

# INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION

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## *Emigration and diaspora policies in Belarus*

**Andrei Yelisseyeu**

INTERACT Research Report 2014/27



**INTERACT**  
**Researching Third Country Nationals' Integration as a Three-way Process -**  
**Immigrants, Countries of Emigration and Countries of Immigration as Actors of**  
**Integration**

**Research Report**  
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**Emigration and diaspora policies in Belarus**

**Andrei Yelisseyeu**  
Belarusian Institute for Strategic Studies

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European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy

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## **INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration**

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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*For more information:*

INTERACT

Robert Schuman Centre for Advanced Studies (EUI)

Villa Malafasca

Via Boccaccio 151

50133 Florence

Italy

Tel: +39 055 46 85 817/892

Fax: + 39 055 46 85 755

Email: [mpc@eui.eu](mailto:mpc@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>

## **Abstract**

In the first half of the 1990s, Belarus saw large migration flows, which since then have become considerably more moderate. The main destination countries for Belarusian emigrants are Russia, Poland, Germany, the US, and Canada. Over the last decade, temporary labour migration of Belarusians to the European Union has remained rather limited. At the same time labour migration flows of Belarusians towards Russia have increased. Belarus is a highly centralized state with regional authorities playing a marginal role in elaborating state policies, including in emigration matters. In order to curb emigration, Belarus authorities have resorted to the adoption of laws that discourage mobility. Taking into account growing labour shortages, the state policy to attract immigrants has been largely ineffective. At the same time, by September 2014 Belarus had reportedly hosted more than 25,000 Ukrainian migrants as a result of the military conflict in the Donbass region. Diaspora policy in Belarus is largely incoherent and selective. The long-awaited diaspora law is set to be adopted soon, but it fails to take into account the aspirations of diaspora members.

**Key words:** migration policy, diaspora, Belarus, citizenship

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# 1. Framework of emigration legislation and current migration tendencies in Belarus

## 1.1 Institutional set-up in the migration sphere

Belarus is a highly centralized state with regional authorities playing a marginal role in elaborating state policies, including in emigration matters. However, six of the country's regional executive committees, as well as the Minsk executive committee, are involved in the implementation of respective state programs. The main state agency in charge of the elaboration and implementation of migration policy is the Ministry of the Interior. Its structural units are in charge of monitoring migration, undertaking measures to prevent irregular migration – including by licensing the agencies which provide services related to employment abroad –<sup>1</sup> (the Citizenship and Migration Department), combating human trafficking (Department on Drugs and Trafficking in Human Beings), and cooperating with foreign counterparts on readmission and other matters (Department of International Cooperation). The State Border Committee is responsible for border control; the Ministry of Foreign Affairs regulates the visa policy, while the Ministry of Labor and Social Protection is in charge of social protection for Belarusians abroad and foreigners in Belarus. The work of these and other less important state agencies dealing with migration issues is coordinated by the government.

There is not one comprehensive legal document regulating migration policy, but there are a few laws and state programs which define different migration policy aspects. The Law “On external labour migration” (Law 2010a) regulates the employment of Belarus nationals abroad and foreign nationals in Belarus; the Law “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus” (Law 2010b) regulates entry, stay, and the temporary and permanent residence of foreigners in Belarus. The State migration program for the years of 2006-2010 (Regulation 2005), which was due to be updated in 2010 but has not yet been changed, aims to attract migrants from CIS member states and the Baltic states in Belarus' economic and demographic interests, decrease the out-migration of scientists, artists, and young specialists, and enhance temporal labour migration to developed countries as a means to develop Belarusian migrants' human capital and to attract investments into the national economy of Belarus. Another important state program targeting international migration policy is the National Programme on Demographic Security for 2011-2015 (Presidential Decree 2011). It aims to enhance return migration, attract foreign specialists in priority economy sectors, and to facilitate migration measures for foreign graduates of Belarusian education institutions. The program expects to mitigate the country's disproportions in territorial settlement and to fill in the deficit in labour supply by providing migrants comfortable housing in Belarus' rural areas. The program's tasks include the elaboration of legislative measures for migrants based on their age, human capital and investment capabilities; the provision of financial support to foreigners in demand by the national economy; the settlement of immigrants based on the regions' development interests; the elaboration of adaptation and integration measures for immigrants; and the use of consular agencies and diaspora associations for the attraction of immigrants.

