to Ambassador Speckhard's return. He's an important asset for us there. We need him, and we would like to see this problem resolved.

Mr. SMITH. I do thank you for that.

We pledge from the Commission's point of view, we will do anything we can do. We have worked hand in glove with the State Department in the past on this issue. I think the Belarusians should know that this is a totally bipartisan issue. Democrats and Republicans are united, so we will stand toe to toe with the Administration on this. I do thank you for your good work.

Mr. WILSON. Thank you.

Mr. SMITH. I'd like to invite our second panel of witnesses to the witness table, beginning first with Ambassador Hans-Georg Wieck, who has been head of the OSCE Advisory and Monitoring Group in Minsk since his appointment in December of 1997.

During his distinguished career in the German Foreign Service, Ambassador Wieck served as Germany's Ambassador to India, the Soviet Union, Iran and NATO, as well as the President of the Federal German Foreign Intelligence Agency.

After retiring in 1993, Ambassador Wieck was advisor to Georgian President Shevardnadze, and a Wilson Center Scholar.

Arkady Cherepansky is Charge d'Affaires at the Embassy for the Republic of Belarus. In October of 1997, Mr. Cherepansky became Consular and Deputy Chief of Mission at the Belarusian Embassy in Washington.

Prior to his work in the Foreign Ministry, Mr. Cherepansky worked in the Ministry of Culture and Information.

Ambassador Wieck, you can begin.

TESTIMONY OF AMBASSADOR HANS-GEORG WIECK, OSCE ADVISORY AND MONITORING GROUP

Amb. WIECK. Thank you, Mr. Chairman, for inviting me as head of the Advisory and Monitoring Group of OSCE at Minsk to this Commission and to this hearing.

I have prepared a written statement, which I would like to suggest could be included into the congressional record, and will concentrate my remarks on some specific points related to the OSCE work in the country.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

AMB. WIECK. Thank you, Mr. Chairman.

In addition to what has been said by you and by Mr. Wilson of the State Department in regards to the situation in Belarus, I would like to add only two observations which are pertinent to the situation in my judgment, nationally and on a national scale, before I discuss more deeply the work of the OSCE and the strategy that we are pursuing.

First of all, I think that there are a number of deputies, particularly from parliamentary bodies, such as the Parliamentary Assembly of the OSCE, and also from the Parliamentary Assembly of the Council of Europe, and maybe the European Parliament, who do encourage the dialogue as a means, as procedures to overcome the constitutional crisis of the country by peaceful means.

I recall the establishment of the "ad hoc working group on Belarus" by the OSCE Parliamentary Assembly, and the fact that the Chairman, Mr. Severin, is planning to have informal meetings with representatives from the political scene in Belarus from all sectors, to convene and discuss potential contents of the free and fair election law in the country.

The Council of Europe's Parliament is having, in the Political Commission, today an informal meeting with representatives from all sectors. Also, the Chairman of the OSCE, and Norwegian Foreign Minister Vollebaek has publicly and in a letter to President Lukashenko, urged the need for a peace resolution by dialogue.

In addition, I would like to call your attention, Mr. Chairman, to the fact that seemed to emerge from rather reliable regularly-undertaken opinion polls, which show that there is development within the country toward Western orientations, Western values. The youth and major parts of the urban population are looking more toward the improvement and cooperation with Western countries. The long-held view is that union with Russia would be the future orientation of the country.

According to these opinion polls, among others, 36 percent of the population would like to model their country after Germany, 26 percent after U.S., 5 percent after Poland, meaning to say that about two thirds of the country is moving toward a balanced relationship of Belarus with Russia, and with the West.

Against this background, Mr. Chairman, I would like to highlight several points of the OSCE strategy in the country. After the unfortunate, unsuccessful attempts by the European Union and the Council of Europe to restore a political consensus in the country on the basis of the 1994 constitution, OSCE adopted a resolution in September

1997, establishing this advisory and monitoring group, mandating it with assisting the country in the development of democratic institutions, and monitoring the compliance of the country with OSCE commitments, in particular, the Copenhagen document of 1990 on the human dimension, which includes pluralistic democracy, compliance with human rights, rule of law, and market economy.

In a conversation with President Lukashenko in December of last year, when I outlined these documents for him, he referred to the Helsinki Act of 1975, which he subscribed to fully, meaning to say, to a document which started the OSCE process, but did not yet involve the changes of the European situation where the transformation had been initiated and brought together in that very important Copenhagen document, which is our yardstick for our work.

But, I can report to you that in the manifold contacts with the opposition forces in the country and with what I called the "party of power," meaning the groups that are supporting Lukashenko, I do see a great degree of readiness, willingness, and interest to move toward democratic structures and to return to the path that the country had entered into in the early '90s. This is the essence of the very close contacts that we do have, and I repeat, with all parts of the country, irrespective of the fact that sometimes this is put into doubt in public statements. I should like to refer to another public opinion poll which identifies the trustworthiness of national and international institutions in Belarus, in which we see the OSCE ranking third after the United Nations and the Churches, and before the Independent Press and the President himself.

We do have a number of working groups, according to the first set of tasks, which had been given to us by the Chairman in office, the Danish Foreign Minister, by the end of 1997, namely, to assist in the development of legislation on democratic institutions, to observe and monitor the implementation and compliance of institutions of the country with national and with international law, which involves a human rights dimension, but, in particular, the observance of the law in penal code proceedings, the education aspect of human rights observance, and the building up of political constitutions in conformity with democratic principles.

Thus, in brief, the objective of the Advisory and Monitoring Group are to further the peaceful solution to the existing constitutional conflict within the country, and to introduce the principles, as well as the practice, of peaceful conflict resolution into the political climate of the country, in particular, among political elites on both sides, and to pursue these objectives by a number of programs to further democratic legislation and the rule of law, among others with regard to the election law; second, the human rights observations and human rights education. We do have access to everyone. Everyone has access to us. We do have a kind of ombudsman function in this regard, namely to monitor obedience by authorities to that country's law and to international law. AMG implements democratic awareness of programs in cooperation with ODIHR, (Office for Democratic Institutions and Human Rights), and also OSCE, in order to acquaint more intimately the country with all the dimensions of democratic societies, which is so much needed in the Post Cold War Period and CIS countries after their 80 years of Soviet rule.

Furthermore, it is our objective to introduce as a means of conflict

resolution dialogue instead of confrontation and suppression into the relationship between the government and opposition on particular issues. We had such "dialogue" conferences with international experts on "free and fair elections," on "market economy, social security and democracy," as well as on the "information society.' The mission also undertook the training of domestic observers in all parts of the country.

The work started a year ago, it is correct to say that we have not accomplished the objectives yet. There is a great deal that needs to be done, which I would like to summarize in a number of recommendations, also in the light of the unsettled issues of elections, presidential elections in 1999, and the repercussions of the call for such elections on May 16, or in the initiative by the 13th Supreme Soviet on July 20.

I summarize my recommendation in the following points:

First, in the light of the presidential election campaign for the May 16, and possible decisions by the 16th Supreme Soviet with regard to the situation in the country after July 21, we consider it very important to develop new strategies going beyond general support of the existing democratic parties, but reach out in time to come to that part of the public opinion that is not tying itself to political parties or to the president, but is discontented with the general situation and its outlook. I call this segment of the population the non-Lukashenko camp. There is a need for a general movement toward 'Renewal of Belarus' and this movement would have to work out platforms for the various issues at stake for the future of Belarus in Europe; the relationship with Russia and with the European Union as well as other Western countries so that the alternatives need to become more publicized than is possible right now. In the public a distorted picture of real issues prevails.

Second, the government has prepared for parliamentary elections in the year 2000, according to the constitution of 1994 and the amended one by Lukashenko in 1996. Parliamentary elections will have to take place next year. These should be taken as a point of departure to seek understanding with all political parties as to the contents of that law to be worked out as well with regard to the adjacent laws dealing with access to the media, and some constitutional amendments to which in my earlier communications with the government, the government referenced as a possibility.

I'm not sure whether the mission's initiative with regard to such broad political consultations on the new election law and the accompanying ones will be successful, but it appears to me to be very important to try again to find a dialogue basis for a specified issue of the next year.

Third, the democratic awareness programs which are now organized by OSCE should be continued and reach out to the provinces, which have a much more open-minded situation of the population, and where the vertical system is functioning only in some specific fields. It is functioning only in the sense of forbidding something, it is not functioning in the sense of creating a new civil society, and here is an enormous potential that should be activated. The mission will strengthen the potential by a series of conferences on "Self-government, Rule of Law, and Regional Economic Development," also involving neighboring countries.

Forth, in the light of the changing political climate in the country, namely, taking a distance from union with Russia, and moving toward Western ideals and Western values, it is very important to improve on the climate of peaceful problem resolution, in contrast to the inherited Friend-Foe, friend-adversary atmosphere that is prevailing, that was prevailing within the Soviet Union, and within the Soviet Union toward the rest of the world, and is still prevailing in a number of political—of actors on the political scene. That is a very important component of our work, and one can do this only, in my judgment, as part of all of Belarus, like OSCE is, and of Belarus as part of OSCE. It's a different relationship that exists in contrast to the general political relations of that country.

Fifth, Moscow is supportive of the system, but is also supportive to democratization. They are concerned, so far as I can read their mind, about a destabilizing development in the country, but as in the sense that the general democratic orientation is strengthened, they will, in my judgment, go along with this without being a very active player, so far as one can say today in the situation in Moscow, which is not too clear to our mind.

Finally, let me say, Mr. Chairman, that I think it is also now a recommendation to major countries in the OSCE context that it would be desirable to address policy issues regarding Belarus as part of the policy issues toward the region, including the countries in transition in eastern and central Europe and in former CIS countries, and not to see this country in isolation.

If the West, if you permit this generalization, is absent in Belarus to a very large extent, it is also de capacitated to a very large extent of engaging the country in direct dealings with our societies, with the governments. And, it is pushing in a way, leading in a way, the country toward an ever-larger becoming economic dependence for survival from Russia.

The renovation, the innovation, the modernization of industrial potential of Belarus cannot be achieved with Russia, it can be achieved only with the West. I think this consideration should also be borne in mind when addressing the question of a coherent strategy of Western countries through OSCE or with OSCE in Belarus.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Ambassador Wieck.

Mr. Cherepansky?

TESTIMONY OF ARKADY CHEREPANSKY, CHARGE D'AFFAIRES, EMBASSY OF THE REPUBLIC OF BELARUS TO THE USA

Mr. CHEREPANSKY. Mr. Chairman, members of Congress, ladies and gentlemen, first of all, let me express my gratitude for having an opportunity to address such a distinguished audience. It's an honor to be here to present my government's view on such an important subject as the progress on human rights in Belarus.

The fundamental approach of the Republic of Belarus to the issue of human rights was and is well established: human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief, are the birthright of all citizens, they are inalienable and are guaranteed by law. To protect them and provide for their exercise is deemed to be one of the most important obligations of the

state.

Since the time of attaining its independence in 1991, Belarus has repeatedly confirmed its resolve to act in the field of human rights, in conformity with the purposes and principles of the Charter of the United Nations, and with the Universal Declaration of Human Rights.

Moreover, like all other OSCE participants, Belarus, and its sections, recognizes the universal significance of human rights, and proved that on many occasions, by cooperating with respective international bodies.

It is under these international obligations that Belarus fulfilled all the basic conditions for being integrated into the world community of democratic states. We adopted a democratic constitution, held free and fair presidential and parliamentary elections, and it is under these obligations that independent political parties, including their position, continue to function in Belarus.

Perhaps, the only substantive aspect in the current discussion should be the pace of democratic and political transformation in the country, which less than a decade ago was a part of a repressive totalitarian state. My point is that, while weighing the progress achieved by Belarus in this span of time, I ask Honorable Congressmen to keep in mind that a mere eight years ago even the remote possibility of existence in Belarus of more than 30, instead of one and only, political parties, free circulation of several hundred newspapers and magazines, the very idea of holding free elections would have been simply unthinkable.

Many in Belarus are convinced that this process cannot proceed regardless of the society's traditions and national mentality, economic potential and political maturity.

Forced steps in this direction are fraught with danger of destabilizing the society and stirring civil unrest. Violent popular discontent, political and ethnic upheavals that resulted in blood shed in other countries of the former Soviet Union attest to that.

We are far from asserting that democratic process in Belarus is smooth and unhampered, but attempts to invoke an impression of a "constitutional crisis, assaults on democratic institutions, repression of human rights" would also represent a far cry from reality.

For lack of time, I will not cite facts confirming my government's adherence to the spirit and the letter of the internationally acknowledged principles. The written statement submitted to the Commission staff provides some basic facts about the circulation of the news media in Belarus, about activities of political parties, about legislation developed by the National Assembly, and our interaction with the OSCE advisory and monitoring group, as well with the U.N. Commission for Human Rights.

I would only like to highlight certain crucial aspects of the current situation in Belarus. The stability of the situation in Belarus, absence of social tension, ethnic or civil unrest, is indisputable and acknowledged even by the critics of the Belarusian government.

The fact that for more than a year opposition manifestations are carried out peacefully, without any violent confrontations with the authorities, proves the Belarusian government is intent on protection of the citizens' human rights. It is also worth noting, the number of participants objections decreased significantly in the last two years.

The latest example, as it was already mentioned here, is last

Sunday's rally, marking the anniversary of the Chernobyl disaster, organized in Minsk by major opposition parties. It is one more proof of the unwavering commitment of Belarus to protection of freedoms of expression, association and assembly.

I would again like to mention unhindered political activities of more than 30 political parties and movements. Among them, only a few are fully supportive of the government of Belarus. Such opposition parties as the Russian Popular Front, United Civil Party, Party of Communists, Russian Socio Democratic Party, Liberal Democratic Party, dozens of nongovernmental organizations continue to function and exercise the right to express their views through freely circulating mass media.

Belarusian authorities on a regular basis cooperate with international human rights—the Special Rapporteur of the U.N. Commission for Human Rights visited Belarus in 1997 at the government's invitation. This year, we are inviting the Special Rapporteur on Religious Tolerance, and will render him all the possible assistance.

It is appropriate to note in this context that Belarus is, perhaps, the only new independent state on the territory of the former Soviet Union, which succeeded in preserving interconfessional and interethnic harmony, and managed to avoid religious tensions.

In our government's view, this stability rests upon the incontestable results of the November 1996 national referendum. The referendum and its outcome represent the will of the majority of the Belarusian people, and as such are the exercise of the people's sovereign right to freely choose the state's constitutional model, the legitimacy of which is indisputable and does not require approval of other states.

More than 70 percent of the participants supported the presidential draft of the constitution reforms, and subsequent administrative steps which provided for separation of powers and eliminated previously existing constitutional impasse.

Attempts to libel the existing political system in Belarus as "authoritarian" cannot bear objective legal examination, according to which Executive Branch of the so-called "presidential" republics in many Western Countries, as well as in most of the new independent states is vested with substantial powers.

It's worth noting that according to public opinions, President Lukashenko is still enjoying the support of the majority of the population. The government has repeatedly declared is readiness to entertain constructive dialogue with the opposition and international delegations concerned, and undertook all the necessary steps for this dialogue to commence.

The establishment last year of the OSCE AMG in Belarus and its activities are among the concrete proofs of that. At the same time, I want to reiterate that the government's principal position is that such a dialogue should proceed on the actually existent constitutional basis, which clearly stipulates the time for parliamentary and presidential elections in Belarus to be held in the year 2000 and 2001 respectively.

Impressive turnout for local elections in Belarus, which have been mentioned already (66.7 percent), mark the beginning of the three-year long electoral campaign. The National Assembly of Belarus is now thoroughly examining the lessons of this election, and will use them to provide the legal basis for free, fair and transparent condi-

tions for parliamentary and presidential elections.

It is equally important to bear in mind that in the last two years, since the referendum, the National Assembly of Belarus current active legislature adopted an array of vital laws, including the Civil Code and the law on assembly and meetings, the law on press and other mass media, the work on the law on the ombudsmen is also nearing completion.

We are grateful for the legal assistance rendered to the Belarusian Parliament by the European organizations, OSCE and the Council of Europe in particular. I am convinced that if the United States Congress will find ways to share its vast store of legislative knowledge and expertise with the Belarusian Parliament it will only benefit the democratic process in my country.

In light of allegations about the slow step of economic reforms in Belarus, I want to stress a few obvious points. No one so far has been able to prove that there is an economic "silver bullet" which can solve all of the problems of transition countries of Central and Eastern Europe. The continuing financial and economic crises that hit many emerging market economies in the last year and a half provide us with ample evidence of the sheer magnitude of the task of preserving standard of living in the process of transformation from centrally planned to market economy.

Belarus is no exception. Under harsh economic realities of keeping economy afloat, after it was completely cut off its major energy and raw material supplies, we are doing our best to protect living standards of the population.

It is impossible to deny very real economic hardships, with which the Belarusians are trying to cope. It is equally impossible to prove that any country in the region with comparable economic background managed to fare any better. What is provable, though, unemployment and unpaid wage arrears, strikes are not the issue of Belarusian life? The facts about the Belarusian government's stance on privatization also undermine accusations of it being not reform minded.

Since 1991, several thousand state enterprises employing about 30 percent of the entire work force in Belarus have been privatized. Perhaps, this does not seem very impressive, but we should again take into consideration that several years ago Belarus was part of a 100 percent state-run economy.

The fundamental philosophy of the government of Belarus regarding economic issues is to enhance production, efficiency, through phased and balanced reforms that preclude, insofar as possible, any increase in social tension. Instead of making reform an ideological goal, as some of our neighbors do, we regard it as a process which should be implemented on a case-by-case basis.

With regard to some allegations concerning the attempts to "neutralize domestic imposition." I would like only to emphasize the fact that any restrictions and limits imposed on individuals or organizations, as well as detentions, were carried out exclusively on the basis of a strict observance of the acting legislation.

Concluding my remarks, I want to reiterate readiness of the Belarusian government to maintain constructive and meaningful dialogue with all the political parties, and that, of course, includes the opposition. The Republic of Belarus remains steadfast in its adherence to the course of democratic evolution and interacting with inter-

national organizations concerned, specifically with OSCE AMG.

We consider implementation of our obligations deriving out of our membership in basic human rights covenants as our utmost duty.

I appeal to this Commission to consider all the evidence on the situation of Belarus objectively. Knowing how passionately you care about universal values of democracy, fairness, respect for individual freedom, I ask you not to equate unavoidable difficulties in transition from the totalitarian past to a pluralistic civil society, with purposeful deviation from democratic mainstream.

The key to real success in the democratic process lies not with confrontation and fanning real or imagined antagonisms, but with mediation, reconciliation and dialogue.

Finally, allow me to quote from the acceptance speech of Senator George Mitchell at the presentation of the Initiative for Peace Award, for his outstanding contribution to the peace process in Northern Ireland. "There is no conflict that cannot be solved. Conflict is created and sustained by human beings. Conflict can be ended by human beings."

Thank you.

Mr. SMITH. Thank you very much, Mr. Cherepansky.

In looking at your testimony, as you just cited it and the written portion as well, you point out that, perhaps, the only substantive aspect of the current discussion on this subject should be the pace of democratic and political transformation in the country. The deep concern of members of the Commission and I think the majority of the international community, is the pace in what direction? Is it the direction toward real relaxation of strictures from the past? Is the government moving in the direction of more repression?

In looking at some recent events, the conclusion increasingly is that the noose is being tightened on those who would seek more openness, more tolerance, and more dialogue. As you pointed out, forced steps in that direction are fraught with danger. We are not trying to force steps, we are asking for compliance with OSCE documents and the Universal Declaration on Human Rights, and a myriad of other important documents that simply call for the fullest expression of freedom.

Again, looking at your statement and then juxtaposing it with some of the most recent events—the arrest of opposition members just in the last couple of months in Belarus, 16 members of the opposition Central Election Commission, I mentioned Chairman Hanchar earlier, all of us I think have mentioned former Prime Minster Chygir, the clear and unmistakable message that these actions send is that the pace seems to be in the wrong direction.

As you quoted Senator George Mitchell, all conflicts can ultimately be resolved, though you need people with whom to resolve them, and it seems like the opposition is being systematically squeezed out of the national dialogue in Belarus.

Added to that, and I would ask you to respond to this, how do you respond to those reprisals taken against those people seeking to express their view and to partake in elections? Secondly, regarding Decree No. 2, as I mentioned earlier to Mr. Wilson, and he responded would seemingly put more of the nongovernmental organizations out of the loop, out of business if you will.

The Assembly of Democratic Nongovernmental Organizations of

Belarus has said, and these are their words, "No doubt the re-registration requirement is aimed at the complete liquidation of Belarusian NGOs," That hardly would indicate or paint a picture of a government that seeks to move in a pace, however slow, that is going in the right direction.