The Presidential Decree “On the stay of Ukrainian citizens in the Republic of Belarus” was adopted on 30 August 2014 in order to manage a growing number of Ukrainian settlers who have escaped the military conflict in the Donbass region of Ukraine (Presidential Decree 2014). The decree regulates the legal status of Ukrainian citizens and persons without citizenship who “have resided in Donetsk or Luhansk regions for, as a rule, at least a year” and who arrived in Belarus with the aim of obtaining temporary or permanent residence permits. Persons belonging to this category of immigrants are exempted from paying state duties to obtain residence or labour permits, as well as from paying for medical services provided by public health organizations. The decree facilitates the procedures for

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<sup>1</sup>The list of the companies and individual entrepreneurs is regularly amended and available at the Department's official webpage (<http://mvd.gov.by/ru/main.aspx?guid=7973> [Accessed 21 September 2014]).

employment in Belarus and obtaining state benefits; it allows Ukrainians younger than 18 years old to obtain pre-school, secondary and vocational education on equal terms with Belarusian citizens. By September 2014, Belarus had reportedly hosted more than 25,000 Ukrainian migrants (TUT.BY 2014). The number of Ukrainian settlers in Belarus may well keep growing, as long as the situation in Donbass is far from being stabilized.

Legal amendments to facilitate obtaining permanent residence and access to the local labour market for foreigners graduating from Belarusian higher education institutions are currently being discussed by state agencies. Recent amendments to the Law “On the Legal Status of Foreign Citizens” introduce the mechanism of granting financial support to immigrants and returnees by covering the costs of moving and adapting to new living conditions. This support is given to foreigners in cases in which they are recognized as specialists in high demand by Belarusian companies, or in cases in which they “possess either exceptional ability or talent, or have outstanding merits before the Republic of Belarus, with high achievements in science, engineering, culture or sports” (Article 55,1). Financial support – the volume and procedures of which are yet to be determined by the government’s decision – is expected to be rather modest, ranging from 40 to 100 euros (Prus 2013).

Few important official discourses related to migration are worth mentioning. First, Belarus has allegedly enjoyed a positive net migration since it gained independence in 1991. In fact, this erroneous claim by state agencies is a result of deficits in migration accounting, as every year thousands of permanent emigrants who do not report to the competent agencies are unaccounted for in official statistics. The National Programme on Demographic Security defines its goal as “improving the net migration rate to 60,000” during 2011-2015, which is unrealistic. Contrary to the official statistics, alternative estimates show that the number of emigrants exceeds the number of immigrants (for details see Yeliseyeu 2012a: 2-4).

Second, Belarusian officials constantly stress the importance of border management bodies in preventing the inflow of irregular migrants to the EU. Since in most of the economy’s sectors wages in Russia are considerably higher than in Belarus, labour migrants from the Central Asian and Eastern European countries gravitate towards Russia. However, Belarus is a transit country for a portion of potential irregular migrants heading to the EU. The State Border Committee is indeed rather effective in protecting the border between Belarus and the EU. At times, President Lukashenko does not shy away from using this argument in an attempt to blackmail the EU over political issues. In spring 2012, in response to the EU sanctions policy, Belarus allegedly weakened border control at the Belarus-EU border (Yeliseyeu 2012b). According to official statistics, about 1,000 foreigners are deported annually and about 1,000 individuals are dispatched from Belarus for violating migration legislation. Yet another important peculiarity of the official discourse about migration is its focus on measures to combat human trafficking. Belarus is indeed rather successful in this regard. At the same time, media communication about the different aspects of life and work activities of Belarusian temporary labour migrants are quite rare.

Belarusian political opposition parties are not represented in either legislative or executive branches of power, due to falsifications of elections at all levels. Driven out from the political processes for more than a decade, alternative political views, including on migration matters, do not get genuine circulation in the public sphere. The media in Belarus are under strict governmental control. This makes true political and societal discussion of emigration issues largely absent.

## 1.2 Migration tendencies: towards the taxation of labor migrants

Belarus saw rather large migration flows in the first half of 1990s. During this period of time about 200 thousand ethnic Jews emigrated from Belarus to Israel. Meanwhile more than 400 thousand individuals settled in Belarus, most of them ethnic Belarusians from other countries of the former USSR. Since the mid-1990s, migration flows in and out of Belarus have been modest. Estimates show that Belarus has a negative annual net migration of 5,000-7,000. However, due to problems with migration accounting, official statistics claim that Belarus enjoys a positive net migration.

The main destination countries for Belarusian emigrants are Russia, Poland, Germany, the US, and Canada. Over the last decade, temporary labour migration of Belarusians to the European Union has remained rather limited. At the same time labour migration flows of Belarusians towards Russia have increased. The number of Belarusian migrants in Russia is assessed by migration experts at 300,000 – 600,000. Belarus nationals are given the same rights as Russians on the Russian labour market, thanks to the Eurasian Community legislation and earlier bilateral arrangements between the two countries. A number of additional factors, such as the ease of travel, the absence of language barriers, and higher wages in Russia, explain why Russia attracts 70-90% of all Belarusian labour migrants. Russian official statistics underestimates the number of Belarusian labour migrants, since most of them work in Russia unofficially. As for Belarusian statistics, they only account for signed contracts or agreements with licensed employment agencies. As long as the outright majority of the migrants seek jobs in the Russian labour market without addressing official employment agencies, the number of contracts accounted for in state statistics is marginal (about 5,500 in 2012).

Money transfers from relatives with foreign citizenship are complicated by the legal obligation to register such monetary assets at the Humanitarian Department of the presidential administration with a recipient application, a plan of the ‘foreign aid’ use and other documents attached (Presidential Decree 2003). As for Belarusian nationals, their remittances transfers do encounter artificial barriers. However, lately Belarusian authorities have become more concerned with increasing temporary labour migration, as labour force shortages have become more acute for Belarus year to year. From 1994 to 2007-2008, the ratio of persons in non-working ages to the country’s working-age population was in constant decline. Belarus enjoyed a demographic dividend from the mid-1990s until recently as a consequence of a steep drop in births in early 1990s. Since 2009, the trend reversed and the share of labour resources in the total population started to decrease year after year. As a result of the 2011 macroeconomic crisis, when inflation was as high as 108.7% and the Belarusian ruble depreciated by 65%, labour migration to Russia increased considerably, which provoked a deficit in specialties in a number of sectors, including construction, transportation, and municipal engineering.

In order to hamper permanent and temporary migration, the Belarusian authorities have adopted a number of legislative and administrative measures over the past years. As for permanent out-migration, the activities of agencies dealing with summer job placement for Belarusian students in the US have been restricted. In December 2012 a presidential decree introduced an obligation for all employees of woodworking companies to sign fixed-term labour contracts that afterwards could be prolonged by a maximum possible period. Employees cannot quit a job without their employer’s consent and those fired for performing their duties improperly have to repay all of their monthly bonuses (Presidential Decree 2012).

Over the past two years, the Belarusian government has been discussing the possible adoption of legal acts that would financially punish labour emigration. A legal initiative to charge labour emigrants’ families for the entire cost of their housing utilities services in Belarus, rather than a reduced sum subsidized by the state, was proposed. Second, Belarusian officials voiced their intention to introduce a special tax for those who are not employed in the national economy, but at the same time do not belong to the official category of the unemployed, excluding students and some other categories of population. Tens of thousands of Belarusians working in the Russian labour market may

become subjects to this jobless tax if this idea eventually evolves into an enforceable law. This initiative is criticized both by the human rights defenders (the Constitution stipulates the right, not the obligation, to work) and by economists, who argue that possible negative consequences may exceed the budget gains.