How do you respond to those recent arrests, the crack down on the opposition, and the crack down or the disenfranchising, if you will, of the NGOs?

Mr. CHEREPANSKY. As I pointed out, in my opinion if we will proceed from the basis of the indisputability of the National Referendum, and if we perceive that the government is ready to prepare for the elections in the year 2000 and 2001 in conformity with the active legislation, I think it would be absolutely clear that the attempts of the so-called Electoral Committee to stage the elections on May 16 will be perceived by the government as a violation of acting legislation.

Secondly, I would like —

Mr. SMITH. On that point, could I ask you if you would yield just briefly, what does the government plan on doing if the opposition moves forward? Will there be a crack down? Will we see arrests, punishments, torture?

Mr. CHEREPANSKY. Absolutely not. People who have committed actions which can be construed under the existing legislation as a violation of the Criminal Code will respond in conformity with this legislation. There will be no massive campaign of repression against opposition.

Mr. SMITH. On the NGOs, can you respond to that?

Mr. CHEREPANSKY. With regard to so-called Decree No. 2, I want to quote opinions of several important representatives of opposition, the leaders of the major parties, such as Union Civic Party, or Belarusian National Front, who said that they foresee no difficulty in putting forward necessary documents to be re-registered. So far, I don't have any information that there are parties which are refused to be re-registered.

Simultaneously, probably there are some marginal groupings of people who have been acting not in conformity with the charters of their organizations, but were using the framework of their political organizations, for example, for commercial ends.

So, the answer will be that no major political force in Belarus will be rejected to be re-registered. All the major political opposition movements will continue to function in conformity with the legislation.

Mr. SMITH. There will be no prerequisite that they recognize the constitution?

Mr. CHEREPANSKY. No.

Mr. SMITH. Ambassador Wieck mentioned earlier a call for the renewal of Belarus. I think all of us would love to see that happen, but, again, we are concerned about which direction Belarus seems to be taking. At this snapshot in time, many of us are very concerned it is going in the wrong direction.

Mr. Ambassador, could you tell us what the reaction was when Vollebaek issued his statement with regards to Chygir, whether or not there was a response from the government, was it a positive response to that statement?

Amb. WIECK. Mr. Chairman, there was a response by the government on May 11, in the form of a press statement, expressing, and I

quote this in my paper, expressing the readiness to dialogue, however, reiterating that it should be on the basis of the principles of the 1996 constitution.

This, for a diplomat, allows a certain degree of interpretation, and I did refer to it in my oral statement when I said that in connection with consultations on the election law for the next year that question will come up. It remains to be seen to which degree, and in what essential part the path to democratic structures initiated and progressed.

But, I do see this reference in a public statement as something which allows the possibility of an interpretation in the sense that I mentioned, although I am not sure that it will be honored, that there will be compliance.

But, given our task, we have to explore potential avenues for a meaningful development of the country into the right direction. Many factors may play a role in this context, the changing climate in the country, the change in international climates, but I could not go further in that direction.

With your permission, Mr. Chairman, I would like to make two comments on something which had been just discussed. We consider this NGO decree, and the supplementary demand for an allegiance to the '96 constitution as a very serious matter, and I have raised it orally with the presidential administration and I have raised it in writing with alerts to the institutions that there is something that will inevitably lead to a very hostile and unfriendly reaction should the NGO spectrum of maneuvers be reduced. I have not left anyone in doubt about the detrimental repercussions of such a movement.

Debating also the principle of re-registration, according to what the government wants to decide which organization is a constructive one, I explained to the interlocutors that it is up to the citizens to decide what kind of organization they want to establish in conjunction with like-minded persons. It is not up to the government to pass judgement on such decisions of the citizens.

This is part of the process of understanding the principle that the state is not the master of each and every thing.

Secondly, with regard to the events concerning May 16, there is a widespread campaign to dissuade citizens from participation. That is, so to speak, below the level of administrative arrestment. Discouraging intervention by legal means is something which the government claims to be entitled to do, but I explained to the government on several occasions that such suppressive measures will only delay democratic reforms. By employing legal means to cope with an issue which they do not recognize as one, but which does, nevertheless, exist, nothing can be gained. The situation will be made even more complex and complicated . . . therefore repressive measures, even if they are within the realm of the legal structure, will accomplish nothing but more frustration and determination. Repressive measures are not the means to overcome the political division that does exist in the country.

Thank you.

Mr. SMITH. But, Ambassador Wieck, wouldn't delay actually serve Lukashenko's purposes, delaying means—

Amb. WIECK. I don't think so.

Mr. SMITH.—power remains.

Amb. WIECK. I don't think so because of the change of climate and

because of the decline in economic performance which cannot be resolved with the means that the government applies towards a betterment.

Mr. SMITH. But, you are assuming he has the interest of the nation at heart, rather than his own personal powers.

Amb. WIECK. Yes, and his perception of an economic policy. In 1994, the government augmented the production of products of the former Soviet Union in Minsk, and there is an enormous economic industrial potential inherited from the past, in order to pay for—even if only in part—the deliveries of gas and oil. But that mitigates against the crisis only temporarily. It is not a solution to the economic diseases and ills of the country. The modernization, in order to achieve productivity and manufacture a competitive product, is requiring the existence of joint ventures with Western companies to use and to work in the favorable Minsk and related cities industrial base and to serve Western and Russian markets.

We are far away from it because of electing political relationship of Belarus with the main suppliers of technology and capital and markets in the Western countries.

Mr. SMITH. Thank you, Ambassador Wieck.

Mr. Cherepansky, you just heard Ambassador Wieck talk about the dire consequences that Decree No. 2 is likely to have on NGOs. How do you respond to that? Also the subservience or allegiance to the 1996 constitution, which also would probably disqualify a great number of NGOs from any continuance? Is that a policy that can be changed?

Mr. CHEREPANSKY. In my opinion, if the country will allow for two opposing parties crushing head to head on the basis of their attitudes toward the constitutional mode in the country, it will possibly lead to dire consequences later.

As I said, proceeding from the fact that the referendum of 1996 created a possibility for the country to develop new legislation, it allowed for the country to go on with the business of building a civil society, and it did not cause any substantial social friction or conflict. It would be very unwise at that stage to start fanning dissatisfaction over certain issues, through opposition—an influential and vocal part of the population, which could lead to the situation where all of the government structure might collapse.

Even the very idea of creating so-called "two authorities" in the country, poses a lot of complicated legal questions. I cannot imagine that there could be a country which will allow for the opposition to go on preparing for the complete dissolution and abolishment of the existing legal system.

Mr. SMITH. You framed the situation saying that criminal laws might be invoked. Can you give a guarantee that those nongovernmental organizations that refuse, based on principle, to re-register, will suffer no retaliation? Will not be harassed, will not be imprisoned, but will be permitted to function, notwithstanding a lack of registration?

Mr. CHEREPANSKY. As the representative of the Executive Branch of Authority in my government, I can guarantee that nothing will be done to anybody in Belarus which will violate the existing legislation. This legislation is open. It has been studied carefully by international organizations, including OSCE, Council of Europe, and so on and so forth. If there are some things which are raising some brows, let's

say, among the experts on criminal law, the Belarusian government is ready to contemplate these changes, we are actually working with the international organizations on the new Criminal Code. So, if everything is done in conformity with the criminal code, with the legislation, and if this legislation is elaborated and developed in conformity with the international standards, there is no chance absolutely that the government will be able to harass people using some political or other pretext. This just couldn't happen.

Mr. SMITH. Again, I want to reiterate that we stand as a Commission very determined to ensure that nongovernmental, as well as the opposition party members, be free to express themselves without hindrance, without having the government retaliate and do some of the awful things that have happened in the past.

I continue to think it's outrageous that individuals who happen to be in opposition find themselves being arrested. That's not moving in the direction of democratic reforms, if anything it will lead to more chaos and dissension, rather than less. So, that's where this Commission is coming from.

I may not agree with one person or another on any given issue, but their right to fully express their opinion should be protected.

Mr. Hoyer?

Mr. HOYER. Thank you, Mr. Chairman.

Mr. Ambassador, let me thank you for your testimony, and Mr. Cherepansky as well, let me thank you for your testimony and for the fact that you are here. It would be, perhaps, easier not to be here, and to simply ignore this hearing. That's not unheard of in the past.

Mr. Ambassador, let me pursue, first of all, if I can, one specific question and then one general philosophical question.

The first one, you may want to do this for the record, although you've outlined in the very thoughtful, very complete statement that you have submitted for the record, and I appreciate that, but for benchmarks, what are some of the immediate steps the Belarusian government could take to bring Belarus in compliance with OSCE commitments?

Now, you outlined some general thoughts, and I'm going to get to those in your seven at the end of your statement, or almost at the end of your statement—no, at the end of your statement you outlined them, but what would be the benchmarks that you would have, and the group would have, to say, one, two, three, four, five have been complied with or substantially met, that would lead us to a belief that from Mr. Cherepansky's perspective the pace, in other words his point was, maybe we are not moving fast enough, but we are moving toward the goal. There is some question as to whether or not the goal—the direction of the pace is the problem for any of us, that the pace is too rapid moving in the direction away from democracy and the observance of human rights. But, what criteria or items would you list as sort of benchmarks as to the fact that they are moving in the proper direction?

Amb. WIECK. Mr. Chairman, I'd respond in the following way. Given the circumstances that elections —

Mr. HOYER. Mr. Ambassador, I appreciate that, I know you are addressing Mr. Smith, I would like to be the Chairman, but in our democracy, unfortunately, we have less than 51 percent, so I'm the Ranking Member, Mr. Ambassador.

I'm teasing the Chairman.

Amb. WIECK. I will, of course, not question your rules of procedure, but usually we are accustomed to addressing the response through the Chairman to you.

Mr. HOYER. That's fine, thank you very much. I was teasing, in any event, not being serious, it didn't require a serious response.

Amb. WIECK. Thank you very much for the question, in that case. I would like to respond in the following way, given the fact that in the year 2000, according to the constitution of FE94, also of FE96, parliamentary elections have to take place.

First, I will try everything possible to achieve free and fair elections on that occasion with the participation of the opposition party.

However, in order to achieve this, a number of amendments to the operative constitution have to be made, because the opposition would hardly wish to participate in elections for a parliament that has been reduced to non-democratic body by the '96 amendments.

So, free and fair elections include the question, for what kind of a parliamentary body election would take place, and I'm not referring to the name, but to the substance of its function.

Second, in order to have free and fair elections, you must have access to the mass media. The constitution forbids monopolies, but the government and the presidential system has a monopoly on TV, which is the most important media for communicating with the citizens of the country. And, the revision of the existing rules on independent press is needed. There is an independent press, but the framework for its development is highly risky because by receiving two warnings on something, you can be eliminated from the scene. That is the unpleasant reality for the independent printed media.

And, the third is the institution of an independent ombudsman. The draft law, before the authorities, envisages an independent ombudsman, but I'm not sure about the position of the presidential administration, the president himself. But, if there were to be such a law, there would be an independent institution for the communication between the citizens and the authorities in cases of administrative harassment. It does not solve the problem of human rights compliance, because that is usually a matter of the laws and the courts.

Any improvement that can be achieved by making the international commitment of Belarus part of the legal system within the country is a very time-consuming exercise which requires a lot of work, and where I think that the unilateral application of the international commitment by way of governmental policy decision, subject to later revision of the law—penal code, penal code procedures in particular— would be an important step. Clarifying issues, clarifying intentions and recognizing commitments. It would be a somewhat credible commitment to stay on course on the path toward a living, a strident democracy.

So, I am of the opinion that we cannot wait for the legal revision in the human rights dimension, but should receive convincing signs in word in practice with regard to the compliance with international commitments.

Thank you.

Mr. HOYER. Now, you did not address the NGO, but I guess that is involved in your last response, the international commitments would be all of those items.

Amb. WIECK. Yes.

Mr. HOYER. I understand what you are saying.

All right. Now, on the general question, in Paragraph 7 of the last page of your written testimony, you address what I sort of read as the issue between constructive engagement, the presence of democracies, the presence there to, in fact, help opposition parties, not so much in terms of their electoral objectives, but in terms of their ability to press their objectives within the context of a free and fair democratic election.

And, the obverse of that, which is refusing, from the perspective of some to be complacent in the enablement of the incumbent administration to look as if it is a recognized entity and, therefore, legitimate entity, and that conflict exists relatively frequently.

Can you comment further on that as to whether or not the opposition, obviously, going to Belarus, this Commission, as you know, has tried to give opposition parties, not just in Belarus, as Mr. Cherepansky may know, but in many other emerging democracies, tried to give opposition opportunities to speak out and to make their points, whether or not we agreed with those points or not.

Can you to speak to that, because, clearly, the West is—and, our own ambassador is not there, not there to show our opposition to Mr. Lukashenko's policies and refusal to, from our perspective, adhere to international standards. In other words, what I'm asking you is, to what degree do we undermine our principles by allowing President Lukashenko to operate with the interlocutors of the West, treating him as a legitimate head of the government?

Amb. WIECK. I would like to answer the following way.

Official relations are usually conducted among states on the basis of the exercise of the power in the country. There may be, in case of need, qualified official relations, and there are very qualified relations nowadays between Belarus and Western countries, inasmuch as Western countries, different with Russia, have adopted a number of limitations to express their discontent with the handling by Belarus of domestic questions of democracy, constitution, human rights. These actions defy their commitments within the OSCE.

So, while there are official relations, their quality has been reduced to a bare minimum, so far as the presence in and the dealings with the country are concerned. There are official relations with countries of the European Union and of the United States with Belarus, but the European Union is freezing any substantive engagement, contracts and political agreements. The European Union has suspended ratification of the Partnership and Cooperation Agreement, and is insisting on changes within the country by peaceful means and by means of a dialogue.

So, in my judgment, the official relations do serve also the interest of the outside world in cases where the substantive contents of what these official relations could make meaningful is not available, but the option continues to be available. There is an incentive to change the domestic situation.

But, to abandon official relations in connection with the non-compliance of the country with the constitutional demand for presidential elections in 1999, as envisaged by the constitution of 1994, and changed by Lukashenko's acts in 1996, would mean that we further reduce the presence of the Western world. But, the presence of one major player in the region is not going to be reduced, and the depen-

dence of Belarus that other major player will continue to rise.

In a situation where, for reasons which I explained to the Commission, the political climate in the country is moving away from the Union with Russia, is moving away from the present government because of the declining economic situation, in spite of other promises, it would, in my judgment, be desirable to maintain the relations. This decision, of course, would have to be explained. Relations would be maintained in spite of further adverse internal developments, in order to be able to judge internal developments, to be available in case of an opening, and to keep the hope of democrats in the country for changes to the better alive.

Mr. HOYER. Thank you, that was a very thoughtful answer, I appreciate that, Mr. Ambassador.

Mr. Cherepansky, last question, because I know we have another panel, don't we, Mr. Chairman, and I'll be brief. Let me make an observation that, perhaps, you would want to comment on, Mr. Cherepansky.

Mr. Smith and I have been a member of this Commission for a long, long period of time, in the early part of the FE80s. You indicate in your statement at page five that, "I would only like to emphasize the fact that any restrictions and limits imposed on individual's organizations, as well as detentions, were carried out exclusively on the basis and in strict observance of the acting legislation."

The Ambassador has just made the point that one needs to act consistent with international standards, and that even if those laws—I understand what you are saying, that you have to comply with your laws, but if those laws are not compliant with international standards and, in fact, lead one to do acts which are contrary to international standards, and human rights, and the undertakings that Belarus has adhered to under the Helsinki process, then the fact that they are done in "strict observance of the acting legislation" does not rationalize or excuse them.

Would you like to comment on that justification, because the justification, while it may be technically accurate, that the laws, repressive laws being followed strictly may not be something that you or Belarus ought to support, in fact, (A) the laws ought to be changed, but (B), they ought not to be complied with.

Mr. CHEREPANSKY. Responding to your question, I would like to respond to what you and probably everybody is referring: to two concrete examples. One, an act of the detention of Mr. Hanchar, the head of the Alternative Electoral Committee, and the second one, the detention of Mr. Chygir, the former Prime Minister.

In the first case, if I can quote directly the article from the Penal Code, he was charged with attempting to seize the power by unconstitutional means. I would say that this is an article which is present probably in all of the penal codes of the world. It is understandable that it could be a gross violation of anybody's legislation, if somebody will just proclaim that "I'm going to hold elections, and the president who has actual existing authority right now will have that right no more after I will conduct my elections."

So, basically, the article which he was charged on is present in all the legal systems of the world. So, that is, by saying "acting legislation," I didn't mean that there is something which, though it is active in Belarus, is something unusual in the world at large.

Mr. HOYER. Mr. Cherepansky, if I may interrupt, just not to be argumentative, but to observe that I agree with you. That provision is included in almost every constitution and concept of government. On the other hand, if the constitution provides that advocating the election of an alternative to the incumbent president is unconstitutional, then saying that the arrest is consistent with the constitution, not overthrowing the government by unconstitutional means is the justification for the arrest, or detention, or citing of an individual who does that, does not necessarily, therefore, mean that that is consistent with the other constitutions. It depends upon what the constitution provides for and allows for. Do you understand what I'm saying?

In other words, the fact that every—in the United States, obviously, you can't advocate the overthrow of the United States government by force and arms. That is illegal. You can advocate the overthrow of the government by constitutional means, which are provided for in free elections, but that is not the same as providing that you can't—for instance, I want you to understand, this Commission has criticized Turkey, that has imprisoned parliamentarians for what we perceive to be advocating a peaceful overthrow of the government, or at least the change in policies. There are provisions in the law in Turkey which provide against that. We think those are not consistent with international norms.

Mr. CHEREPANSKY. I would also like to mention that as soon as the elections were qualified by the law enforcement agencies, as the infringement of law, he was given an official warning and informed that continuance of such actions may lead to his arraignment, and he was detained in compliance with the court's decree for his participation in the illegal meetings.

By the way, after he was put into administrative custody, and I want to emphasize that, he was released.

And, I promised to try to give my point of view about the detention of Mr. Chygir. The investigation into the activities of Belagroprom Bank, this was the bank which Mr. Chygir headed before he had the position of the Prime Minister of Belarus, this investigation is still going on for quite some time. And, he was charged with a very concrete violation of penal code, and it was connected with financial dealings of this bank.

Again, his detention was carried out in the conformity with the criminal procedure, and it was not something invented specifically for him, trying to prevent him from engaging in opposition activities.

The particulars of this have been given to the State Department, and in a corresponding statement by the Ministry of Foreign Affairs, so we tried to explain our point of view on that matter as well.

Mr. HOYER. Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Hoyer.

Let me ask Ambassador Wieck one final question. Ambassador Andrei Sannikov, the international coordinator for Charter FE97, makes a number of points in his testimony, including, and I'll just quote it briefly, "It is not clear what kind of dialogue the group advocates, since in its public statements it deliberately avoids commenting on the two most important issues that are the core of the conflict between the President and the opposition, the presidential elections and the end of the presidential term in office." And then, he goes on to

say, "Today, unfortunately, the Group's activities in Belarus are seen by many in the democratic opposition as too loyal to the authorities and aimed at the gradual recognition of the unlawful constitution of President Lukashenko after his term in office."

How do you respond to that?

Amb. WIECK. Mr. Chairman, I don't have to pass judgment on the position of someone who also has been invited to testify here, but I consider the critic as not to being justified and well-founded, also other components of the statement.

We have declared to the government that we consider presidential elections on the basis of free and fair elections, according to the constitution from 1999 for the course of the year, the matter of the year. We cannot impose our recommendations upon anyone. We are an assistance group, and we are not enforcing the group recommendations, we do have contacts with all political parties on these particular issues, and with NGOs. We discuss the particular issue of calling for elections on May 16. The opposition decided not to consult foreign governments or the Advisory and Monitoring Group on this particular decision, but presented it to us as a decision taken and launched to be implemented, and adding to it that they wanted international guarantees for the elections to be conducted.

We were not in a position to guarantee the implementation of such elections within a country that has a government with which we have arguments and controversies, but in terms of guaranteeing the implementation of the elections, neither the OSCE nor any country of the OSCE has been ready to give such guarantee.

But, we have defended the cause of the opposition in our contacts with the government by saying that this needs to be addressed politically by the government. They must enter into a dialogue for peaceful conflict resolution on the constitutional crisis. This has been expressed in very clear words by the Foreign Minister of Norway, Chairman in Office, Vollebaek, in his statements to Lukashenko and to the press on March 3 and March 6. Therefore, there is now an understanding on the part of the opposition parties, the 13th Supreme Soviet, Mr. Sharetsky and his colleagues, and Mr. Gonchar, the Chairman of the Central Electoral Commission, that such guarantees cannot be given.

The second assumption, that the OSCE government would discontinue to have official relations with Belarus, again, was not a matter that had been consulted about, but put forward, which is legitimate to do, as a demand. Of course, it is for the governments of OSCE countries, not for the Advisory and Monitoring Group in Belarus to respond to the question about it, and discontinuation of relations after July 20, 1999. In my response to another member of the Commission, Mr. Hoyer, I already outlined the international practice since ages, and for ages, about official relations and the qualifications one can and does give to such official relations, if there are good reasons for that.

I have had contacts with all groups, and whatever reference is contained in Mr. Sannikov's statement does not correspond to the facts. OSCE AMG has not given any recommendation to the European Union to do this or that.

I understand the discontent of some opposition groups with the principle of peaceful solution to an existing constitutional and political crisis, which I outlined in the recommendation that the objective

should be the development of a new constitutional consensus, something looking into the future, but meeting the qualifications of the Copenhagen document about democratic rule of government.

This is in conformity with the principles of peaceful solution, which has been so successful as part of the OSCE (CSCE) process in other countries in central and eastern Europe. It appears that such an approach does not correspond to the inherited ways of settlement of contradictions and conflicts between rivaling parties.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Ambassador Wieck.

Mr. Hoyer, any further questions?

Mr. HOYER. No, thank you very much for your testimony.

Mr. SMITH. I do want to thank you both for your testimonies. We do appreciate it. Your testimony provides us tremendous insights. We do thank you. I agree with Mr. Hoyer that you, Mr. Cherepansky, could have taken a walk on this hearing. We are grateful that you are here, and we look forward to working with you.

When we offer criticisms, know that it's because we care deeply about the Belarusian people. Governments come and go, but it's the people that we care most deeply about, and that's where we are coming from, in terms of our criticisms.

Thank you very much, Ambassador Wieck.

I'd like to invite our third panel to the witness table, beginning first with Ambassador Andrei Sannikov, who is the former Deputy Foreign Minister of Belarus. In November of 1996, just before the controversial referendum, he resigned in protest against President Lukashenko's attack on the rule of law and human rights.

Ambassador Sannikov is currently Chairman of the Commission on International Affairs of the National Executive Council, created by the 13th Supreme Soviet of Belarus. He is also the coordinator of Charter 97, the national civic initiative bringing together the prodemocratic citizens of Belarus.

In November 1997, he co-founded Charter 97, similar, as we pointed out earlier, to Charter 77 founded by Czech dissidents, which calls for compliance with the Helsinki Accords.

Rachel Denber, Ms. Denber has been the Deputy Director of the European and Central Asia Division of Human Rights Watch in New York since July of 1997. Ms. Denber joined Human Rights Watch in 1991 as a Research Associate, and traveled to various NIS countries on fact- finding missions. While head of the Human Rights Watch office in Moscow, she worked closely with the Russian human rights community and conducted a joint human rights monitoring mission and co-authored reports on Chechnya and Nagorno-Karabakh.

Ms. Denber is the Editor of the "Soviet Nationalities Question: the Disintegration in Context."

Finally, Catherine Fitzpatrick is the Executive Director of the International League for Human Rights, and is the main representative of the ILHR at the United Nations. Ms. Fitzpatrick directed the Central East European and FSU Program of the Committee to Protect Journalists from 1996 to 1997. She was a consultant on human rights for the Soros Foundation, the Mott Foundation, and the Ford Foundation in Moscow.

From 1981 to 1990, Ms. Fitzpatrick directed research for the Europe and Central Asia Division of Human Rights Watch, formerly

known as the Helsinki Watch. Ms. Fitzpatrick has also translated Boris Yeltsin's book, "The Struggle for Russia," and Eduard Shevardnadze, "The Future Belongs to Freedom."

Ambassador, if you could begin, please proceed.

TESTIMONY OF AMBASSADOR ANDREI O. SANNIKOV, INTERNATIONAL COORDINATOR FOR CHARTER 97

Amb. SANNIKOV. Thank you, Mr. Chairman.

Mr. Chairman, I have a written statement prepared for this hearing, and I would like to ask you to enter it in the record.

Mr. SMITH. Without objection, your statement, and those of the other witnesses, will be made a part of the record.

Amb. SANNIKOV. Thank you very much.

This year is crucial for my country, since its destiny as a democracy is at stake. On the 20th of July, the —

Mr. SMITH. Mr. Ambassador, could you bring the mike a little bit closer, please?

Amb. SANNIKOV. Sure.

On the 20th of July, the term of office of President Alexander Lukashenko expires. President Lukashenko was elected in July 1994 on the basis of the Constitution of the Republic of Belarus adopted on March 15, 1994.

In November, '96, fearing the impeachment campaign, Lukashenko conducted a so-called "national referendum" on amending the constitution to broaden his own powers. One day before the "referendum," amidst the political crisis, a delegation from Russia, consisting of the Prime Minister and speakers of the Russian Federal Assembly, came to mediate between President Lukashenko and the Belarusian Parliament, although, in fact, they intervened on the side of Lukashenko. The "referendum" results, widely believed to be manipulated, produced a large majority in favor of the presidential amendments. The results of the "referendum" were immediately recognized by only one country—Russia—whereas the Council of Europe, the European Union and the OSCE Parliamentary Assembly did not consider them as legitimate and to this day, do not recognize the presidentially-appointed parliamentary bodies created after November 1996.

The amendments to the Constitution imposed by President Lukashenko concentrated almost absolute power in his hands, making it possible to engage in dictatorial practices, which are manifested by human rights violations on a daily basis. Moreover, Lukashenko claims that through these amendments, he extended his term of office by more than two years. However, there is nothing, even in the amended Constitution, the Constitution of 1996, that provides for such possibility.

Guided by the 1994 Constitution, the deputies of the Supreme Soviet, who remained loyal to it, in January 1999, took a decision to hold presidential elections this year on May 16, and appointed Viktor Gonchar as head of the Commission on Presidential Elections. As of today, the Commission has registered two presidential candidates: Mikhail Chygir, former Prime Minister of Belarus, and Zyanon Paznyak, leader of the Belarusian Popular Front. The activists of the election campaign today are arrested, fined, detained and imprisoned. Gonchar spent 10 days in prison where he was subjected to constant pressure, including physical reprisals. The two candidates have no

chance of actually participating in the elections, since Paznyak has been granted political asylum in the U.S., and Chygir is now in prison for an alleged criminal offense. This proves that President Lukashenko is determined to stay in power longer than the period stipulated by the Constitution, using force for this purpose. I personally think that under Lukashenko there will be no presidential elections in Belarus, even in 2001 when his extended term is to expire under the 1996 Constitution.

The Belarusian democratic opposition is unanimous in its views that President Lukashenko's term of office expires on July 20, 1999. International recognition of the legitimacy of President Lukashenko after July 20, 1999 will perpetuate the situation of dictatorship in Belarus, and give the authorities a free hand in abusing every human right and basic freedom.

Given the aggravated political crisis in Belarus, especially after the "referendum" of 1996, the role of international organizations acquires special importance. Early last year, the OSCE Advisory and Monitoring Group was established in Minsk. Briefly, the activities of the OSCE group after more than a year could be characterized by the following facts:

When the OSCE office opened in Minsk it was welcomed by the democratic forces of Belarus, whereas the attitude of the authorities was hostile. Today, the AMG's activities and statements are criticized by the democratic opposition and praised by the authorities.

Recently, in his statement at the 55th session of the UN Commission on Human Rights, the Belarusian Foreign Minister noted: "we consider the cooperation with the Group to be successful and valuable not only for Belarus, but for the whole region." I don't think that such praise, from authorities known to the whole world as dictatorial, could be considered as an achievement for OSCE, which, after all, came to Belarus to promote "European standards."

Unfortunately, the activities of the AMG in Belarus are completely transparent only to the authorities, so in my assessment of its work I have to use its public statements, personal meetings and information received from confidential sources.

Despite the mandate, which is rather limited, and the hostile attitude of the authorities at the beginning, the OSCE AMG presence in Belarus was regarded by democratic forces as a positive development, since for the first time an international organization that included both Belarus and Russia had acknowledged that the situation in Belarus warranted international mediation. The involvement of Russia was very important since it played a dominant role in the political crisis in Belarus, always taking the side of the authoritarian President. The group started its work by proclaiming as its goal "dialogue without fear," which again was welcomed by the democratic forces of the country.

Very soon, though, the Group changed its approach and started to support the scenario worked out by the authorities to legitimize President Lukashenko after July 20, 1999. The AMG started to advocate for the participation of democratic parties and organizations in the local elections. The Group was warned that the law on local elections would never be a democratic one since it would be used to further defy the rule of law and deprive the opponents of the regime of any chance to participate in the elections. Nevertheless, the Group started

actively to involve parties and NGOs in the preparations for the elections, claiming that Belarus would in any case need trained observers and monitors of the elections. Numerous seminars and training courses were organized. It was actually a waste of money, in my opinion, for the contributing states since the training of monitors is not a priority in a situation of the total denial of rule of law. This argument is proved by the fact that in 1994 Lukashenko had won presidential elections against the former prime minister, that is, against the candidate supported by the authorities, and there were no trained Belarusian monitors at that time.

The AMG also, from the beginning, started to send strange recommendations, which you, Mr. Chairman, referred to. For example, the European Union discussed the possibility of sponsoring a draft resolution on Belarus at the 54th session of the UN Commission on Human Rights, the Group recommended not to introduce such a draft in order to create favorable conditions for its work in Minsk. And, in response to Amb. Wieck's remark, I would like to say that this information came to me from the head of the British Delegation that was chairing the European Union at that time. As I said, there is no transparency for us, as for the work of the Group I have to rely on this information which was given to me at such a high level as an Ambassador of Britain.

Today the Group's reporting seems to downplay the gravity of the situation in Belarus. When the authorities started their campaign of mass repression against those who are organizing and participating in the presidential elections announced by the Supreme Soviet, the Group in its reports called the repression "legal measures taken by the authorities to influence the population and the elite in order to prevent the campaign from developing."

Inside Belarus, the Group makes statements that are interpreted by the authorities in their favor and lead to further repression on their part. Such were pronouncements on the illegitimacy of presidential elections organized by the opposition and the legitimacy of Lukashenko after July 20, 1999. After these words, not only the activists were arrested and warned, but one of the candidates, Mikhail Chygir, was put in jail with little chance of being released.

At the same time, the AMG continues to advocate "a dialogue" between the authorities and the opposition. However, it is not clear what kind of dialogue the Group advocates, since in its public statements it deliberately avoids commenting on the two most important issues that are at the core of the conflict between the President and the opposition, which were mentioned here, that is the elections of May 16 and the end of the presidential term.

Today, unfortunately, the Group's activities in Belarus are seen by many in the democratic opposition as too loyal to the authorities and aimed at the gradual recognition of the unlawful constitution and President Lukashenko after his term expires. This is affecting the reputation of OSCE in general in the eyes of the democratic part of the population.

I would like to stress that the OSCE AMG today is the only active international intermediary in Belarus, and as such transmits information that serves as a reference point for other international organizations and individual countries. Inaccuracy in the information that is distributed by the Group cannot allow for appropriate decision-

making processes in the countries and organizations, which may weaken the position of democratic forces in Belarus.

Democratic Belarus needs continued and reliable support from the democracies in the world, namely from the United States. We would like to see a position of principle taken by the U.S. on the so-called union between Russia and Belarus, since the political games of Lukashenko and Moscow have nothing to do with the democratically expressed will of the people and cannot be regarded as legitimate in the completely illegitimate situation in Belarus, where the absence of basic freedoms, primarily the freedom of expression, persists.

The situation in Belarus, which is getting worse with every year, must not be overshadowed in the U.S. foreign policy agenda by other conflict situations. In view of the role that Russian authorities play in Belarus unequivocally supporting its dictatorial president, the situation in Belarus must be an item of discussion with the Gore-Primakov Commission.

It is of utmost importance that the democratic world maintains its position of principle on the abuse of law and democratic standards in Belarus. For this purpose, I think that the U.S. Ambassador should return to Minsk to work together with his European colleagues in Belarus.

We would also welcome any measures taken by the U.S. and other democracies to enhance and to make more effective the OSCE involvement in Belarus.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Ambassador.

Ms. Denber?

TESTIMONY OF RACHEL DENBER,
DEPUTY DIRECTOR, HUMAN RIGHTS WATCH,
EUROPE AND CENTRAL ASIA DIVISION

Ms. DENBER. Thank you, Mr. Chairman, for inviting me here to speak, and let me express our gratitude to the Commission, on behalf of Human Rights Watch, our gratitude to the Commission for its proactive approach to human rights in the region.

I was asked to address a couple of points relating to the AMG in Belarus, and when the AMG opened in February 1998, amid exceedingly unauspicious circumstances, the conditions prevailing in Belarus, and they have only worsened since, one would have expected the first line of the OSCE's activities to be directed toward the more salient problem: securing a more open political process, with a greater transparency and accountability about government affairs in civil society; addressing the gaping conflict between the government and opposition, a conflict that has now become, as others have described it on this panel, a dangerous impasse; and also moving on the most blatant cases of human rights violations.

In this regard, the OSCE and the AMG really seem to have put the cart before the horse. For example, as Ambassador Sannikov pointed out, training election monitors is obviously a welcome effort, but it assumes that there has already been a certain agreement about the nature of those elections, and an understanding that other conditions for elections, including their legal framework, are acceptable, and that there's consensus about them, which was obviously glaringly absent

in Belarus. And, because it was absent, training election monitors can't be really expected in these circumstances to contribute to a fair electoral process.

Similarly, early on the mission concentrated on structural reforms, such as advising the government on the wording of the new penal code, general violations of due process rights, general prison visits and that kind of thing. At the same time, however, it avoided getting involved in the more controversial, really salient political cases. Again, while the former are obviously welcome efforts, it has to be noted that the most controversial political cases are the test of any government's commitment, not only to structural reform, but also to their human dimension obligations under the OSCE. Skirting these cases could never make them go away.

Another problem that plagued the mission early on was its conscientious quiet diplomacy. For whatever legitimate reasons this policy might have been pursued, it resulted, as I think Ambassador Sannikov made clear, in a failure to make its presence felt among the people who needed it the most, and, combined with its unwillingness to intervene on political cases this was, obviously, a crushing disappointment to many, many people and many institutions.

Characteristic sort of combined with quiet diplomacy was its sort of failure to actively seek out victims of human rights violations. These victims, regardless of the notoriety of their case, were expected themselves to appeal to the mission, and I might add that this is a problem that's not particular to the AMG in Belarus—it occurs in OSCE missions throughout the region, and it's one that needs to be resolved, not only in Belarus, but also institutionally throughout the OSCE.

As others have already pointed out, the government of Belarus is closing, not opening, the political process, not only by manipulating elections and other institutions, but by harassing, jailing individuals and attempting to shut down organizations. And, if the AMG is unable to forge any change in the Belarus government's approach to the political process, and the outlook does, indeed, look bleak, than the need to focus attention on cases, on individual cases of harassment becomes all the more critical, as does the need to turn away from "quiet diplomacy." At this point, I think the greatest contribution the AMG can make toward improving the human dimension in Belarus is, first and foremost, to intervene on behalf of besieged and marginalized institutions and actors in Belarus, NGOs, individuals and the like, to serve as a buffer between them and the authorities, and, clearly, there's a problem here in outreach to the community. I can't agree with Ambassador Sannikov more about the need to make the need for transparency in the AMG's work in Belarus. And finally, to start now to set the benchmarks and the criteria for the OSCE generally, including ODIHR and other institutions, and the AMG in particular, to develop benchmarks and conditions for involvement in the 2000 parliamentary elections.

That said, that critique—having advanced that critique, I'd like to say that around the beginning of December of last year Human Rights Watch began to witness a dramatic change in the mission's approach to fulfilling its mandate, however limited that mandate might be. Suddenly, the AMG people started to visit political prisoners, whereas before they had made a conscientious effort to avoid political prisoners, and the AMG seems to have consolidated in 1999, and we've seen

a greater willingness by AMG staff to intervene on political cases, for example, following the arrest of Viktor Gonchar and Mikhail Chygir. Additionally, we note that there has been a more active approach to trial monitoring, especially for people trying to organize opposition demonstrations and cases against the independent press.

But, as I said before, there is a need for greater transparency. The AMG releases biweekly reports. They would do well to focus on better communication with the local community by translating these biweekly reports and distributing them widely in the community, among NGOs, for example. This would really help toward ending the sense of isolation that is felt on the part of non-state actors.

I think, perhaps, to conclude, the AMG obviously faces a very difficult and challenging task in Belarus, and I think it's important to resolve the problems the AMG has in Belarus, not only to improve the human dimension obligations in Belarus, but also because this could serve as a real test case for how OSCE field operations operate in highly repressive countries in the former Soviet Union.

Thank you very much.

Mr. SMITH. Thank you, Ms. Denber.

Ms. Fitzpatrick?

TESTIMONY OF CATHERINE A. FITZPATRICK, EXECUTIVE DIRECTOR, INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

Ms. FITZPATRICK. Thank you, Mr. Chairman.

I'd like to highlight today the case of Andrei Sannikov, who has already testified, and the urgent need for your Commission to continue to keep an umbrella of protection over Ambassador Sannikov and his colleagues, as you have done with your strong statements.

Ambassador Sannikov suffered a barbaric attack by self-proclaimed fascists in the Belarus branch of the Russian National Unity Party in February, suffering three broken ribs and a broken nose. This RNU has been chased out of Moscow, now even banned by Mayor Luzhkov, but has found a hideaway in Belarus where it not only attacks with impunity, but boasts of official support. It's no accident that a mere week after Ambassador Sannikov helped to coordinate the Congress of Democratic Forces he suffered this attack. It was not merely a scuffle of youth gangs, as President Lukashenko attempted to portray it, in what amounted to a chilling disparagement of this attack on national television, which signals that there is state tolerance of such attacks by non-state actors.

Accordingly, we have a number of recommendations for this situation and other egregious human rights violations in Belarus which we are making to the U.S. government and to OSCE.

First and foremost, we would return the U.S. Ambassador, Daniel Speckhard, immediately to continue negotiations parallel to that immediate return, before May 16 preferably, or certainly before July 20. The U.S. should avoid any trivialization of the reasons for withdrawing an Ambassador. The return of the Ambassador would encourage bilateral and multilateral negotiations with Russia and the other neighbors of Belarus. The U.S. should be increasing its offshore funding to civic movements and institutions in Belarus. Of particular note, there should be a linkage between registration of NGOs, parties, and trade unions and any future recognition of parliamentary and presi-

dential elections in the form of OSCE observation. This would be consistent with the electoral law, which allows civic associations to make nominations.

We also endorse what Human Rights Watch, and Charter 97, and others have called for regarding the OSCE, and making the mission more transparent, especially in order to strengthen the system of OSCE as a whole, and send signals to other repressive governments in the region. We would urge the OSCE mission to cease all its calls for compromise. This has had a very debilitating effect on the political situation. The Advisory and Monitoring Group is mandated to advise and monitor, not negotiate political settlement. We'd urge that all the calls for dialogue should really include a call for good faith human rights efforts from the Belarusian government, such as the re-registration issue.

The OSCE should not send monitors or assessors of any kind to the elections until its own advice is heeded. The AMG should also suspend its working groups, because they have not achieved anything, and that is a good way, short of pulling the mission altogether, to make that point.

And finally, we are distressed to see that the mission declared the alternative May 16 effort as not valid in the local press and in interviews with the Russian press. This was an unseemly rush to pull the rug out under this effort, and it's particularly striking given that the AMG made a rather meek and inconclusive pronouncement on the April 4 elections. They are waiting for the second round, and that has caused a great deal of political and public confusion expecting that second rounds, in a very flawed election whose hallmark was "vote early and often," would amount to anything significant.

Again, we need to strengthen the system as a whole. The Central Asian nations will be watching what happens in Belarus where the conditions are far worse, so it's important to lay down the markers now.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Ms. Fitzpatrick.

Let me ask Ambassador Sannikov, in your written testimony you suggest that Lukashenko won't hold elections even in the year 2000, when his extended term is to expire under his own 1996 Constitution. What conditions do you think will be necessary for a dialogue? For example, do you see any hope that there might be some access to the media by opposition groups? We are all collectively coming to the conclusion (if we are not already there) that the direction and the pace is certainly and precisely the wrong direction. There seems to be a consolidation of a dictatorship, rather than a loosening of any positive movement toward a democracy.

Amb SANNIKOV. Thank you, Mr. Chairman.