One of the reasons why out-migration flows are rather low, is the presence of a large public sector which employs almost 70% of the labour force and provides not relatively high but stable wages. Furthermore, graduates' mobility is reduced in Belarus thanks to the mandatory placement scheme for graduates. Students who graduate from state universities where the tuition for their study was paid by the state have to work for an employer assigned by the state for two years following graduation. Those who refuse to take an assigned job (often in rural areas and small towns), have to repay a large sum of money for having had their studies subsidized by the state, which discourages them from seeking work abroad. On the other hand, paltry unemployment benefits (about 10 euros per month) and considerable wage differences between Belarus and Russia enhance temporary labour migration to Russia. In addition, the redistributive economic policy with low wage differentiation enhances highly-skilled specialists' propensity to migrate.

### **1.3 Bilateral agreements on readmission**

Despite the fact that the National Program for Migration for 2006-2010 instructed responsible state agencies to conclude readmission agreements with CIS Member States as well as with Lithuania, Latvia, and Poland, no progress was made in this matter over the five years covered by the program. As of June 2014, Belarus has had only one functioning readmission agreement with Turkey, which entered into force on 31 May 2014. According to the Belarus-Turkey readmission agreement, the Belarusian Ministry of the Interior reviews the applications submitted by the other side and prepares its own applications for readmission; the State Border Committee is responsible for examining applications on transit.

Recently signed readmission agreements with Russia and Kazakhstan currently undergo ratification procedures. They are expected to come into force in Summer-Autumn 2014. It is from the Russian Federation that most of the illegal migrants (up to 95%, according to the Belarusian State Program for Migration) come to Belarus.

The signing of readmission agreements with Russia and Kazakhstan and progress in readmission negotiations with Ukraine and Georgia arguably pushed Belarus to start the negotiation process over a simplified visa regime and readmission agreements with the EU. Negotiations formally started in early 2014 and the signing of agreements is expected to take place in 2015. Until 2010, the EU considered the start of the negotiations with Belarus premature, referring to the poor record of human rights and democracy in the country. In 2011, the EU agencies dropped the conditionality over the visa regime talks, but then it was the Belarusian side which left the European Commission's invitation to start negotiations unanswered until late 2013 (Yeliseyeu 2013a).

Concerns over large stocks of readmitted illegal migrants in the territory of Belarus, in cases of a functioning readmission agreement with third-country-nationals clause, were voiced by the Belarusian side as one of the explanations of such a delay. Estimates show, however, that such concerns are not justified. The number of readmitted third-country nationals will not likely exceed 100-200 individuals per year (Yeliseyeu 2013b). Despite the fact that Belarus has no bilateral readmission agreements with any European countries, Eurostat data shows that up to 2,000 Belarusian nationals are expelled from the territories of the EU and the European Economic Area (EEA) member states every year.

#### **1.4 Citizenship policy: institutional set-up and main characteristics**

Belarus does not pursue a genuine policy on political ties towards Belarusian emigrants with the exception of the toleration of dual nationality. Although multiple nationalities are not recognized or allowed by the law, they are largely tolerated and persons with dual nationality are treated as Belarusian citizens, with all the rights and obligations that Belarusian citizenship carries with it. Data on the number of dual citizens is not collected by state agencies. It is probable that a few thousand Belarusians hold a citizenship of yet another country (Israel, the US, Germany, etc.).

Regarding immigrants, acceptance of Belarusian citizenship requires one to not have another citizenship or to withdraw from the foreign citizenship. Citizenship is revoked in cases in which a Belarus national is accepted into military service or has assumed a post in police agencies, state security agencies, a justice agency or other state agencies of a foreign state (Law 2002).

According to the Law on Citizenship of the Republic of Belarus, institutions responsible for the creation and implementation of citizenship policy are the President of the Republic of Belarus, the Ministry of the Interior, and Belarusian diplomatic agencies abroad. The Ministry of the Interior and diplomatic agencies, inter alia, receive applications concerning issues of citizenship from persons permanently residing in Belarus or abroad and check the facts and documents submitted in support of such applications; decide on the acquisition of Belarusian citizenship; register the loss of citizenship of the Republic of Belarus by persons permanently residing in the territory of the Republic of Belarus; and supervise the cessation of foreign citizenship among persons who have been granted Belarusian citizenship. The president defines the procedure for the acquisition and termination of the Belarusian citizenship, issues decrees on granting citizenship and withdrawal from citizenship, and issues orders in cases of rejection of applications for the acquisition of citizenship and withdrawal from Belarusian citizenship.

According to the Belarusian Law on Citizenship, a child acquires Belarus citizenship regardless of his/her place of birth in cases in which at least one of the parents holds Belarusian citizenship on the day of his/her birth (Article 13). In cases of a change in the citizenship of the parents, the child's citizenship is changed accordingly, if he/she is younger than fourteen. A change of the citizenship of a minor between 14 and 18 years of age is allowed only with the child's consent in writing, with notary certification (Article 23). In cases in which one of the child's parents withdraws or loses Belarusian citizenship but the other parent continues to be a Belarusian national, the child retains Belarusian citizenship (Article 26).

## 2. Framework for Belarus diaspora legislation

### 2.1 Institutional set-up in diaspora policy

The competences in diaspora policy are shared between three state agencies, namely the Ministry of Foreign Affairs, the Ministry of Culture, and the Office of the Commissioner for Religions and Nationalities. Structural units within the country's six regional executive committees and the Minsk executive committee are assigned with the implementation of the Office's task to "assist Belarusians and descendants of Belarusians living abroad in satisfying their national and cultural needs and developing their connection with the Republic of Belarus" (Regulation 2006). The government is responsible for the realization of the state diaspora policy, while the president defines the general state policy of cooperation with the Belarusian diaspora. Therefore the competences in cooperation with the diaspora are scattered across a number of state agencies.

State cooperation with diaspora organizations is rather incoherent and intermittent, which is illustrated by the activities of the state agencies responsible for diaspora policy. In November 2010, the Consultative Council on Belarusians abroad was established under the aegis of the Ministry of Culture. It is comprised of representatives from a number of state agencies and aimed at the coordination of relations with the diaspora and state assistance to diaspora associations. As of mid-2014, only three meetings of the Consultative Council have taken place, with the last one in June 2012.

There is no state agency responsible for the coordination of diaspora policy among all the state bodies. However, the draft diaspora law entitled the Law "On Belarusians living abroad", which is currently undergoing a ratification procedure and is expected to come into force by late 2014, assigns the coordination task to the Ministry of Foreign Affairs. The text of the law certainly comes as disappointment for the members of the Belarusian diaspora. It only codifies earlier established rules and procedures of cooperation of the state agencies with the diaspora and introduces very little that is new in this respect. The law does not take into account the aspirations of the diaspora members, e.g. cheaper or free Belarusian visas (Draft Law 2013).

Diaspora members ('Belarusians living abroad') are defined in the draft law as "ethnic Belarusians, persons born in Belarus, and persons identifying themselves as Belarusians who are permanently living outside the Republic of Belarus" (ibid.). In practical terms, the following categories of persons belong to that of Belarusians living abroad, according to the draft law: *first*, Belarusian citizens permanently living abroad; *second*, foreign citizens and stateless persons permanently living abroad who were themselves born or used to live (or have ancestors in an ascending line who were born or used to live) in the territory of the present-day Republic of Belarus; *third*, foreign citizens and stateless persons permanently living outside Belarus who identify themselves as Belarusians from the point of view of ethnic belonging either to the Belarusian people, language, culture, or historical ties, or by their knowledge and preservation of Belarusian traditions and customs. Such identification, according to the draft law, shall be proven by respective civic or professional activities.