Yes, I think I can accurately tell you what conditions should be conducive to the dialogue. This is, as you mentioned, the access to mass media and release of political prisoners, and discontinuation of the harassment and intimidation of the opponents of the regime. And, these conditions were laid on the table by the opposition during the failed attempt to negotiate—mediate between the authorities and the opposition in '97, which was led by the European Union, so these conditions were kind of agreed upon by the whole oppositional groups of democratic forces in Belarus. They were rejected by President

Lukashenko. They are still valid, and I would like in response to what was said here about the constitution, the conflict between two constitutions, 1994 and 1996, it was also offered during 1997, a negotiation—attempt at negotiations to start speaking about constitutional principles, but about different versions of the constitution.

But, unfortunately, to this day the conditions are rejected by the authorities and any attempt at the dialogue, although we've heard today from the official representative that the government is ready for the dialogue to start.

Thank you.

Mr. SMITH. Ms. Denber, Ms. Fitzpatrick, if I heard you correctly, you indicated that the OSCE mission should really pack its bags, I guess in protest over the lack of any kind of real progress. Yet, Ms. Denber, if I heard you correctly, you have seen some signs of hope in terms of a belated recognition that quiet diplomacy certainly has its limitations. I hope I'm not misconstruing your testimony, but there are some positive things that have happened.

Are there some things that the OSCE mission, Ms. Fitzpatrick, could do right now that would convince you that their continued operations serve a purpose? And, do you respond to whether or not they should pack their bags, Ms. Denber?

Ms. FITZPATRICK. Mr. Chairman, we didn't call for packing bags, but, perhaps, folding some shirts. We asked for suspending the legal working groups, since none of the advice of the mission has been heeded on the media law, electoral law, on the ombudsman question, there's a lot of stalling there, so we've just urged suspending—remaining but suspending the OSCE AMG working groups.

Also, we want the AMG to make more public statements, and to make a very explicit and forceful linkage between this NGO re-registration problem and any further recognition of elections through sending observers.

Certainly, as we noted in our statement for the record, the AMG is to be praised for establishing the complaints office, which functions really as an ombudsman in waiting for a real ombudsman to be established some day, and that's actually a model for the system, and we would urge that even to be broadened and moved to other cities as well.

Mr. SMITH. Ms. Denber, did you want to respond?

Ms. DENBER. Now that we know the position is not that they should pack their bags, I'll still offer a couple of remarks. I agree with Cathy that (and I think I made this clear in my written statement) if it becomes clear that the AMG cannot make any progress on structure reforms, first of all, the AMG, promoting structural reforms should always go hand in hand with taking on individual cases and really advocating for specific and concrete improvements in human dimension, not just the structural level.

And, the day when the AMG is unable to forge any change in electoral law, or in any other structure form that it's trying to pursue, and the day when it decides that it really doesn't want to be involved in the political cases, and the day when it decides that it doesn't want to go on the record about anything, that's the day that it should pack its bags.

Mr. SMITH. To the best of your knowledge, do you know if the AMG has raised the case of Andrei Klimov and Vladimir Kudinov?

Ms. DENBER. I know that it's raised the case of Chygir and Gonchar.

Ms. FITZPATRICK. It has raised them.

Ms. DENBER. It has raised it, yes.

Mr. SMITH. Mr. Hoyer?

Mr. HOYER. Mr. Chairman, unfortunately, I have to leave, because I am speaking at 12:30.

Mr. Ambassador, thank you for your work, and I thank the other two for their work as well. Mr. Ambassador, I heard, as Mr. Smith, the Chairman, heard, Ms. Denber, and now Ms. Fitzpatrick obviously made, that there has been some change in AMG's approach and outspokenness and focus, some change. Now, in your statement I did not see that, but I'm wondering if you agree, Mr. Chairman, that the AMG has—the OSCE presence has been more, not less, productive recently, which is what I heard you saying. Do you agree with that?

Amb. SANNIKOV. I would agree that on some issues the AMG work is more productive recently, but on the issues that are actually the core of the conflict, as I said, the statements are very ambiguous and interpreted in very vaguely. It's not possible sometimes to interpret the statements, and they are taken, as I said, by the authorities as statements in their favor. Actually, it is support given to this scenario of the authorities to introduce the undemocratic laws on elections, including local, presidential and parliamentary elections.

Mr. HOYER. You heard the question I asked the Ambassador in this conflict between what some refer to as constructive engagement and others complacence in failure to meet human rights standards.

The OSCE has had this conflict for some time. There were those in the United States, as you may recall, who were urging the United States to withdraw from the OSCE in the FE87-'88 time frame. I thought that was not appropriate, but I did think it very appropriate that as we participate in the OSCE, and I think the U.S. did this probably as well as any country in the nation, we need to speak out very strongly when we saw individual and collective abuses of rights, and the failure to meet international standards.

I would hope, and I want to congratulate you, Mr. Ambassador, and Ms. Denber, and Ms. Fitzpatrick, for you attention to this issue. NGOs have historically been the best instruments to urge those of us in government who have a tendency—or in institutions who have a tendency to sort of work things out, to confront issues and to publicize them.

The OSCE's greatest contribution has been in the international forum to bring to light the abuses that cannot be sustained in the light, they are sustained by anonymity and by lack of information.

So, in that way, I would urge our mission there, and I can say, I know Mr. Smith and I will be going to St. Petersburg in July, to the Parliamentary Assembly meeting there, as you may know I'm Vice President, one of the Vice Presidents, there are 1,000 vice presidents, so it's not necessarily a particularly high honor, although I'm pleased to be in that role, but intend to raise this both at the bureau meeting and, Mr. Chairman, at the Parliamentary Assembly.

Clearly, the missions are critically important, they are critically important in the context of assuring that they are part of the solution, and not part of the papering over of abuses, and I appreciate your comments on that, and I don't necessarily dock your premise, I don't want the Ambassador to think that I'm being critical at this

stage, but without raising high the banner for which OSCE stands, the purpose of OSCE is dead.

So, I thank you for your comments.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Steny, I appreciate your comments.

Let me ask one final question with regards to the NGOs and the July 1 deadline. Are there any indications that any of the NGOs are knuckling under the pressure and are agreeing to the terms set down by the government? What does happen after July? Are we likely to see the decertification of a number of very important civic or humanitarian organizations? What impact might that have on health care, on dealing with the children and the adults, anyone who has been ill affected by Chernobyl? Are we looking at a wholesale disenfranchisement of people?

Ms. FITZPATRICK. Well, some movements have never even engaged in the registration process in the first place, because of all these restrictions, which include reporting on taxation, the third sector is not tax-exempt. And, that's actually their right under international law not to register. But this has set up a situation where the government may attempt to split groups into good NGOs and bad NGOs, those who refuse to register, those who register, and comply with everything including an unspecified loyalty test to the 1996 constitution. That's why we urge the international institutions not to profile NGOs as good and bad, or affect their grants or their dealings in any way dependent upon registration.

Already, 30 NGOs have been delivered warnings that they are not in compliance, so that's prejudicial. The Belarusian Helsinki Committee, and the NGO Assembly, which represents a good share of all types of environmental, health, women's and so on groups, are very concerned, as you can note from their appeal to this hearing which we put out on the table. They are concerned that they will be killed after July 1, and that only these kind of ersatz, gongos or quangos are going to be tolerated. It's really important to move well before July 1 to try to save the remnants of civil society that have managed to persist in Belarus.

Mr. SMITH. The religious organizations, do they also have to register, and is there any loyalty oath imposed upon them?

Ms. FITZPATRICK. This Decree 2 didn't concern religious communities, but there are religious associations or NGOs with a religious profile that study anti-Semitism, that work on ecumenical relations, and those kinds of NGOs are in danger of not being reregistered.

Mr. SMITH. What is your view on the return of the United States Ambassador? Are we wise to continue the negotiation to return him, or do you think he might play a more strategic and a more aggressive role being in the country, especially with all these crunch points very close?

Amb. SANNIKOV. As I pointed out, I think after the return of the Ambassadors of the European Union that had to leave the country at the same time as the American Ambassador had to leave the country, we would be really interested and would welcome the return of the American Ambassador to Minsk, to create the solidarity among the democratic Western democracies in democratic countries, and to enable him to be part of the processes that are going on inside the country in Minsk, namely together with the heads of other missions, not

only from the European Union, but also the missions, the embassies from our neighboring countries, Poland, Ukraine, Lithuania, I think it would be very useful for the whole situation in Belarus.

Mr. SMITH. Do you know if the EU Ambassadors returned pursuant to any conditions that were met, or did they feel they had made their protest and, therefore, it was time to return?

Amb. SANNIKOV. I don't think that any conditions have been met as of today, because the negotiations still are going on. In my personal opinion, probably the settlement fell far short from what would be expected from the settlement of this whole conflict around it, but it's another issue, I believe, because now they are back, and the European Ambassadors are back, and I think the European Union would welcome the cooperation with the United States, including at the ambassadorial level.

Mr. SMITH. Do you think there's any concern that we should have that perhaps, Lukashenko's government might see a window of opportunity, with all eyes focused on Kosovo, with Kosovo as a diversion, do you think he might move even more aggressively and repressively against the NGOs, the opposition, and all those with whom he has a quarrel?

Amb. SANNIKOV. I think he is already doing this, it definitely is the case, because the situation is used by official propaganda to blame the opposition, to blame the Western democracies and to blame the opposition.

And, in this connection, with your permission, Mr. President, I would like to raise a question again of the Russia/Belarus union, which is a very grave, very serious issue for us, because independence of Belarus is at stake, and I would like to mention in this connection the commitment of the United States to the independent sovereignty and territorial integrity of Belarus that was given during the OSCE summit by the President of the United States. It was clearly given on the occasion of the exchange of documents on entering the START I treaty. And, now as I mentioned, Lukashenko has no legal rights and basis to carry on the union—to carry on this kind of union, so-called union with Russia, because the will of the people cannot be expressed freely in Belarus, and there were never, even in the referendum of FE95, never was a question put about the union of Russia and Belarus. There was a question during that referendum on the attitude toward integration with Russia, that's it.

Mr. SMITH. Would any of you like to add anything else before we close the hearing?

Ms. Fitzpatrick?

Ms. FITZPATRICK. Yes, we heartily endorse the return of the Ambassador immediately, and working out the other fine points later, in order to avoid sending this signal of trivialization of the issues and to explain the Balkan crisis, to be there for bilateral negotiations, and also to be on the air, on the radio in Poland and Russia, and on Radio Liberty (whose air time should be doubled and funding increasing), and be part of the high level approach and involvement with the public there in particular, and in the regional institutions. It really would send a much stronger signal to have our Ambassador return.

Ms. DENBER. You raised a concern about, and justifiably, about the state of NGOs on July 1, and I'd just like to point out one other sector that is in danger, and that is the academic community. We've found

there are cases of expulsions, and disciplinary measures, and things of that sort involving political loyalty that's widely practiced in universities and other places of higher education in Belarus, and it's a deep concern for us.

Mr. SMITH. Thank you for reminding us of that. As a matter of fact, we had a hearing on the problem in Serbia, and we heard from some of the academics there. Never mind not getting tenured. There was that same sense of being ousted from your position. I hate to say *deja vu*, but it seems like, based on what you are saying, the same thing may be happening in Belarus as well. That's a very important thing for us to focus on, and we appreciate that.

Mr. Ambassador, do you have anything further you'd like to add?

Amb. SANNIKOV. I'd like to thank you for organizing this hearing, and as it was said here, it is very timely and very important for us, important for you and for us to know the situation in Belarus and to maintain our relations, because I agree with what you said, that there is no isolation—purposeful isolation, there is self-isolation of Lukashenko. Moreover, I think that self-isolation of one person, because the people of Belarus are not isolated from the outer world, from the democratic world, and I think that's what matters, and thank you for this.

Mr. SMITH. Thank you. I want to thank our three very distinguished witnesses for your comments, your insights, which are most helpful. Hopefully, we send a clear, unambiguous message to Belarus that as a nation that has agreed to, at least in principle, to all of the major documents with respect to human rights, we are looking for compliance, and that Kosovo and the problems in the former Yugoslavia, and in Serbia itself, will not be a diversion for this Commission. We will stay riveted on what's going on in Belarus. This hearing is but a step in that direction, an additional step, and we will do more in the coming weeks and months.

I would note, Mr. Hoyer mentioned that we will be leading a delegation to the OSCE Parliamentary Assembly in St. Petersburg. Regrettably or, perhaps, providentially, that comes right at that critical time for the NGOs. It will be "fish or cut bait" time, in terms of acquiescing to the government. I can assure you, we will raise that issue very aggressively if we see and ascertain that NGOs are put in dire straits, and those who refuse the loyalty oath are made *persona non grata*, I can assure you the St. Petersburg will hear from many representatives of the U.S., and I believe other Helsinki representatives as well, that this is totally outrageous and out of bounds.

So, I do thank you again for your excellent testimonies.

(Whereupon, the hearing was concluded at 12:37 p.m.)

CO-CHAIRMAN SEN. BEN NIGHTHORSE CAMPBELL

Mr. Chairman:

Thank you for calling this important hearing. As events in the Balkans have once again demonstrated, failure to take local tyrants seriously can have grave consequences. The Washington Post, in an editorial last Tuesday, April 20, 1999, called the Belarusian President, Alexander Lukashenka, "Europe's other dictator." While he has not started four wars or engaged in ethnic cleansing like Milosevic, Lukashenka and his authoritarian rule over Belarus have made a mockery of his Helsinki Process human rights commitments.

I am pleased to join Chairman Smith in welcoming today's distinguished witnesses before the Commission. We will hear from Ross Wilson, Principal Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State for the New Independent States, Ambassador Hans-Georg Wieck, Head of the OSCE Advisory and Monitoring Group in Belarus, Ambassador Andrei Sannikov, former Deputy Foreign Minister of Belarus and Coordinator of Charter 97, Catherine Fitzpatrick, Executive Director, International League for Human Rights, and Rachel Denber, Deputy Director, Europe Division, Human Rights Watch.

Today's hearing is particularly timely because we are approaching a critical point in Belarus' political development. In 1996, Lukasenko rigged a referendum to install a new constitution. The opposition, relying on the old constitution, has called a presidential election for May 16th. Lukashenka is maneuvering to suppress this effort to repudiate his own seizure of power. Coming now, the Commission's public expression of support for democracy and human rights in Belarus through this hearing is very important.

Lukashenka showed up in Belgrade last week on April 14th, snuggling up to Milosevic and proposing a pan-Slavic union of Russia, Belarus, and Serbia. Milosevic rolled out the red carpet for him. Lukashenka was clearly playing to the hard nationalist sentiment in Russia with this move. Lukashenka is thought to have political ambitions beyond Belarus.

Let me be clear. Lukashenka is not Stalin, and he is not Milosevic. He is closer to Brezhnev in his approach to ruling Belarus. He is an autocratic apparatchik who has grandiose ideas of his own importance, who wants to control everything, and whose policies have left his people locked in poverty and isolation. The United States, the European Union, the Council of Europe, and the Organization for Security and Cooperation in Europe have all sought to lead Belarus back to the path of compliance with its international human rights obligations, democratization, and free market economic development. Our efforts have been uniformly unsuccessful so far.

The good news is that Lukashenka has not broken his domestic opposition. In fact, the opposition has enough courage to organize this presidential election under the old constitution. Lukashenka responded by arresting Viktar Hanchar, the head of the opposition Central Electoral Commission, and 14 commission members. In response, on February 25th, the U.S. State Department called upon Belarus "to release the commission members immediately and to begin working with the democratic opposition in Belarus to resolve Belarus' longstanding impasse." The Belarussian Foreign Ministry replied that the

activities of Hanchar's commission are illegal and "provoke instability."

Mr. Chairman, I look forward to hearing the testimony of our distinguished witnesses today. I am sure they will help us better understand the situation in Belarus and perhaps point out ways the United States can better advance the cause of human rights, democracy, and freedom for the people of Belarus.

Thank you.

OPENING STATEMENT OF HON. STENY H. HOYER

Thank you, Mr. Chairman. It is appropriate that we review the situation in Belarus, particularly in view of what authoritarian rule and repression have wrought in the former Yugoslavia.

Clearly, the administration of President Lukashenka in Belarus is defined by these terms. Since his ascension to power in 1994 he has systematically destroyed nascent democratic institutions, repressed political opposition and other democratic forces, denied freedom of speech and freedom of assembly to his people and suppressed the media. Opposition leaders and political activists have been intimidated, harassed and even imprisoned, including former prime minister Chygir and members of the opposition central election commission.

At the root of these blatant violations of its OSCE commitments lies the excessive power usurped by President Lukashenka, particularly following the illegitimate 1996 constitutional referendum, during which he disbanded the democratically elected parliament—the 13th Supreme Soviet—and installed his personally appointed puppet parliament known as the National Assembly.

The OSCE parliamentary assembly, in which I serve as a vice-president, has consistently supported the legitimately elected representatives of the people of Belarus by refusing to seat representatives of the "New" Belarusian legislature. Instead, the OSCE has welcomed representatives of the old, Lukashenka-disbanded parliament, which it regards as the legitimate representatives of the people of Belarus. The OSCE parliamentary assembly has also appointed a working group of parliamentarians which is attempting to encourage dialogue between the government and opposition.

It is my hope, Mr. Chairman—although I must say that I am not very optimistic at this time— that these efforts, as well as those of the OSCE's advisory and monitoring group, will serve to stimulate open and productive dialogue between the government of Belarus and opposition and democratic forces within that beleaguered country.

I look forward to hearing the testimony of our distinguished panel of witnesses and to receiving their guidance on strategies to assist the people of Belarus in achieving their rightful place among the democracies of Europe.

Thank you, Mr. Chairman.

WRITTEN TESTIMONY OF ROSS L. WILSON, PRINCIPAL DEPUTY SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES

Mr. Chairman, it is an honor to represent the Administration at this hearing on Belarus and to exchange views on what is taking place in that country.

The trends are negative, Mr. Chairman. President Lukashenko has destroyed the constitutional balance of power in Belarus, disbanded the Supreme Soviet, installed a rubber-stamp legislature, and subordinated the judiciary. He has clamped down on dissent and independent political organizations in defiance of Belarus' OSCE commitments. His regime uses spurious charges to constantly harass and intimidate opposition leaders. Public demonstrations and assemblies are capriciously denied or severely restricted. Minor infractions of those rules result in heavy fines. For expressing opinions contrary to Lukashenko's, publishers are fined, editors and journalists are harassed and sometimes beaten up, publications are confiscated, papers are closed and programs taken off the air. Lukashenko has rejected economic reform, worked to keep the old Soviet economic machine in his country alive, if not well, and sent his economic advisors to jail when things went wrong.

As he abuses his people at home, so Lukashenko misbehaves abroad. He violated the Vienna Convention and a U.S.-Belarusian agreement when he evicted our ambassador from his official residence—ostensibly for sewer and water repairs, but really just to confiscate this and other properties for his cronies. Belarus is a very serious potential proliferater of sensitive military technologies, and the Lukashenko regime has been less than cooperative on nonproliferation issues. It blocked work by U.S. contractors on an agreed program to destroy Soviet missile launch pads. It has been the worst government in Europe on ethnic cleansing in Kosovo and NATO action to stop it.

President Lukashenko's overthrow of the constitution in 1996, violation of Belarusian democracy, suppression of human rights, and rejection of economic reform have taken Belarus back in time. They represent the hijacking of liberty and freedom. They have cut Belarus off from the democratic, market economic transformation taking place throughout Central and Eastern Europe and Eurasia. Our policy of "selective engagement" reflects our view of Lukashenko and what he represents. Our contacts with the government are limited. We criticize actions that are inconsistent with democracy and respect for human rights—both privately and publicly. We make the point, as I did in Minsk in early March, that Lukashenko's illegitimate referendum of 1996 created a political impasse and that the government should initiate a dialogue with the opposition and with the society as a whole to resolve that impasse. We have made clear that, in the absence of such a dialogue and respect by the authorities for internationally-recognized human rights, it will be impossible for Belarus to have a more normal relationship with the United States or, to a very large extent, with the broader Euro-Atlantic community.

Despite these limits, we do not—and must not—ignore or forget Belarus. The State Department, our embassy in Minsk, interested non-governmental organizations and others, including you, Mr. Chairman, have closely watched events there. We call attention to the

government's most flagrant abuses of Belarusian liberty, and we work with the EU and other democratic partners to push for change. We show visible support for democrats by meeting with them regularly, and we engage as much as we can with the broader population of Belarus.

We have an assistance program that focuses on long-term transformation toward supporting the independent, prosperous market democracy that we would like to see Belarus one day become. Key targets include independent media, the non-governmental sector, and student and academic exchanges, and the following are particularly important programs.

An embassy-based Democracy Fund small grants program that helps independent media, non-governmental organizations and other independent groups.

USIA academic and professional exchange programs, including the Community Connections Program, that foster self-sustaining linkages between U.S. and Belarusian communities.