The draft diaspora law sets a legal framework for cooperation with the diaspora rather than containing detailed commitments of the state in this area. Such commitments are indeed expressed in the State Program for the development of the confessional sphere, international relations, and cooperation with compatriots abroad for 2011-2015 (State Program 2013) and the State Program for cooperation with Belarusians living abroad for 2013-2015 (Regulation 2013). The budget of the latter is about 460,000 euros. As seen in the analysis of the content of the state programs, cooperation with the Belarusian diaspora is largely limited to some assistance with national and cultural issues, such as the provision of Belarusian literature, school textbooks, newspapers and magazines, and organizing lectures of Belarusian scientists and cultural events abroad, etc. Economic outcomes of state

cooperation with the diaspora are rather limited, due to an economic environment that hinders private investment in the economy and limits political contacts with western countries, where the Belarusian diaspora is most influential.

Most of the indicators which measure the achievements of the state programs' tasks fail to reflect successes for the state diaspora policy. Apart from counting the number of the art exhibitions organized abroad or sets of Belarusian books presented to diaspora organizations, missing indicators such as the number of pupils studying at Belarusian schools abroad or year by year assessments of the diaspora policy by members of the diaspora would better illustrate the degree of success of the diaspora policy carried out by Belarus state agencies.

A legislative framework for return-migration encouragement and integration support for returnees has not been developed in Belarus. Although the National Program of Demographic Security for 2011-2015 aims to "create socioeconomic and legal conditions that contribute to the return of highly-qualified specialists", no further elaboration on this task is given either in this document or in other effective legislative acts.

## 2.2 Diaspora policy framework and its specifics

State diaspora policy in Belarus is largely incoherent and selective. Belarusian state agencies pursue a variety of policies on *cultural ties*, including support for education in the national language abroad, allowing diaspora congresses in Belarus, and providing media services and assistance to the cultural and educational activities of national associations abroad. However, state assistance is often given to diaspora organizations on the basis of the convergence of their political and ideological views with the official ones. The programs directed at cooperation with the diaspora are usually adopted without taking into account recommendations by diaspora organizations and have limited effectiveness. This was the case with the first state program "Belarusians in the world", adopted in 1993, as well as with consequent programs. Although in official communications the Belarusian state occasionally uses the figure of 3-3.5 million Belarusians and their descendants living abroad, Belarusian diaspora associations are in their early stage of development and do not have numerous members.

The First World Congress of Belarusian diaspora was held in 1993 and was financially supported by the Belarusian government. However, since President Lukashenko's rise to power in 1994, governmental policies towards the diaspora took a negative turn. Consequent World Congresses of the Belarusian diaspora did not receive any meaningful financial state support. Both the Congresses and the diaspora association "Bačkauščyna" ("Fatherland"), as the main organizer of the Congresses, became the subject of public criticism expressed by the high-ranking Belarusian officials, including President Lukashenko. In early 2000s, the Belarusian authorities made an effort to set up a fully controlled diaspora association in parallel with "Bačkauščyna" and to gather a parallel congress of Belarusian diaspora. Eventually these intentions were not realized. As prominent diaspora representatives were often denied Belarusian visas and the organization of the diaspora congresses often encountered administrative barriers, "Bačkauščyna" leaders considered the possibility of organizing the Congresses outside Belarus (Harecki 2004: 83-84). Nevertheless, all six Congresses which have taken place to date (the latest in July 2013) have gathered in Belarus.

The objectives of many diaspora organizations conflict with state actors' aims. The Belarusian authorities are often reluctant to support diaspora organizations which have political views that are different from the ruling elite's. In turn, part of the Belarusian diaspora, especially Belarusian émigrés who left the country before World War II or during the war and descendants of the 'old diaspora', consider Lukashenko an illegal president and treat him as a threat to the development of the Belarusian language and culture. Furthermore, the current Belarusian political regime is criticized for its authoritarian practices and repressive policy towards national culture and language. It is noteworthy that Lukashenko publicly made offensive remarks about the Belarusian language and only gave public speeches in Belarusian a few times during his almost 20-year long presidential career. After the

constitutional *coup d'état* of 1996, many diaspora organizations from North America and Europe did not send their representatives to the Second World Congress of Belarusian diaspora which was held in 1997, thereby expressing their protest against political developments in the country and against Lukashenko's policies (ibid.).