Legal reform programs implemented by the American Bar Association's Central and East European Law Initiative (ABA/CEELI).

Training and small grants provided to independent media by IREX ProMedia and the Eurasia Foundation.

An NGO development program implemented by the Counterpart Alliance for Partnership (CAP).

A hospital partnership program that has matched up the Magee Women's Hospital in Pittsburgh and the University of Pittsburgh Medical School with a children's hospital, a radiation medicine institute and a maternity hospital in Minsk.

These programs, we hope, provide a measure of support to those seeking democratic change and help to build constituencies for that change. Other efforts to build constituencies for change include a small-business privatization program and assistance to private farmers and agricultural entrepreneurs.

We strongly support multilateral efforts in Belarus to press for change, and we coordinate with the EU and Belarus' neighbors to encourage positive change. We worked hard to win government agreement to the OSCE Advisory and Monitoring Group (AMG) that opened in Minsk in early 1998. The AMG has given special attention to pushing Belarus toward observing its OSCE commitments. We support its efforts and those of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) to train election observers and sponsor programs on media freedom.

We provide no assistance to the Lukashenko government. We still have humanitarian programs, including to help address the consequences of the Chernobyl nuclear disaster, but these are carried out through NGOs, local authorities and hospital administrators. We discourage U.S. investment in Belarus and no longer have EXIM, OPIC or TDA programs there. Our national security programs have been suspended. When he was evicted from his residence last summer, our ambassador was recalled—and he remains here awaiting progress on a new residence and on compensation for the old one.

Belarus' internationally recognized 13th Supreme Soviet, the legislature that Lukashenko deposed, has called for a presidential election on May 16—just 3 weeks from now. This bold initiative to hold a presidential election in spite of the government represents an effort

by democratic forces to engage in the dialogue with the public that the government rejects. It has united opposition forces. It has dramatized the constitutional and political impasse that Lukashenko created and made clear for all to see his failure to unite the country and ensure political stability.

The expiration of President Lukashenko's democratic mandate on July 20 under the 1994 constitution will formalize a process that began several years ago. His departure from the country's agreed constitutional framework and his steady encroachment on the rights of the Belarusian people have already eroded his legitimacy in a democratic Europe. Only a small minority dare to say this publicly, but many Belarusians sense this. No amount of manipulation or orchestration by the government can alter this perception. As democratic forces in Belarus become stronger over time with the international community's assistance, the government will be forced to recognize its folly and adopt a more responsible attitude than it has shown so far.

Mr. Chairman, when I was in Minsk last month, I told opposition and government leaders alike that Belarus was missing out on the great market democratic revolution that is sweeping Central and Eastern Europe and Eurasia. I said that we are disappointed by that and regret it, as do its neighbors—and Belarusians themselves. Belarus had promise in the years following independence—promise that reflected the democratic and European aspirations of the Belarusian people who have seen such suffering in this century. We want to see it live up to that promise. I hope that this hearing will give encouragement to democratic change in that country and that Belarus will soon reoccupy its rightful place in a Europe that is whole and free.

WRITTEN STATEMENT OF AMBASSADOR HANS-GEORG WIECK, HEAD OF OSCE ADVISORY AND MONITORING GROUP

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1. THE INTERNATIONAL FRAMEWORK CONDITIONS FOR ADVISORY AND MONITORING GROUP IN BELARUS

On March 9, you, Mr. Chairman, expressed concern about the expanding repressive measures of the Belarus Government in a statement printed in the March 9 Congressional Record. Included into your statement was a reference to your statement concerning Belarus, printed in the Congressional Record on February 9, 1999. It reads with regard to the OSCE efforts in Belarus as follows:

"Recently a staff delegation of the Helsinki Commission on Security and Cooperation in Europe, traveled to Belarus, raising human rights concerns with high-ranking officials and meeting with leading members of the opposition, independent media and non-governmental organizations."

Also the statement says:

"Although one can point to some limited areas of improvement, such as allowing some opposition demonstrations to occur relatively unhindered, overall OSCE compliance has not improved since the deployment of the OSCE's Advisory and Monitoring Group (AMG) almost one year ago. Freedom of expression, association and assembly remain curtailed."

Furthermore it says:

"The United States and the International Community should strongly encourage President Lukashenko and the 13th Supreme Soviet to begin a dialogue which could lead to a resolution of the current constitutional crisis and the holding of democratic elections. The Advisory and Monitoring Group (AMG) could be a vehicle for facilitating such dialogue. The Belarussian Government should be encouraged in the strongest possible terms to cooperate with the OSCE AMG. There is growing perception both within and outside Belarus that the Belarusian Government is disingenous in its interaction with the AMG. The AMG has been working to promote these important activities: an active dialogue between the government, the opposition and NGOs; free and fair elections, including a new election law that would provide for political party representation on electoral committees and domestic observers; unhindered opposition access to the state electronic media; a better functioning, independent court system and sound training of judges, and the examination and resolution of cases of politically motivated repression.

There is a growing divide between the government and opposition in Belarus—thanks to President Lukashenko's authoritarian practices—a divide that could produce unanticipated consequences. An

already tense political situation is becoming increasingly more so. Furthermore, Lukashenko's efforts at political and economic integration with Russia could have serious potential consequences for neighboring states, especially Ukraine. Therefore it is vital for the United States and the OSCE to continue to speak out in defense of human rights in Belarus, to promote free and democratic elections this year, and to encourage meaningful dialogue between the government and opposition."

What you said in your statement February 9, 1999, Mr. Chairman, is a fair summary of our strategy in Belarus, of our mandate, dated September 18, 1997, of the Memorandum of Understanding of December 18, 1997, which gives us access to everyone and everyone to us, as well as of the initial tasks given to us by the Chairman-in-Office on December 18, 1997(see annexes 1 to 3).

What you said is a position widely shared by Western and Western oriented OSCE member states.

The European Parliament, mindful of the Conclusions of the European council dated September 15, 1997 about the political and economic sanctions against Belarus, adopted a Resolution on March 12, 1999 in which it called on Lukshenko to re-establish democracy in Belarus, to organize free and fair presidential elections before the termination of office according to the constitution and offers full support to the efforts of OSCE in Belarus in the direction of dialogue between the opposing forces.

But there is another side to the coin, the absence of which AMG of course is feeling daily:

Given the sanctions adopted in 1997 by the United States, the European Union and the countries linked with this group of OSCE member states, and given the positions taken by the OSCE Parliamentary Assembly, the Council of Europe and the European Parliament on recognition for the democratically elected 13th Supreme Soviet, the suspension of Guest Status in the Council of Europe and similar position in the European Parliament, there are hardly any incentives for the Government of Belarus to enter the road towards pluralistic democracy, the rule of law, separation of power in the constitution and of course, unless it were ready to return to the constitution of 1994. The opposition will be negative to any Western move short of the return of Lukashenko to the constitution of 1994 or the resignation of office. Western countries have become hostage of the opposition in their dealings with Lukashenko. The resumption of a wider range of political, economic and financial cooperation with Belarus today on the international stage in the bilateral or multilateral dimension is tied to the resumption of a meaningful political dialogue of the Government on the basis of equal status with the opposition and the 13th Supreme Soviet and on the accomplishment of some results, I presume.

In 1998, the OSCE Parliamentary Assembly has created an ad hoc working Group under the chairmanship of the former Rumanian Foreign Minister A. Severin, who is going to organize in Bucharest a Round Table with representatives from government, National Assembly, 13th Supreme Soviet, other political parties of the opposition and members from non-governmental organizations and the academic and research world.

The Political Committee of the Parliamentary Assembly of the Coun-

cil of Europe is organizing informal talks with representatives from both sides (April 27, 1999). Such steps are also planned on the part of the Belarus-Subgroup of the European Parliament.

Russia on its part has de-facto accepted the results of the unconstitutional way in which the amendments to the 1994 constitution were brought about and the removal of democratic components from the Constitution. Perhaps, the CIS membership of Belarus left Moscow no choice. Maybe they wanted to avoid bloodshed and proceeded on the basis of the new facts irrespective of earlier attempts of mediation. Russia is encouraging Western countries to terminate the far-reaching isolation of Belarus, which in their opinion will not bring about the democratization of Belarus.

To sum up:

Whilst there is widespread consensus about the tasks of AMG in Belarus, including support for the strategy adapted for the furtherance of peaceful change by dialogue and by way of the establishment of a new constitutional consensus as a basis for free and fair elections, there is no common Western position as to the question, whether or not and in what way the democratization process could be furthered by a more flexible attitude in the political and economic fields. We are supporting opposition because of our rejection of the Lukashenko coup d'etat in November 1996, which upset the rule of law and the democratic structure of the constitution. It introduced suppressive measures against democratic forces and instituted human rights violation. However there are no common strategies shared by the Western countries and the Opposition, centered in the 13th Supreme Soviet, the strategy of which is aiming at an even more rigid international isolation of Lukashenko. The opposition is suggesting to the West that Lukashenko will never be ready for a new constitutional consensus. The opposition itself is unwilling to enter that road. The opposition is suggesting instead to the West to cut off official links after the end of Lukashenko's democratic term in office in July 1999, although the democratic legitimacy of his presidency, of course, had been eroded already in November 1996 by the imposed elimination of the democratic content of the constitution and his disregard for the constitutional court decisions on the question of validity of the referendum as a binding document for Parliament.

There is no readiness on either part for the dialogue the West is urging upon both sides. There is little confidence in the AMG strategy to gradually change the political climate by way of dialogue in some areas, by de facto cooperation on the occasion of international workshops and seminars in Belarus and by strengthening of the democratic awareness of the population.

It is hard to say which degree of support this rigid opposition really enjoys in the country. Due to the state monopoly on electronic mass media, due to the absence of parliament with open debate there is only the independent printed press for the public discussion of controversial issues. There are weekly around 500 000 copies of the existing independent newspaper, reaching up to two million citizens. According to public opinion polls in March of this year, half of the population indicated their readiness to vote in the local elections, and half of the population was ready to go to the polls in presidential elections on May 16. Almost half of the population is in search of a presidential candidate from outside the existing political parties. 25

percent would vote for Lukashenko, and none of the opposition candidates got any more than 9 percent of the participants in this opinion poll about presidential elections under inclusion of Lukashenko as a contender. There is little dialogue between those wanting a change in any case, even within the framework of the Constitution of 1996, and those who are insisting on the return to the constitution of 1994.

The parties to the conflict (Government and Opposition) are in a way on a dead end road and don't find the formula for a general movement in the country, which could gather momentum and constitute a public opinion based challenger to Lukashenko.

The question of our political, economic, and financial relations with Belarus should not only be discussed in the light of a strict "carrot and stick policy towards Belarus," but as part of a strategy taking into account the region as such comprising the countries East from the NATO and European Union Zone. Given the ideological and practical attractiveness of the Lukashenko model for significant political camps in Russia and Ukraine on the left and on the right wings of the political spectrum, the danger of infection by the Lukashenko virus should not be underrated.

Also, in the absence of any meaningful political, economic and financial, as well as academic and cultural presence and activity of Western countries in Belarus, the country is sliding more and more into the Russian fold, although this trend is supported in Belarus only by people in the countryside (collective farms) and by the elder generation still affected by their emotional attachment to the reminiscences of the Soviet Union. On the other hand the middle-aged groups and the youth in the cities are clearly engaged in a process of Western orientation. The country would like to have a balanced relationship with Russia and with the West

2. LUKASHENKO AND DEMOCRATIC REFORMS

Lukashenko and the Government of Belarus do not recognize the existence of a constitutional crisis. Deficiencies of democracy, in the legal structure of the country as well as deficiencies in human rights education and possibly in political institutions (mass media, ombudsman, status of non-governmental organizations and political parties) are recognized. Assistance is asked for the improvement in these fields on the basis of the constitution of 1996, perhaps with some amendments to the constitution itself. The government admits mistakes made in the November 1996 events but bases its mandate on the people's will as expressed in the referendum on November 24, 1996.

As of now these are the framework conditions under which the government would be ready to move on to a meaningful dialogue. In its press statement of March 11, 1999, which constituted a response to the Press statement by the Chairman-in-Office, the Norwegian Foreign Minister K. Vollebaek, dated March 3, 1999, and to his letter addressed to Lukashenko dated March 6, 1999, on the suppressive actions by the government against some of the organizers of the May 16, presidential elections, the Belarus Foreign Office declares:

"The Ministry of Foreign Affairs confirms the repeatedly stated readiness of the Government of the Republic of Belarus for a dialogue with the opposition and interested international organizations. But the government proceeds in principle on the basis of the idea that the dialogue should be developed on the basis of the present existing con-

stitutional basis, which precisely defines the terms of parliamentary and presidential elections in the country correspondingly in 2000 and 2001. The Government considers the situation in the country as a stable one. This stability is based on the indisputable results of the national referendum 1996."

Furthermore the statement says:

"We are supporting the point of view of the Chairman-in-Office that the dialogue should have a constructive tendency. Such a position is being taken by the authorities of the Republic of Belarus."

Lukashenko extended the duration of the presidential term of office which he had gained in democratic elections in 1994 by two years when imposing the amendments on the democratic constitution of 1994, which transformed the country into an authoritarian one with the concentration of power over the executive, the legislative and most components of the judiciary vested into the hands of the President. The President eliminated the democratic structure and introduced an authoritarian government instead, resting on the political structures of collective labor and collective farm organizations established under the Soviet system, watched carefully over by police and intelligence structures as thoroughly guided by radio and tv programs of a monopolistic state institution (GOSTELRADIO). However, the short lived economic boom of 1996–1998 has been replaced by economic decline, growing dependence on Russia's subsidies for oil and gas-deliveries and a shrinking capacity of the Russian market to absorb—through barter-trade—manufactured capital and consumer goods from Belarus, which find less and less of a market in Russia not to speak of other parts of Europe. There is no product innovation and no renewal of capital goods. Belarus can survive with Russia, but it can—like Russia—develop a competitive industrial base only through a broad spectrum of economic ties with international financial institutions and with the European and the transatlantic markets. AMG has presented alternatives to the present economic policies. However, such a reform policy, even if starting in the economic domain only, would lead inevitably to the transformation of the present rigid governmental, social and political system and open up the road to establish genuine democratic institutions and such traditions.

Behind the facade of the vestiges of the Soviet construed grip on society and the planned economy which is supported—even with a declining living standard—by the farm managers and the population in the rural areas as well as the older generation in urban areas, there is emerging a younger generation longing for a Belarus that is following in the foot steps of neighboring countries towards open and striving societies. According to recent opinion polls 36 percent of the population would like to model their country after Germany, 26 percent after the USA, 5 percent after Poland and 2 percent after Latvia or Sweden. Contrary to President Lukashenko's aspirations, the general support for full integration with Russia has substantially declined from 46 percent in 1996 to 23 percent in March 1999.

That aim, that understandable aim, however can only be achieved, if the country can liberate itself from the authoritarian backward looking system. How can this be achieved?

3. THE RENEWAL OF BELARUS—THE OSCE STRATEGY AT WORK

After the ill-fated attempts by the European Union and the Council of Europe to restore the democratic constitution of 1994 by way of a tripartite round table in 1997, the Permanent Council of OSCE established on September 18, 1997 the Advisory and Monitoring Group for Belarus with the mandate to assist the country in the development of democratic institutions and to monitor the compliance of the country with its OSCE commitments. Reference Documents for the advice to be rendered and for the monitoring to be done are in particular the Paris Charter of November 21, 1990 and the Copenhagen Document on the Human Dimension, signed by all CSCE member states on June 29, 1990. With these documents member states subscribe to the consolidation and development, in some instances to the transformation of their countries towards democratic structures, the rule of law, market economies and observance of Human Rights. President Lukashenko avoided a discussion of this document during our meeting in December 1998 and identified himself only with the Helsinki Final Act adopted during the hight of the cold war in 1975, a document which emphasizes also a number of typical Soviet positions such as non-intervention and sovereignty.

A large number of administrators are quite willing to proceed on the road to genuine democratic structures and set great hopes on progress and change towards democracy by way of OSCE assistance. OSCE-AMG is considered to be a part of Belarus, and Belarus is considered to be a part of OSCE. According to public opinion polls about the trustworthiness of 20 identified national and international institutions OSCE is holding in March 1999 third rank behind the United Nations and the Churches, and followed on rank 4 and 5 by the independent media and the President.

In several working groups—supported by experts from other OSCE members states—the Advisory and Monitoring Group engaged the official Belarus in a number of legislative projects (election law, penal code, media legislation, ombudsman) activated the monitoring of court proceedings and administrative measures among others by direct intervention as well as by prison visits and in consultations with citizens under the pressure of state authorities.

A working group deals with the results of the monitoring and is the channel for assistance in improving the implementation of existing legislation.

Another working group is dealing with the strengthening of democratic principles in political institutions (media, political parties, nongovernmental institutions).

One working group is engaged in projects for Human Rights education.

The advisory and monitoring work has been criticized by some nongovernmental organizations in the country as well as by some international Human Rights organization. This critique is unfounded. AMG is working on controversial issues in direct contacts with the government and the institutions of the country. It is seeking improvements in concrete cases and the advancement of democratic principles within the administrative body of the country and their application in their laws. Western legal texts are translated in large numbers into Russian. Belarus texts are translated into Western European languages.

Under normal circumstances such exchanges and thus the access to the institutional knowledge of the West would not be possible. The Advisory and Monitoring Group has recruited on a regular basis local lawyers and political scientists. In a way AMG is serving de facto as an Ombudsman.

Restrictive measures of the state committee for the printed press are discussed in a trilateral way with the state committee, the association of independent press and AMG.

The results of the talks and consultations in all the fields of law making and implementation of laws are reported regularly and without restrictions to the Chairman-in Office and through him to the OSCE Delegations in Vienna of the 54 member states, including Belarus. They are reaching all relevant international institutions. For instance, it was upon the initiative of the Advisory and Monitoring Group that the UPI (International Parliamentary Union) decided to send a special mission to Belarus in May 1999 in order to study the legal measures taken by the government against members of the 13th Supreme Soviet, such as Klimov and Kudinov.

AMG is maintaining close links with the 13th Supreme Soviet, with political parties and non-governmental institutions as well as with academic research institutes and Universities. Special attention is paid to all aspects of the freedom of the press, in particular the independent printed press, independent news agencies and research institutes. AMG is supported by the Representative of OSCE for the Freedom of Press, Mr. Freimut Duve.

The objectives of AMG to further the peaceful solution to the existing political conflict within the country and to introduce the principle as well as the practice of peaceful conflict resolution into the political climate of the country, in particular among "political elites" are pursued by:

- furthering democratic legislation and the rule of law (monitoring implementation of laws)
- Human Rights education programs in state and academic institutions as well as Human Rights Watch;
- Democratic awareness programs in cooperation with ODIHR and with national institutions from member states (training of domestic election observers, regional programs on "Local government, Rule of law and Regional economic development") as well as by
- Conferences for the furtherance of dialogue between government, opposition, non-governmental groups and academic institutions, among others on themes such as "Information Society," "Free and Fair Elections" and "Democracy, Social Security and Market Economy."

AMG began its work in Minsk early February 1998. Early success was not to be expected. Over a period of little more than one year, nothing striking has been achieved. However, the institution of OSCE AMG has become an established, respected, however in parts also controversial part of public life in Belarus, controversial because the fundamentalists on both sides—the President and the 13th Supreme Soviet (the "Constitutionalists")—have not yet entered the path towards a meaningful dialogue to overcome the constitutional and political crisis.

On the other hand, the undercurrent political climate is changing

in favor of gradual changes by dialogue, peaceful conflict resolution and readiness for compromise on a new constitutional consensus in the interest of the "Renewal of Belarus." These undercurrent trends may emerge more openly when the dust has settled after the critical days of May 16, 1999 and July 20, 1999. Government and hard core opposition within and around the defenders of the 13th Supreme Soviet and the constitution of 1994 with its democratic components are on a course of confrontation:

The opposition considers the constitution of 1996 to be unlawful and is organizing presidential elections on May 16, because the term of office of President Lukashenko is expiring on July 20, 1999 according to the constitution of 1994, on the basis of which he had been elected in 1994.

The government considers the measures initiated by the 13th Supreme Soviet and the Central Electoral Commission under Mr. Victor Gonchar as assumption of public power and is organizing countervailing strategies, including administrative legal measures. There is no dialogue on the election issue, there is little chance for compromise in the given contradictory situation.

The presidium of the 13th Supreme Soviet established an agreement with the former Prime Minister of Lukashenko, Mikhail Chigir to organize presidential elections with M. Chigir as the candidate, a man without political party affiliation and therefore acceptable to large parts of the political and public spectrum, a man with considerable experience in government, finance, banking, industry and on the international political and economic scenes as well, a man with good connections in Moscow and in Europe. He seemed to be acceptable on a nation wide basis. The anti-Russian orientated Belarus Popular Front, the defender of the Belarusian language and history of Belarus against Russian cultural as well as political dominance put forward their leader as a presidential candidate, Zenon Poznyak, who lives presently abroad (USA, Poland). He did not fail to start a nation wide campaign against the emerging national candidate Chigir. Because of this development the Chairman of the Central Electoral Commission, Mr. Victor Gonchar, does not expect either one of the two candidates to come out in front with an absolute majority of the votes cast. May be even the 50 percent threshold of registered will not be met—irrespective of any governmental countermeasures. Therefore there may be no valid election result; there may be no winner in the race. There may be no elections on May 16, 1999. In case of a deadlock the presidium of the 13the Supreme Soviet plans to nominate according to the constitution of 1994 on July 21the president of the 13th Supreme Soviet, Semion Sharetskij, as Head of State. This concept is based on the assumption that the Western countries will discontinue to maintain official relations with the Lukashenko Government and with Lukashenko as President after July 20, 1999. The opposition has not consulted AMG on these strategies. It has informed AMG, as well as the OSCE Parliamentary Assembly working group and Embassies.

The 13th Supreme Soviet has been informed about the international practice to maintain official relations—with whatever intensity—on the basis of the exercise of organized "legal" power according to national laws. Democratic legitimacy of Government constituted a demand, a requirement for a specific quality in the relations, for in-

stances on the basis of OSCE or CoE commitments. Democratic forms of government cannot, however be imposed from outside. Also the need for greater cohesion among the opposition groups was emphasized. A concept for the "Renewal of Belarus" could serve as a base for such a movement towards cohesion among the political parties and an opening towards segments of the population less interested and involved in political party developments. Such a development would have to gather momentum over a period of time with conceptional work done in the meantime in partnership, not isolation from each other, and with themes that are of interest to the general public.

Within the political spectrum outside the "Party of Power"—which is primarily the alliance of the President with the collective labor and collective farm units—there are the two Communist Parties (one in opposition to Lukahenko), the Belarus Popular Front (BPF), the two Social Democratic Parties, the Civic Union Party (Liberals in the sense of Western European liberal parties), and a large number of smaller ones. Practically these parties are split in three major camps: Communists, Nationalists and Democrats. There are more discrepancies among them than areas of agreement, except their animosity to Lukashenko. The political fabric of the country may enter into a new development phase, should the official trade union split on the issue of continued or discontinued support for Lukashenko. Official Trade Unions have formed strike committees. Strikes are allowed, however, without political themes. Within any future pluralistic political system of Belarus, of course, the hard core of today's 'Party of Power" (the "Lukashenko-Party," composed among others of the members of the National Assembly, declared as "independent") would find its place probably as a "centrist" party with a left wing orientation.

The opposition as reflected in the 13th Supreme Soviet and supplemented by a number of political opposition parties such as the BPF, the anti- Lukashenko oriented wing of the Communists (Belarusian Communist Party), the Social Democratic Parties and up to a degree by the Civic Union Party (liberal) pursues a policy designed to challenge the legitimacy of Lukahenko, pared with the hope to bring down the still existing official relations of the West with the Lukashenko-Government. They wish to be recognized after the end of the democratic mandate of Lukashenko inside and outside the country as the legitime government on July 21. 1999, based on the democratic legitimacy of the 13th Supreme Soviet.

As the Chairman-in Office in 1999 was saying in his public statement on March 3, 1999, OSCE is urging the conflicting forces to pursue a policy of constructive approach, a message, which was received positively in principle by the Belarus Foreign Ministry as said in its statement on March 11, 1999, however linked with a number of conditions I consider it unlikely that the West will abandon the still existing official linkage with the Lukashenko regime on July 21, 1999, accompanied of course by constant pressure on the country to proceed with democratization and dialogue. International recognition of the 13th Supreme Soviet and its shadow governmental would not lead to the exercise of state control, but to the cessation of relations of the West with Belarus. Such international recognition could be granted to a government in exile, but not to a democratically legitimized but powerless government within the country. A further downgrading of Western relations with Belarus would accelerate the re-integration

of Belarus into the Russian fold, although Russia can hardly manage to feed its own population and faces enormous difficulties to regain economic reconstruction and growth.

Given the declining support in Belarus for full integration into Russia such a move would create harsh hostile demonstrations, and the risk of bloodshed would emerge again. Also of course, the Lukashenko styled post Soviet state with planned economy, organized political structures and anti western international policies could set a pattern for Russia and Ukraine (Slavic Union) in case of a further estrangement between Russia and the West.

Therefore, a genuine support for the above mentioned strategy of the 13th Supreme Soviet and its allies would hardly bring the anticipated results but rather move the country deeper into the dependence of Lukashenko on Russia and accelerate the drifting of the country with its infectious structure into the Russian fold.

Therefore the OSCE strategy is the more promising one, the less dramatic one, but a strategy that can be sustained and become attractive for the growing segment of the population, which is taking a distance from Lukashenko and continues to stay on a distance from militant moves by the opposition.

4. A STRATEGY FOR A DEMOCRATIC FUTURE OF BELARUS

(1) In the aftermath of the presidential election campaign by the opposition (May 16,1999) and the bid for governmental control by the 13th Supreme Soviet on July 21, 1999, probably a new strategy has to be developed in order to gain countrywide support for the "Renewal of Belarus" with the objective of creating platforms for the discussion of policy questions. The platforms would have to develop in substance an alternative to the Lukashenko strategy and policies (democracy, human rights, constitution, economics, social security, international relations, to name only a few of the core issues).

(2) The government should be urged to develop specific forms of dialogue on the law for parliamentary elections in 2000. A number of initiatives coming from international parliamentary bodies could contribute to the initiation of the dialogue. The government is ready to follow this path up to a degree hoping to gain some better access and relations with the West.

(3) Country wide democratic awareness programs can be channeled through OSCE being a part of Belarus, and Belarus being a part of OSCE and thus create civic society conditions which have to be developed any way in a democracy building process. The participation of democratic and non-governmental organizations from neighboring countries (Ukraine, Poland, Lithuania) has turned out to be very helpful.

(4) Given the slow but sure re-orientation of the political climate away from the inherited Soviet attitude, still shared by people in the countryside and among the older generation, the peaceful process towards democracy is of the essence also in order to develop the acceptance of democratic values as basis for crisis and problem resolution, as distinct from the friend-foe syndrome inherited from Soviet Communism. At the level of the opponents of the 1996 constitutional crisis the Soviet perception of rivalry prevails, namely the need for the destruction of the opponent but not the perspective of the development of a new consensus, which then would be put to a vote under

free and fair conditions.

(5) Moscow will be tolerating this process without being an active partner to it, unless a unifying figure would emerge in the context of the "Renewal for Belarus" movement who would ensure a stable relationship with Russia. Moscow knows, that it cannot renew the industrial basis of Minsk, it can only subsidize a declining economic basis. A more broadly based linkage of Belarus and the region with the Western industrial potential will offer a Western orientated option to the country, a balanced relationship with the West and with Russia. Such a development could also have a "good" impact on Moscow. The policies pursued by Lukashenko on the contrary are reinforcing anti-western aspirations within the political spectrum of Russia.

(6)Circumstances may force Lukashenko to adjust politically also on the internal stage. He may be voted out of office in an election contest that he thought he would be able to win.

(7) Given the wider range of interests of the West in Eastern Europe, Belarus should not be looked at in isolation, but rather as part of the region. Therefore the pronounced support for dialogue between conflicting political forces in Belarus and for the strengthening of democratic awareness should be supplemented by a more active participation in the development of the economic and social potentials of the country. An absent West is a de-capacitated ally for the non-Lukashenko forces in the country. At the moment a more active policy of the West in Belarus is made dependent on concessions by Lukashenko in the underlying constitutional and political issues. He will try to avoid this by moving ever closer to Russia.

WRITTEN STATEMENT OF ARKADY M. CHEREPANSKY, CHARGE D'AFFAIRES, EMBASSY OF THE REPUBLIC OF BELARUS TO THE UNITED STATES OF AMERICA

The fundamental approach of the Republic of Belarus to the issue of human rights was and is well established: human rights and fundamental freedoms are the birthright of all human beings, they are inalienable and are guaranteed by law. We consider that human rights are indivisible and interdependent and their protection is the most important obligation of the state.

The Republic of Belarus shares universal approach to democracy as a political system, providing for the conditions of comprehensive implementation of human rights. An individual, his rights and freedoms, as well as guarantees of their exercise are the highest value and responsibility of the society and the state.

It is worth noting, though, that obstacles Belarus faces in transition from a totalitarian regime to democracy, from centrally planned economy to market relations, are made even more formidable by general economic crisis, which struck all the new independent states since the breakup of the Soviet Union. In the case of Belarus economic problems are seriously aggravated by the need to spend 20% of its budget annually for coping with the consequences of the Chernobyl disaster.

In this context the important issue is the pace of democratic and political transformation of a new independent state. We are deeply convinced that these processes should be measured by the economic potential of the country, the mentality of the people, their customs and traditions. Speeding up, even when done out of the best motivation, is fraught with danger of recoil, frustration, civil and social conflicts.

The position of the Belarusian Government regarding human rights is to advance their protection and promotion in gradually and in a steadfast manner. The correctness of our policy is proved by the fact that Belarus is one of a few post-Soviet states where not a single drop of blood has been spilled in social, national of religious conflicts, and where peace and social stability have been preserved.

At the same time, confirming its readiness for the meaningful dialogue with the opposition, the Government's principal stance is that any discussions should proceed from the actually existing constitutional basis, which clearly stipulates the time for Parliamentary and Presidential elections to be held in the country in 2000 and 2001, respectively.

The referendum and its outcome represent the will of the majority of the Belarusian people, and as such is the exercise of the people's sovereign right to choose freely the state's constitutional model. Their legitimacy is indisputable and does not require the approval of other states.

Changes into the Constitution were introduced as a result of the National referendum of November 24, 1996, which was carried out on the basis of universal, equal and fair electoral law. Out of 84, 14 percent of the electorate which took part in the referendum, more than 70 percent voted for the presidential amendments.

Such an unambiguous popular support allowed the President to carry out necessary constitutional reforms and administrative steps, which eliminated previously existing constitutional impasse. The last

two years have witnessed the new Belarusian two-chamber parliament—the National Assembly—adopt a great number of vital laws, including the Civil Code and the Law on Assembly, Meetings, Street Marches, Demonstrations and Picketing, which provide for basic human rights and freedoms. We also have introduced substantial amendments to the Laws on the Press and Other Mass Media, as well as the regulations on legal activities and statute of judges. The Parliament is finalizing the draft Criminal Code and amendments to the Law on Trade Unions. We have been working on the Law on the Ombudsman, the Law on Penitentiary System and the Law on the Rights of Individuals, subject to psychiatric treatment.

We do not perceive ourselves outside the European Community. We share a pan-European approach to resolve today's global problems while taking into consideration national interests. The European experience of the implementation of the universally recognized international principles in the field of human rights is a crucial signpost for reforming our national legislation and law enforcement practice.

We appreciate the legal assistance rendered to the Belarusian Parliament by the European organizations, the OSCE and the Council of Europe, in particular.

Since February 1998 in Minsk the OSCE Advisory and Monitoring Group have been set. We have passed the stage of mutual adaptation and quest for ways of cooperation. The Belarusian Government always constructively responds to the Group's initiatives.

The OSCE Advisory and Monitoring Group assisted in elaborating the Law on Local Elections and made expert evaluation of the amendments to the Criminal Code. The Group is also making expert evaluation of the Law on the Ombudsman. Even if the Parliament would not always agree to the Group's proposals, sharing the European experience in this field is very useful for us. I would regard our cooperation with the Group as quite successful and having a great value not only for Belarus but other countries of the region as well as the OSCE as a whole.

In our opinion, development of the regional cooperation and legal basis in the field of human rights is an effective tool for accomplishing high objectives set before us by the Universal Declaration of Human Rights.

The Republic of Belarus is building an open society and readily cooperates with the UN human rights bodies and institutions.

In 1997 at our invitation Special Rapporteur of the UN Commission for Human Rights on the promotion and protection of the right to freedom of opinion and expression. This year we invite Special Rapporteur on religious intolerance and we are ready to assist him in his evaluation of the human rights situation as far as different religious confessions in the Republic of Belarus are concerned.

The Republic of Belarus is a conscientious member of all the basic international human rights covenants and considers its obligations deriving out of them its utmost duty.

At the same time, the common responsibility of the international community directed at the observance of fundamental human rights irrespective of race, color, gender, language religion, political opinion, nation and social status should not allow to use against some of its members the policy of "double standards."

The Republic of Belarus, which has joined the Non-Aligned Movement, shares the program statements of the latest Summits concerning "growing interference in the internal affairs of the developing countries under the pretext of human rights protection or prevention of international conflicts."

Using the issue of human rights for the promotion of political interests has no future and runs counter to the spirit and wording of the International Bill on Human Rights.

Making the goal of universal respect for human rights attainable requires common efforts of the international community as a whole on the basis of international solidarity, cooperation and partnership.

We believe that it is a constructive and balanced approach based on a true dialogue and cooperation, that can tangibly contribute to the improvement of cooperation in human rights observance. This is the approach that should form the basis for any discussions on the internal and external policy of the Republic of Belarus.

The Government of the Republic of Belarus has readily responded to the appeal by Mrs. Mary Robinson, the UN High Commissioner for Human Rights, and Mr. Federico Mayor, UNESCO Director-General, for a greater attention to the human rights education. The working out of the five-year program of human rights education in Belarus is now close to the end.

In 1998, the Republic of Belarus completed all the national procedures to become a member of the CIS Convention on Fundamental Human Rights and Freedoms. Immediately after that the Convention came into force.

Another issue on the agenda is the adoption of the National Plan of Action for the protection of human rights and formation of civil society. A special recommendation on working out this Plan was adopted at the parliamentary hearings devoted to human rights.

Local elections in the Republic of Belarus held this April mark the beginning of the three-year electoral campaign. According to the Constitution, the elections to the lower chamber of the Parliament are due in 2000 and the presidential elections will take place in 2001.

In cooperation with the OSCE Advisory and Monitoring Group in Belarus, training was organized for local observers representing different political parties, NGOs, and trade unions.

Since the very date local elections were scheduled, national and local newsmedia, TV and radiobroadcasting have disseminated information on forthcoming elections on a regular basis. Interviews of the Chairman of the Central Electoral Commission and other officials, the nomination documents and instructions of the Central Electoral Commission on implementation of the Electoral Law, as well as other documents, have been made public.

All candidates to all the levels of local councils have been given an equal opportunity to print leaflets presenting their biographical data and election programs in quantities, stipulated by the Electoral Law. The candidates to the regional, city of Minsk, district and municipal councils have made their election programs public through local state radiobroadcasting.

A clear indication of public interest in the work of local representative bodies is the registration of 27,000 candidates for election, which is a very high number for the country with the population of 11 million people.

We expect April local elections to be momentous as to further development of democracy in Belarus.

The new Law on the Local Elections is a model of the future Electoral Code of the Republic of Belarus, which is expected to regulate the elections to the House of Representatives of the Belarus' National Assembly and presidential elections. The lessons of the local elections will be thoroughly examined and used by the Parliament while working on the Electoral Code.

It is worth mentioning, that under the Constitution the deputies of the local councils participate in formation of the upper chamber of the Parliament—the Council of the Republic, which has extensive authority.

In conclusion let me note here that the Republic of Belarus is fully aware that much is to be done to provide for the comprehensive respect of human rights and freedoms in our country.

The Government of the Republic of Belarus is ready for meaningful and open dialogue on these issues with any political parties and international bodies.

MASS MEDIA IN BELARUS

Democratization of the Belarusian society, achieved as a result of attaining full sovereignty, had a great influence on the development of mass media.

At present their activity is regulated by the Law "On press and other mass media" which was adopted on February 9, 1995. This document allows any citizen of the Republic of Belarus to exercise constitutional right to freedom of speech, press, and information and regulates procedures, connected with the establishment, registration and circulation of the mass media.

Since late 80s significant changes have been introduced, especially in the press. Nowadays the non-governmental private press, the newspapers, representing political parties, movements and organizations co-exist with the state press.

According to the last estimates, there are now more than a thousand periodicals, registered in Belarus, including 688 newspapers, 248 magazines and 51 bulletins. 294 periodicals are published in Russian, 118—in Belarusian, 242—in Russian and Belarusian and 187—in Belarusian and Russian. Besides, there are English, German, Polish, Ukrainian and French-language periodicals. 45 state-donated editions are significantly outnumbered by the independent newspapers and magazines (587).

Newspapers and magazines, expressing political views of the opposition, are freely circulated and open for subscription. Among other 28 Belarusian newspapers and magazines they are are available on the Internet web sites.

The most active news agencies are BelTA, Interfax-Belarus, BelaPAN, RID (Advertising, Information and Digest), TV-News Agency and others.

Belarus has a well-developed modern network of broadcasting stations. The first program of the Belarusian radio has been delivered in 1925. At present there are two state broadcasting programs which are on the air for 35 hours daily in mono- and stereo formats.

They make programs based on various subjects by using the material supplied by their own correspondents and international news

agencies. Among contributing sources they use BBC, Voice of America, International Canadian Radio (SBS) and others. The programs of the Belarusian radio can be received in the bordering regions of Latvia, Lithuania, Poland, Russia and the Ukraine which border Belarus. They are also broadcast to Western Europe and North America. Besides, there is a number of state-run and private FM-stations. The National TV and Radio Broadcasting Company of Belarus is a member of the European Broadcasting Union.

Television in Belarus has been developing since 1955. In 1980 1990s there were organized 1-, 2- and 3- program transmission in various cities and districts, as well as 4-program transmission in Vitebsk, Grodno, Myadel, Ushachi, Mogilev; 5-program transmission in Gomel and 7-program transmission in Minsk. The Belarussian TV channel delivers its programs in the Belarusian language. There were especial transmissions and programs in Russian, Polish, Ukrainian, Jewish, Tartar and other languages of the national minorities residing in Belarus. The daily average volume of transmission amounts to 17–19 hours.

In addition to the Belarusian TV programs, the Moscow-based Russian TV companies (ORT, RTR, NTV), the St.Petersburg TV, and the "Russian Universities" general education program can be viewed. In the western parts of Belarus TV viewers can receive the programs of the Lithuanian and the Polish TV. At the same time, the Belarusian TV programs can be viewed by the people in the regions of Russia, Ukraine, Poland, Lithuania and Latvia that border on Belarus.

Since 1991, the independent air and cable TV networks have been developing. There have been registered more than 170 local cable TV networks. The non-governmental air TV is available in Minsk, Soligorsk, Pinsk, Kobrin, Baranovichi, Vitebsk, Orsha and Zhlobin.

POLITICAL PARTIES IN BELARUS

After gaining independence, the multi-party system has been formed in Belarus as a result of democratization of social and political life. Acting within the framework of the Constitution, political parties play important role in Belarusian society by contributing to better expression of the interests of the population, bringing to light the will of people. They participate in elections and shape public opinion, they have the right to use state mass media.

At the same time, the Constitution bans creation and activity of political parties and other public associations, pursuing such goals as forcible change of constitutional system, propagate war or national, religious and racial strife. Activity of political parties in Belarus is regulated by acting legislation.

Today in Belarus there are 638 public associations registered by the Ministry of Justice, among them: 34 political parties, 4 labor union associations, 41 labor unions.

The largest among the political parties are the Belarusian Popular Front, the Party of Communists (Belarusian), the Communist Party of Belarus, the United Civic Party, the Agrarian Party, the Belarusian Socio-Democratic Party "Gramada."

RELIGION IN BELARUS

At present, there are over 20 confessions in Belarus. The most influential among them are the Orthodox (938 communities, the Roman Catholic (373 communities), the Evangelic Christian Baptists (192 communities), Christian of the Evangelic Belief (293 communities). There are also Judaic and Muslim communities.

Under the Law on Freedom of Conscience and Religious Organizations, the Church is separated from the State. Some religious organizations publish their own newspapers and magazines, as well as make use of radio and television broadcasts.

The Orthodox Church came to Belarus one thousand years ago. Roman Catholicism began spreading in Belarus in the 14th century.

The State Committee on Religions and Nationalities of Belarus performs informative and consulting functions along with registering the statutes of new communities. In Belarus there are two religious educational establishments—the Ecclesiastical College and the Minsk Theological Seminary. Missionaries and foreign preachers may be invited by the leaders of religious communities, associations or centers of Belarus which have a properly registered charter.

It is worth noting, that Belarus is perhaps the only new independent state, created on the territory of the former Soviet Union, which managed to preserve interconfessional harmony and evaded any religious conflicts.

TESTIMONY OF ANDREI O. SANNIKOV,
INTERNATIONAL COORDINATOR FOR CHARTER 97

Thank you, Mr. Chairman.

My name is Andrei Sannikov, and I am a citizen of Belarus and former deputy foreign minister of Belarus. I resigned in protest against Lukashenko's policies on the eve of the contested November 1996 referendum. Currently, I am international coordinator for Charter 97, a citizens' initiative which has gathered more than 110,000 signatures, and a member of the Coordinating Council of Democratic Forces of Belarus.

This year is crucial for my country since its destiny as a democracy is at stake. On the 20th of July, the term of office of President Alexander Lukashenko expires. President Lukashenko was elected in July 1994 on the basis of the Constitution of the Republic of Belarus adopted according to the constitutional procedure mandated by the Supreme Soviet of Belarus, the democratically-elected parliament, on March 15, 1994.

Throughout 1995, the Constitutional Court made rulings pronouncing various presidential decrees unconstitutional. These were largely ignored by President Lukashenko. In November 1996, fearing the impeachment campaign launched by the Supreme Soviet in the wake of numerous violations of the Constitution by the President, Lukashenko conducted the so-called "National Referendum" on amending the Constitution to broaden his own powers. Thus the very Constitution, once democratically drafted after the break-up of the Soviet Union, was itself subjected to a highly flawed plebiscite.

On the eve of the so-called "referendum," although enough signatures were gathered for an impeachment petition to the Constitutional Court under established procedure, pressure was applied by the government on members of parliament, forcing some of them to withdraw their signatures from the impeachment petition. This left the appeal without the sufficient number of votes to be considered. One day before the "referendum," amidst the political crisis, a delegation from Russia, consisting of Prime Minister Viktor Chernomyrdin, speakers of the Russian Federal Assembly Y. Stroev and Gennady Seleznev, came ostensibly to mediate between President Lukashenko and the Belarusian parliament, although in fact they intervened on the side of Lukashenko. The "referendum" results, widely believed to be manipulated, produced a large majority in favor of presidential amendments. The results of the "referendum" were immediately recognized by only one country—Russia—whereas the Council of Europe, the European Union and the OSCE Parliamentary Assembly did not consider them legitimate and to this day, do not recognize the presidentially-appointed parliamentary bodies created after November 1996.

The amendments to the Constitution imposed by President Lukashenko concentrated almost absolute power in his hands, making it possible to engage in dictatorial practices, which are manifested by human rights violations on a daily basis. Moreover, Lukashenko claims that through these amendments, he extended his term of office by more than two years, i.e. five years starting from the day the said amendments entered into force. However, there is nothing even in the amended Constitution that provides for such possibility.

Guided by the 1994 Constitution, the deputies of the Supreme Soviet, who remained loyal to it, in January 1999, took a decision to hold presidential elections this year on May 16, and appointed Viktor Gonchar as head of the commission on presidential elections. As of today, the Commission has registered two presidential candidates for whom more than the required 100,000 signatories were collected: Mikhail Chigir, former Prime Minister of Belarus, and Zyanon Paznyak, leader of the Belarusian Popular Front, the largest opposition group. As soon as the opposition's Commission on Presidential Elections, and the support groups for the two candidates began, the authorities started a massive campaign of repression against them. The activists were arrested, fined, detained and imprisoned. Gonchar spent 10 days in prison where he was subjected to constant pressure, including physical reprisals. The two candidates have no chance of actually participating in the elections, since Paznyak has been granted political asylum in the U.S. and Chigir is now in prison for an alleged criminal offense. Chigir was detained on March 30 for 3 days and now his detention has been extended for 3 months. This proves that President Lukashenko is determined to stay in power longer than the period stipulated by the Constitution, using force for this purpose. I personally think that under Lukashenko, there will be no presidential elections in Belarus, even in 2001, when his extended term is to expire under the 1996 Constitution.

The Belarusian democratic opposition is unanimous in its views that President Lukashenko's term of office expires on July 20, 1999. International recognition of legitimacy of President Lukashenko after July 20, 1999 will perpetuate the situation of dictatorship in Belarus, and give the authorities a free hand in abusing every human right and basic freedom.

Given the aggravated political crisis in Belarus, especially after the "referendum" of 1996, the role of international organizations acquires special importance. In the spring and summer of 1997, the European Union offered its services as an intermediary between the authorities and the opposition parliament. Due to Lukashenko's uncompromising position, this attempt has never gone past the terms of reference of negotiations. The EU had to withdraw.

Early last year, in accordance with the December 1997 decision of the OSCE Ministerial meeting the OSCE Advisory and Monitoring Group was established in Minsk.

Briefly, the activities of the OSCE AMG, after more than a year, could be characterized by the following facts:

When the OSCE office opened in Minsk, it was welcomed by the democratic forces of Belarus, whereas the attitude of the authorities was hostile. Today, the AMG's activities and statements are criticized by the democratic opposition and praised by the authorities.

Recently, in his statement at the 55th session of the UN Commission on Human Rights, the Belarusian Foreign Minister noted: "we consider the cooperation with the Group to be successful and valuable not only for Belarus, but for the whole region."

I don't think that such praise, from authorities known to the whole world as dictatorial, could be considered as an achievement for OSCE, which, after all, came to Belarus to promote "European standards."

Unfortunately, the activities of the AMG in Belarus are completely transparent only to the authorities, so in my assessment of its work I

have to use its public statements, personal meetings and information received from confidential sources.

Despite the mandate, which is rather limited, and the hostile attitude of the authorities at the beginning, the AMG OSCE presence in Belarus was regarded by democratic forces as a positive development since for the first time an international organization that included both Belarus and Russia had acknowledged that the situation in Belarus warranted international mediation. The involvement of Russia was very important since it played a dominant role in the political crisis in Belarus, always taking the side of authoritarian President. The group started its work by proclaiming as its goal "dialogue without fear," which again was welcomed by the democratic forces of the country.

Very soon, though, the Group changed its approach and started to support the scenario worked out by the authorities to legitimize President Lukashenko after July 20, 1999. The scenario included three stages of elections on the basis of the amended constitution: local in 1999, parliamentary in 2000, and presidential in 2001. The AMG started to advocate for the participation of democratic parties and organizations in the local elections. Although the law had not yet been adopted, it had to be adopted in accordance with the unlawful constitution. The Group was thus warned that the law would never be a democratic one since it would be used to further defy the rule of law and deprive the opponents of the regime of any chance to participate in the elections. Moreover, the AMG started actively to involve parties and NGOs in the preparations for the elections, claiming that Belarus would in any case need trained observers and monitors of the elections. Numerous seminars and training courses were organized both in Belarus and abroad with the participation of the opposition and officials. It was actually a waste of money for the contributing states since the training of monitors is not a priority in a situation of the total denial of rule of law. This argument is proved by the fact that in 1994, Lukashenko had won presidential elections against the former prime minister, that is, against the candidate supported by the authorities, and there were no trained Belarusian monitors at that time.

The AMG also, from the beginning, started to send strange recommendations to other international organizations. For example, when the European Union discussed the possibility of sponsoring a draft resolution on Belarus at the 54th session of the UN Commission on Human Rights, the Group recommended not to table such a draft in order to create favourable conditions for its work in Minsk. The recommendation, unfortunately, was accepted.

The law on local elections was passed in Belarus by an unlawful parliament, none of the recommendations of the AMG was completely accepted by the parliament controlled by Lukashenko, the law itself was strongly criticized by the Group, but it continued to insist on the participation of democratic forces in these elections. Apparently at the advice of the Group the delegation of the Working Group on Belarus of the OSCE Parliamentary Assembly took the same approach with the opposition. During its first visit to Minsk on January 17 20, 1999, OSCE parliamentarians at the meeting with the democratic opposition insisted on the necessity to take part in local elections, even claimed that the opposition had good chances in some regions.

Today the Group's reporting seems to downplay the gravity of the situation in Belarus. When the authorities started their campaign of mass repression against those who are organizing and participating in the presidential elections announced by the Supreme Soviet, the Group in its reports called the repression "legal measures taken by the authorities to influence the population and the elite in order to prevent the campaign from developing" (AMG report 6/99). This report was made after the Head of the Group met Viktor Gonchar, who was released from prison, and learned how he was treated there.

Inside Belarus, the Group makes statements that are interpreted by the authorities in their favor and lead to further repression on their part. Such were pronouncements on the legitimacy of presidential elections organized by the opposition and the legitimacy of Lukashenko after July 20, 1999. After these words, not only the activists were arrested and warned but one of the candidates, Mikhail Chigir, was put in jail with little chance of being released.

At the same time, the AMG continues to advocate "a dialogue" between the authorities and the opposition. The opposition, namely the Supreme Soviet, have demonstrated its readiness for the dialogue, for example in 1997 with the participation of EU intermediaries. However, it is not clear what kind of dialogue the Group advocates since in its public statements, it deliberately avoids commenting on the two most important issues that are at the core of the conflict between the President and the opposition: the presidential elections and the end of presidential term of office. The Group tried to organize some kind of format for a dialogue by inviting officials and opposition representatives to several seminars and conferences on such topics as freedom of press, free and fair elections, but the officials for the most part ignored them or participated at a very low level. So, this kind of imaginary dialogue served practically no purpose at all.

Today, unfortunately, the Group's activities in Belarus are seen by many in the democratic opposition as too loyal to the authorities and aimed at the gradual recognition of unlawful constitution and President Lukashenko after his term expires. This is affecting the reputation of OSCE in general in the eyes of democratic part of the population.

The AMG OSCE today is the only active international intermediary in Belarus and as such transmits information that serves as a reference point for other international organizations and individual countries. Inaccuracy in the information that is distributed by the Group cannot allow for appropriate decision-making processes in the countries and organizations, which may weaken the position of democratic forces in Belarus.

Democratic Belarus needs continued and reliable support from the democracies in the world, namely from the USA. We would like to see a position of principle taken by the US on the so-called union between Russia and Belarus, since the political games of Lukashenko and Moscow have nothing to do with the democratically expressed will of the people and cannot be regarded as legitimate in the completely illegitimate situation in Belarus, where the absence of basic freedoms, primarily the freedom of expression, persists. In addition, the so-called unification is threatening stability in the whole region as illustrated by recent developments and Milosevic's desire to use this "union" to escape from responsibility for his crimes. Today independence and

democratic development of Belarus are inseparable. Any infringement on Belarus's independence must be denounced immediately.

The situation in Belarus, which is getting worse with every year, must not be overshadowed in the US foreign policy agenda by other conflict situations. In view of the role that Russian authorities play in Belarus unequivocally supporting its dictatorial president, the situation in Belarus must be an item of discussions within the Gore-Primakov Commission.

It is of utmost importance that the democratic world maintains its position of principle on the abuse of law and democratic standards in Belarus. For this purpose I think that the US Ambassador should return to Minsk to work together with his European colleagues in Belarus. Since the return of the EU Ambassadors, the absence of the American ambassador has been used by the authorities to claim an alleged split between Europe and the US on the nature of Belarusan regime.

We would also welcome any measures taken by the US and other democracies to enhance and make more effective the OSCE involvement in Belarus.

WRITTEN STATEMENT OF RACHEL DENBER, DEPUTY DIRECTOR, HUMAN RIGHTS WATCH, EUROPE AND CENTRAL ASIA DIVISION

Human Rights Watch has been closely monitoring human rights developments in Belarus since 1996 The theme of this panel is one we have given much thought to, and in fact we titled our last report on Belarus, "Turning Back the Clock" because the rollback of civic freedoms in Belarus seems headed toward ending in some form, however perverse or imperfect, of governance similar to the Soviet period However imperfect this comparison, the OSCE faces at least one challenge in Belarus similar to what the CSCE faced after the 1975 signing of the Helsinki accords; the USSR cared nothing about the human dimension, except as a tool for achieving the recognition of the post-World War II borders Led by Aleksandr Lukashenka, the Belarus government does not care about its human dimension obligations and it is unclear even whether any other interests could compel it to do so.

Hence, the OSCE and Monitoring Group (AMG) opened in February 1998 amid exceedingly inauspicious circumstances. In the conditions prevailing in Belarus—and they have only worsened since—one would have expected the first line of OSCE's activities to be directed toward the most salient problems: securing a more open political process and greater transparency and accountability about government affairs in civil society, and moving on the most blatant cases of human rights violations. In this regard, the OSCE seems to have put the cart before the horse: for example, election monitors are obviously a welcome effort, but it assumes that there is agreement about the nature of the elections, and an understanding that other conditions for elections, including their legal framework, are acceptable. Since neither is the case in Belarus, training election monitors cannot be expected to contribute to a fair electoral process. Similarly, early on the mission concentrated on structural reforms such as advising the government on the wording of the new penal code, violations of due process rights, general prison visits and raising concern over independent lawyers and private notaries; at the same time, early on it avoided getting involved in the more controversial political cases. Again, these are welcome efforts, but in a way the most controversial political cases are the test of any government's commitment to structural reform, and skirting them does not make these cases go away.

Another problem that plagued the mission was its conscientious quiet diplomacy For whatever legitimate reasons this policy was pursued, it resulted in a failure to make its presence felt, and combined with unwillingness to intervene on political cases in Belarus, this was a crushing disappointment to the local human rights community and victims of blatant human rights violations. There no doubt is a time and place for quiet diplomacy, but only in combination with public engagement, and even then it has limitations. Characteristic of the mission's approach that I outlined above, it did not actively seek out victims of human rights violations: these victims—regardless of the notoriety of their case—were expected to appeal to the mission. This is a problem that is not particular to the AMG in Belarus it recurs in OSCE missions throughout the region, and is one that should be resolved institutionally in Vienna and Warsaw.

The government of Belarus is closing the political process not only by manipulating elections and other institutions, but also by harassing individuals and organizations. If the AMG is unable to forge any change in the Belarus government's approach to political process, then the need to locus attention on cases of harassment becomes all the more critical, as does the need to turn away from "quiet diplomacy" as the modus operandi. At this point, the greatest contribution the OSCE can make toward improving the human dimension is to intervene on behalf of besieged and marginalized institutions and actors, and serve as a buffer between them and the authorities. And it seems this is what has begun to transpire, and is a trend that should continue.

The AMG's mandate should not be used to block this transition. The AMG's mandate was to "assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments." Even compared to OSCE field mandates in other countries, this mandate was at best modest and vague. But vagueness in this case could prove to be an asset.

Beginning around December of last year we witnessed a dramatic change in the mission's approach te fulfilling its mandate: when political prisoners suddenly started to receive visits from AMG staff. This change has consolidated in 1999 and has witnessed a greater willingncss from AMG staff to intervene actively in political cases, e.g. following the arrest of political figures, such as Viktor Gonchar or Mikhail Chyhir. Typical AMG intervention is in the form of appeals to the government; the AMG issued at least one diplomatic note of protest under the chairmanship of the Norwegian government. The OSCE has begun to issue press releases from Vienna on cases of concern in Belarus, another change in 1999.

Human Rights Watch has welcomed the fact that the AMG has also actively undertaken trial monitoring, including of those people tried for organizing opposition demonstrations and cases against the independent press. Additionally, Ambassador Wieck reportedly holds regular weekly audiences with the wives and mothers of political prisoners.

The AMG releases bi-weekly activity reports, translated into Russian and distributed among various local and foreign government bodies. The AMG also makes a point of distributing them to members of the 13th Supreme Soviet, the parliament that was summarily dissolved by Lukashenka in 1996. While this outreach is welcome, there remains room for enhanced transparency The AMG would do well to focus on better communication with the local community, to communicate the aims of the OSCE in general and the AMG in particular, This, together with other measures, would contribute toward ending the sense of isolation. At a minimum, this could be done through better distribution of OSCE press releases, in Belarusian and Russian. The appointment of an AMG press officer who could build a relationship between the AMG and local activists and the media would help elevate awareness of the AMG's work among Belarusians. Further, the AMG should share its activity reports with local human rights activists, an action which would facilitate greater understanding and coordination between the two Camps. The regular, widely distributed publication of a Russian and/or Belarusian language bulletin that highlights AMG activities would serve an extremely useful pur-

pose in both educating and informing the general public on their rights and forms of redress as well as serving as a source of objective information.

The AMG's work in Belarus is difficult and challenging. While early on the AMG seemed to be headed toward sealing the isolation of political activists, human rights advocates and victims of human rights abuses, a shift in the AMG's efforts is clearly underway. We hope the AMG will continue in this direction. Perhaps its experience will be of use to OSCE field activities in other, repressive countries of the former Soviet Union.

TESTIMONY OF CATHERINE A. FITZPATRICK, EXECUTIVE DIRECTOR, INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

My name is Catherine A. Fitzpatrick and I am the executive director of the International League for Human Rights, a non-governmental organization now in its 58th year with consultative status at the United Nations, International Labor Organization, and Council of Europe. With the Universal Declaration of Human Rights and other human rights agreements as our platform, the League brings the appeals of its affiliates and partners to international fora and seeks to strengthen the human rights mechanisms of international bodies to promote and protect human rights. The League has a special human rights support program devoted to Belarus, and a partnership with the civic movement, Charter 97, similar to our work with NGOs active in other countries in transition such as Azerbaijan, Nigeria, and China/Tibet. We believe long-term, committed involvement with local and international actors is required to make human rights and the rule of law part of any successful transition to democracy. Human rights violations are well documented by local and international NGOs. I note the League's reports, distributed here, on violations during the recent April 4 elections, and about the destruction of the 13th Supreme Soviet. These report intend to convey that human rights abuse is not an endless string of cases to be solved individually, but in the Belarus instance, involves the destruction of entire democratic institutions, the parliament, the Constitutional Court, the media, and other entities which provide the checks and balances against excessive executive power.

The Belarusian government prides itself on the absence of ethnic or other communal violence on its territory. And yet at the heart of the human rights disaster in Belarus lies a profound act of violence: in November 1996, at the time of the contested popular referendum, then Russian Prime Minister Chernomyrdin, representing the Russian gas and oil lobby, and Defense Minister Rodionov, representing Russian military might, in the shadow of the 1993 shelling of the Russian White House, purported to serve as "mediators" in an alleged "conflict" in neighboring Belarus. In fact, the "conflict" was about a naked, cynical show of Soviet-style executive force, on the one side, and on the other, an effort by democratic forces, weakened by repression and without significant help from outside, failing to stop a dictatorship in the making. The brave parliamentarians who signed the impeachment order about to be reviewed at that time by the Constitutional Court, and the head of the Court himself, suffered a wide variety of cunning punishments and blandishments to induce them to withdraw their signatures. Those who persisted found themselves in jail or intimidated with the threat torelatives or those close to them.

Now, three years later, to treat this stunning, brutal suppression of democracy (and all the follow-up repression it entailed against hundreds of citizens), as a mere "constitutional dispute" or political "impasse" is to override the glaring facts of regime-sponsored oppression and to fail to address them as a model for the entire region, where constitutionalism is indeed weak. I would also like to highlight the case of Andrei Sannikov, foreign liaison of Charter 97 testifying today, and the urgent need to keep an umbrella of protection over him and his colleagues by constantly monitoring the situation of him and

his colleagues in Charter 97 and other human rights groups, and making prompt, vigorous, and public condemnations of any attempt to move against them.

The U.S. government, which will spend $10 million this year on Belarus (and has expended millions in the past, not always so effectively) in order to change the autocratic nature of its rule, is deploying and feeding numerous government officials and aid workers in the process. But we cannot even put a price on the voluntary, selfless work of one local, principled former official and courageous civic activist like Amb. Sannikov and others like him. We must always remember that our highest function is to defend and foster such indigenous forces, rather than to manufacture ersatz substitutes or replace them by elaborate bureaucratic training programs of "sustainability" with "exit strategies." A government cannot establish another country's civil society; it can only prevent it from being destroyed and assist it to grow in its own way. Above all this is achieved by doing no harm, and not standing idly by as democracy and human rights are attacked.

Amb. Sannikov suffered a barbaric attack by self-proclaimed fascists in the Belarus branch of the Russian National Unity (RNE) party in February, suffering three broken ribs and a broken nose as well as enormous trauma to his family and organization, although they remain unbowed. The RNE has been chased out of Moscow and now even banned this month by Mayor Luzhkov, but it has found a hideaway in Belarus where it not only attacks with impunity, but boasts of its official support in the press (see the recent interview with a local RNE leader in Belarusskaya Delovaya Gazeta in Minsk). Attacks by non-state actors, in an international framework where mainly state's violations can be addressed legally, tend to be ignored or downplayed as reflecting tensions within society. But this attack against a tall, visible and readily identifiable figure, Andrei Sannikov, aged 45, a week after he helped coordinate the Congress of Democratic Forces, is not just bout a scuffle among youth gangs, as President Lukshenko and others attempted to portray it. It was an an attack carried out by teen-agers but led by an older man in his 30s, who is a hands-on fascist. This man identified the victims to their assailants and urged their beatings and moreover, has been seen at rallies at the officially-sponsored youth organization. Most ominous, President Lukashenko loudly ridiculed the victims and dismissed the RNE's assault on national television, even showing footage of the Belarusian Popular Front and claiming implausibly "there's your fascists"—a chilling example of how state tolerance can become veiled complicity and can lead to a climate of impunity making further attacks a reality.

We applaud Rep. Chris Smith for making a prompt and robust protest of this vicious attack and urge the State Department, OSCE and others to call for an investigation of the attack now. The Minsk police, who originally failed to respond to cries for help, have still failed to move on the investigation, creating bureaucratic obstacles (a hospital supposedly lost x-rays) and openly tolerating the assailants.

With the alternative elections date of May 16 approaching, and the expiration of Lukashenko's term under the 1994 Constitution approaching on July 20, we must devise a program to prevent further deterioration in Belarus that does not wait for July 21.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

1. Return U.S. Ambassador Daniel Speckhardt to the U.S. Embassy in Minsk. The League supports the immediate return of the ambassador parallel to continuing negotations on the residence and compensation, before May 16 and certainly before July 20, for a number of reasons, in order to:

a. Avoid any appearance of a split between the U.S. and the European Union and help to shore up new members of NATO, the Baltic states and the more liberal and sympathetic former Soviet republics regarding the issue of non-recognition of President Lukashenko, at the very least in terms of a his lack of democratic legitimacy, and as a figure not welcome in Western institutions due to his massive repression of the opposition.

b. Avoid trivialization of the reasons for withdrawing an ambassador or the severing of relations with the head of another state—measures which must be saved for the worse times we will definitely be facing later this year. U.S. envoys continued to meet with the Butcher of the Balkans, President Slobodan Milosevic, right up until the NATO bombings, and did not hesitate to meet with Azerbaijani President Heidar Aliyev who has also jailed journalists and opposition leaders. The U.S. should avoid the appearance that we take such a serious step as long-term "withdrawal for consultations" merely over financial compensation for damages related to violation of the Vienna Accords, concerning our own diplomatic interests, and not over massive violation of the Helsinki Accords, in the interests of the Belarusian people. While returning the ambassador could be portrayed as capitulation, we must use the opportunity actually to do an end-run around the predictably erratic but wily Lukashenko and engage with other officials at various levels in government and of course institutions of society. Lukashenko is not so zany as to have figured out that the perfect distraction from social protest related to May 16 and July 20 was to keep major embassies entangled in the Drozdy dispute, and to portray Westerners as concerned only about their residences and compensation—we have to counter that impression and beat him at his own game. Now foreign envoys are grateful to have returned, even without restitution and apology. Such gratitude, we believe, was enough to scuttle some efforts to mount a critical resolution about Belarus at the UN Commission on Human Rights, for example, despite the willingness of new NATO members to co-sponsor. Therefore the return of an ambassador not hobbled by gratitude would be a welcome addition to the scene.

c. Maintain a top-level "eyes and ears" during an extremely sensitive period with highest authorization to negotiate and speak, given the forthcoming date of July 20, when President Lukashenko's term in office expires under the abrogated 1994 Constitution, and other key events. It is especially important for the U.S. to bear witness, on the ground, to the destruction of democratic processes and the failure of the Belarusian regime to enter into a dialogue with its opposition, and to condemn the human rights violations relevant to this impasse, a firm stance which may not be taken by other ambassadors in Minsk.

d. Make efforts to reach out to the Belarusian public with a higher

level of leadership, to show the kind and concerned face of the American public, not our back, during both the Balkans and the internal Belarusian crisis.

e. Engage in vigorous bilateral and multilateral government and public diplomacy with Russia and neighbors. Here Amb. Speckhardt and all his colleagues should earn some frequent flyer miles visiting Russia both to participate in negotiations with counterparts and keep the U.S. Embassy in Moscow informed about the very much related events in Belarus. Concerns that raising Belarus in the Russian context reinforces bad integrationist tendencies, or creates problems for Russian liberals vis-a-vis their hardline opponents are already belated and overtaken by events, and the tactics must be switched precisely to highlight the intimate connection between worsening suppression of Belarus and the reduction of Russia's chance to achieve a liberal democracy—a point to be made with the Russian Embassy in Minsk as well as the Russian government in Moscow. Just as important, the ambassador should make himself available to give interviews to the Western media in Moscow, who do not always justify sidetrips to Belarus; to speak at Russian academic and NGO conferences; and to go on Russian television talk shows, or serve as a background to Russian op-ed pieces which are seen and read in Belarus. Frequent flying should also involve talks with Poland about strengthening both multilateral and bilateral avenues of influence; with Lithuania about the failed radio project into Belarus (a sign of its importance is the expression of President Lukashenko's gratitude recently to the Lithuanian president for cancelling it); and not to forget Ukraine with its example of religious communities and popular movements sympathetic to Belarus. Such multi-tasking diplomacy perhaps overrides traditional chains of commands or practices but it is crucial in achieving the task at hand in Belarus: building a fire wall against the spread of neocommunism and fascism in the region, and preventing Belarus from turning into a launching pad to support regressive movements in Serbia, Russia, and elsewhere. Anyone who has tried to make a phone call from Moscow to Minsk knows that you don't pay the rates for "Europe" or "CIS" but "other cities." The trunk lines are set up this way and its a hint to how many Russians view Belarus—a kind of 90th province. That's why all those at the other end of the trunk line have to exploit the existing connections to promote an alternative vision of a sovereign Belarus, and not leave it just as a possible footnote to the crowded Russian-American summit agenda. All of this diplomatic activity should have an outlet in the Gore-Primakov talks, where Belarus should be firmly and unabashedly on the agenda, not to ask Russians to "intercede" as "concerned liberals," but to send a signal to hardliners that they must call off their attack dogs and stop subsidizing tyranny, particularly through the IMF loans and the Gazprom barter arrangements.

f. Maintain a heavy interview schedule: Efforts by the ambassador and other U.S. officials and public figures should be made to appear on Belarusian television, and when that likely fails, to be regularly available to the independent press and outside ra-

dio stations and Russin tv channels primarily with expressions of concern about civil and political rights problems, such as suppression of opposition leaders and the media, and social and economic rights, such as the Chernobyl consequences on health and the low living standards for workers and obstruction of free trade unions. The U.S. Embassy's Internet site should be updated regularly.

g. Keep an overflowing social calendar—Special events, barbecues, films, lectures, Easter egg hunts—whatever the weather—should be planned, to emphasize that whatever the difficulties in official relations, the ambassador's residence, even if a temporary hotel suite, continues to be a place where both those who never talk to each other might meet and those who do not have public outlets for opinion can convey messages. Caution is in order here against developing any one set of friends or relying on any one set of interpreters (literally and figuratively) because the avenue for KGB manipulation is broad when we become heavily reliant on any one party. Triangulate, triangulate, triangulate: hear all sides of the story, and even the many sides of one side of one story.

h. Explain NATO's recent actions in the Balkans, accentuating the humanitarian and human rights values that drove the decision but also conveying that Congressional and public opinion is divided on the appropriate action, and such debates are tolerated and covered openly in the media, unlike Serbia, where even those who called for an end to strikes have been suppressed if they are disloyal to Milosevic. Stress that international institutions like the UN Security Council were involved much earlier in the crisis, namely in releasing resolution 1199 last year, calling for the withdrawal of Serb forces that attacked civilians, and that such sanctions and warnings were ignored by Serbian leadership, thereby casting it in the role of the original international lawbreakers. Note that NATO action followed failure by the Russians and other Slavic brethren to influence Milosevic effectively, and that Milosevic already turned down a mixed international peace-keeping force before the bombs went off. Be mindful that while invocation of the suffering in World War II or from the losses in the Afghanistan war have some relevance to the current Balkans crisis, in fact Belarusian veterans and pensioners are more likely to identify with Serbs fighting to keep their precious land in Kosovo, rather than Kosovars using self-defense against a Serb onslaught.

i. In every action and transaction, mainstream human rights. This means explaining to foreign investors that a government that disbars lawyers merely for doing their job and maintains harsh control over attorneys and notary publics (so that they cannot represent their clients, but only the state's interests); or a regime that suppresses newspapers and radio cannot be a reliable partner in contracts, and cannot ensure the necessary transparency of business information. It means explaining to some Europeans and Asians that condemnation of human rights violations does not mean a cold-war confrontation but is the appropriate moral and legal behavior for the international community in the face of tyranny if we wish to prevent it without resorting to force.

It means explaining to the Russian government that their subsidy of the Belarus regime, and their tolerance of Belarusian practices (if not outright exploitation of Lukashenko as a stalking horse for the worst of Russian policies) hurts relations with the West and hobbles the democratic development of Russia as well.

j. Increase and coordinate both government and private aid to Belarus substantially but mainly through off-shore funding, rough academic and cultural exchange, increased scholarships for undergraduate and graduate study, joint health programs, building religious ties through Orthodox, Catholic, and Jewish communities, reestablishing more robust trade union programs (which have languished for various complex reasons but need to be revisited in earnest); support of independent media through a major coordinated print and radio media development program, and other type of support to visitors.

k. Campaign vigorously for the survival of all NGOs in response to the government re-registration campaign, and a deliver a strong and early signal that any future recognition of parliamentary or presidential elections are contingent on the unimpeded lawful registration, consistent with international standards, of civic organizations, political parties, and trade unions.

l. Increase foreign radio broadcasting. Radio Liberty only broadcasts four hours a day to Belarus, two of which are original broadcasting, and only on short-wave range, although not everyone can afford such a receiver. This is no way to stop a tyrant. You don't wait until you have to drop leaflets from an airplane, or bomb TV stations. RFE/RL must be increased at least to double its current broadcast time if not more, and most importantly, moved to medium-wave bandwidths. While I recognize the sensitivities, the Belarusian section of RL as well as the internal opposition must become far more receptive to proposals to broadcast in the Russian language if it hopes to preach beyond the choir: there are significant segments of the population that do not describe themselves as nationalists, do not speak Belarusian (though they may understand it) but are more comfortable in speaking Russian—and they, too, oppose Lukashenko. Therefore programming that is outside the Moscow-oriented program of the Russian bureau of RL must be incorporated, and civic and political leaders who chose to speak in Russian in interviews (including American and European experts who have only managed to learn Russian fluently) must feel welcome to speak in Russian on the air. This would also facilitate appearances of Russian democratic political and civic leaders concerned about Belarus to get their message across more effectively and effort should be made to encourage their participation in radio round tables and feature programs. Lukashenko has surely mastered the Leninist precept that any revolution requires first of all seizing the telegraph station. Through radio cable channels (in addition to airwaves) known as "Radio Tochka," he beams in soothing speeches and folk music to the collective farmers, pensioners, and mothers at home listening day and night, through boxes hard-wired into each home for pennies. And Russian industrialists sure know how to preserve their interests: Alfa Radio, financed by Gazprom and managed by Russians, 2 months ago

started broadcasting in Minsk on FM radio for 18 hours a day, with a low-impact, non-critical mixture of sports, music, and news-without-views. Between Alfa and Tochka, you've saturated the audience, part of which once tuned to Radio 101.2, the station which covered the opposition and broadcast in the Belarusian language for the crucial audience in the capital and which was forcibly shut down in 1996. No benchmark list for the return of democracy would be complete without 101.2 back on the air in its original management's hands. The frequency has been taken over by Lukashenko's Komsomol-successor youth group, known as "Lukamol." And the easiest and proven methods to undermine totalitarianism—through counterpropaganda as well as independent and varied news broadcasting, have not been fully tried.

RECOMMENDATIONS TO OSCE

We share the concerns expressed by Amb. Sannikov, and have had our own troubled correspondence and interaction with the OSCE AMG in Minsk. Accordingly, we have the following recommendations:

1. Expand the work of the priyomnaya, or reception office, possibly to other cities with additional staff and funding. The "reception room" for those with petitions and complaints is one of the achievements of the AMG that could serve as a model to replicate through the OSCE system. But there is too much of an emphasis, due to small staff size, in making petitioners come to the OSCE, and to the extent that staff can go out to other cities and monitor trials, demonstrations, etc. as they have already done, this would be welcome and an important function of the AMG.
2. Make all statements about human rights and political developments prompt, public, and in the local languages with copies faxed to the independent press. Much of the stress and angst in relations with the opposition comes from a policy of quiet diplomacy, or a practice of letting Oslo or Vienna make the strong statements and keeping Minsk quiet. Amb. Wieck has stated that if he already reports to 54 governments, and if the few human rights groups on the scene with whom he has established working relations are already in the loop, that no public statement is needed. But there are numerous advantages to public statements, and human rights reports two-fourtimes a year. The AMG is gun-shy after the accidental leak of a human rights report which in fact should have been released publicly. Nevertheless, there are many compelling reasons for publicity as the best weapon to promote human rights:

a. Quiet diplomacy is appropriate regarding a government that has already signalled its serious intent to improve practices and has already taken concrete steps. Lukashenko's government is at the opposite end of that spectrum.
b. Public statements in the local languages help avoid distortion in either the official or unofficial media and encourage follow-up.
c. Public statements create an official paper trail for human rights lawsuits eventually to be mounted in local courts or in the European Court of Human Rights when Belarus becomes a party.
d. Statements for the record help public education in Belarus in a broader context, especially outside of Minsk.

e. But equally important, public statements and reports for the public record help the system-wide strengthening of OSCE's capacity to prevent and ameliorate human rights violations. Many others are listening besides 54 government clerks—there are the publics of at least 12 other former Soviet republics. For example, former Prime Minister Kazhegeldin of Kazakhstan, denied registration in the presidential elections, noted the statement from Chair-in-Office Vollaebek, re-issued by the AMG in Minsk, regarding the arrest of Victor Honchar, and felt that helped put down a marker about his own situation, which is critical to his protection.

f. With a statement in writing, opposition and civic groups have an opportunity to work more closely with the public record, to correct mistakes or provide alternative points of view crucial to resolving the impasse. In addition to more public statements, the AMG should:

3. Make sure that when the AMG mandate agreement is violated, such as the guarantee of access to all persons and institutions, that there is prompt, firm, and public announcements—recent denials to visit Honchar in a pre-trial detention facility already known for beatings, brought to the attention of the mission by Charter 97 and others as well as denial of access to Chigir should be noted publicly.

4. Make protection of civilians and vigorous promotion of international standards a higher priority. Seconded by foreign ministers, dealing primarily with the foreign ministry day to day, and short on staff available for a wider variety of interactions with the society, the AMG must be conscious of the reason why the mission was deployed in the first place: the disastrous human rights situation. After all, trade, economic, and diplomatic concerns can be handled bilaterally or at other OSCE and international venues. Such a prioritization means for now, constant case follow-up and reminders to continue investigate violations, rather than further resources spent on technical assistance or advice not heeded.

The legal drafting working groups—whose labors have so far been totally in vain on the media, election, and other laws—and the group to establish an ombudsman (which counted as a victory the long-negotiated siting of the ombudsman office in the presidentially-controlled parliament) should be suspended until progress on basic civil and political rights implementation is made.

Mainstreaming this protective function, in the spirit of Raoul Wallenberg, in addition to more public and vigorous pronouncements, means that we must urge the following for OSCE AMG and all other OSCE institutions and programs:

a. Do not disparage fledgling opposition and civic groups, even privately. Characterizations in reporting, for example, that describe the opposition as "astonishingly unwilling to engage in dialogue" are unfair, because the individuals involved cannot face their accusers, and also entirely unwarranted, given that major opposition leaders from parliament and the alternative presidential campaign are in jail. Many have been harassed and their family members intimidated, and the January 26, 1999 presidential decree requires all of them to re-register, setting the bar too

high for all but the most benign and loyal—and certainly providing good reason to resist vague calls for "dialogue."

b. Recognize that every NGO and civic activity, in the setting of harsh and relentless police and administrative repression, will inevitably be politicized and accordingly avoid characterizations of "good" and "bad" NGOs based on a Western notion of impartiality or professionalism. Politicized NGO and media activity is in fact permissible under international standards; no enabling local registration is in fact required to enjoy freedom of association and assembly. Moreover, it is far more tolerated at home than apparently some U.S. government officials are willing to tolerate it abroad—IRS regulations bar campaigns to mount candidates or influence election but are interpreted very broadly in the U.S.; a small NGO essentially functioning as an embryonic political party engaged in advocacy activity in a country where normal politics are impossible due to repression is not what the IRS intended to restrict abroad—and in the U.S., political groups serving as PACS are not barred, merely taxed! And we should keep in mind that it is common European practice for political parties as well as governments in power to fund civic organizations.

Change occurs in these nations due to social movements, and social movements anywhere, even in our country, where, for example, civil rights activists engaged in civil disobedience to protest police killing of an unarmed immigrant, is not pleasant to governments anywhere. Women banging pots and pans in Chile, or people rattling their key chains in Czechoslovakia or blowing whistles in Belgrade are the kinds of noisy and not always comfortable social protest required to topple tyrants, not basket-weaving in Vitebsk. Figures like Vaclav Havel, Lech Walesa, Nelson Mandela, and Kim Dae Jung did not come to power because they took part in a USAID-sponsored training seminar, went to a conference abroad, and released a 90-day impact report with copies of their receipts to comply with a donor's regulations. We would have to agree that they are preferable to their predecessors and we must soberly recognize just what was and is required to sustain such social movements.

c. Cease the call for "compromise" and stress that first steps for "dialogue" must include good-faith human rights efforts, such as the reversal of the call to re-register and threats against independent press, as well as or change in the electoral law to admit the opposition, as a bare minimum. A body mandated to advise and monitor—not negotiate a political settlement—should not openly call for compromise with the dictatorship even before May 16 and July 20—there will be plenty of time for that afterward. The carefully-crafted recent press release from the U.S. State Department about the meeting between Strobe Talbott and Andrei Sannikov is an example of how a state can recognize that a social movement like the May 16 effort presents difficulties for foreign diplomacy without pulling the rug out from under it in advance; the need for democratic processes was stressed, and the formulation was that dialogue is needed to overcome the impasse, rather than calling for compromise in the teeth of dictatorship.

5. The OSCE should not send monitors or assessors of any kind to elections until its own minimal requirements are met . Chief among the confidence building measures for the Belarusian society is a refusal to play by the phony election rules of a dictator. I was told in November 1998 that OSCE AMG did not perceive its mandate, or OSCE's mandate generally, to monitor local elections and a look at the ODIHR monitoring schedule for the coming year seems to confirm this. And yet enormous public confusion was caused through efforts by the AMG in Minsk, in conduction with numerous locally-trained election monitors, to "assess" the elections. The AMG argue that without some sort of team of assessors, an election cannot be pronounced flawed. And yet long before election day, the OSCE itself had condemned the electoral law, had noted the failure to register candidates, the jailing of the head of the opposition's electoral commission, the confiscating of leaflets, and so on. That's enough to pronounce an election "far short of standards" and no more expenditure of time, money, or effort is required. Even to the naked, untrained, eye, such an election is a propaganda exercise to reinforce state institutions, as Amb. Wieck rightly characterized it. By creating the misconception that special training is required to recognize blatant abuse, the OSCE inevitably undermine the common sense of every Belarusian. Therefore to participate in the charade even in a reduced format like "assessing," to train NGOs and thus mislead them into thinking that their intuition before the training and elections was somehow unskilled in determining that the playing field was not level; to expend funds on sending mixed delegations of officials and NGOs (thereby artificially equalizing falsely the sides in the dispute) to monitor elections in Finland—all of this activity is simply wrong. It is wrong because training for a practice run in democracy in a country which has already elected leaders and established democratic institutions which have now been destroyed can serve as a cover for that very destruction.

While the inertia of bureaucratic programming for "democracy and elections" makes it very hard to do nothing, there must be withholding of approval, a non-participation, a quiet diplomacy in the good sense of totally ignoring an event that is patently false from start to finish. This is a far more appropriate response. By delaying its final report until after a "second round" in these totally rigged elections, the OSCE AMG has created the misconception in both the trained monitors and in the public's mind that there is still a possibility that elections without opposition candidates' freedom, with media entirely in the hands of the executive and so on, can still produce something meaningful and relevant. Finally, there has been an extremely unfortunate parallel generated which has hurt the efforts of the remnants of Belarusian democratic society. This is the unseemly rush of OSCE to pronounce the alternative May 16 effort as "not valid" long before its own paperwork was finished on meekly pronouncing the April 4 elections as "falling short of international standards." This uneven approach is debilitating to the forces struggling for the restoration of democracy, and sends the wrong signal throughout the OSCE system to elections coming up in Central Asia where conditions will be equal to, if not worse, than Belarus.

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