A combination of reasons explains the highly contradictory nature of relations between the Belarusian state agencies and part of the Belarusian diaspora. The personalistic authoritarian regime in Belarus puts the development of many state policies at the whim of the country's ruler. The president's personal attitudes and values affect state policies in many spheres. The diaspora policy is not an exception in this respect. President Lukashenko is a vocal opponent of the visions of Belarusian national ideas, culture, and history that are distant from his own. In 1995, just one year after his election to the presidential post, Lukashenko initiated a national referendum which resulted in the recognition of Russian as a state language along with Belarusian and in the change of the historical national flag and emblem to slightly modified Soviet-era symbols. By now, Russian has displaced Belarusian language in virtually all spheres of public life. There is no single higher education institution in Belarus with Belarusian as a language of instruction and the percentage of pupils studying in secondary schools in Belarusian has become marginal. Language rights of the Belarusian-speaking population are often violated and public displays of the pre-1994 national flag are often punished with a fine or a prison term by local courts, usually on account of hooliganism (Human rights 2012: 76, 80, 136, 163). The state policy directed at the reduction of Belarusian language usage in the public sphere, disapproval of the national symbols, and official ideology based largely on the glorification of the Soviet past contradicts the aspirations of many diaspora organizations, especially those based in the "far abroad" (the US, Great Britain, and Australia). Members of the 'old Belarusian diaspora' are usually Belarusian-speaking individuals who adhere to the alternative vision of the national history and to democratic values which are systematically violated in Belarus.

Lukashenko should not be viewed as an isolated phenomenon and an exclusively personalistic explanation of the ignorance of the ruling elite towards Belarusian national culture and history. There are objective historical and societal factors that have contributed to such a paradoxical situation. Unlike the Baltic states, Belarus did not enjoy a period of independent statehood in the inter-war period, but was forcefully divided between Poland and Soviet Russia according to the Riga peace treaty of 1921. Pilsudski's regime in Poland made efforts to "Polonize" Western Belarus' population and from 1927 it suppressed, jailed, and deported many leading Belarusian activists to the Soviet Union, accusing them of irredentism and pro-Soviet sentiments. At the same time, as Anders Rudling shows in his doctoral thesis (Rudling 2010), Moscow cracked down on the national communists in Minsk and carried out the most thorough purges of the Belarusian Soviet Socialist Republic elites among all the Soviet republics, leading to the demise of 90% of the Belarusian intelligentsia. For the six decades after the war, the Soviet Belarusian nation was governed from above, increasingly in the Russian language, and with little autonomy for the government in Minsk. This resulted in a situation in the first independence years in which a considerable part of the Belarusian population did not associate themselves with the Belarusian nation but instead developed a mythological Soviet identity. Many ruling elite representatives raised in Soviet times hold little appreciation towards the Belarusian national language and culture which they view as alien.

### 2.3 Engagement of non-state actors in diaspora issues

The main non-state actors in diaspora matters are the World Association of Belarusians “Baćkauščyna” (“Fatherland”), which is engaged in cooperation with diaspora organizations, and the Rada (Council) of the Belarusian Democratic Republic, which is considered to be the oldest existing government in exile.<sup>2</sup>

The World Association of Belarusians “Baćkauščyna” is an influential international organization whose objectives include the development of permanent cultural, economic, spiritual and organizational contacts between the Belarusian diaspora and Belarus, provision of assistance to Belarusians who reside abroad, the encouragement of scientific research in the field of Belarusian studies and in different aspects of the Belarusian diaspora. Under the auspices and organizational effort of “Baćkauščyna”, six World Congresses of Belarusians have taken place since the beginning of the 1990s, the most recent in July 2013. Congresses traditionally gather a few hundred Belarusian diaspora representatives from a dozen of countries (including many EU countries such as Poland, Czech Republic, Sweden, Germany, Belgium, Great Britain, etc.) who adopt resolutions and action plans that take into account the situation in the country, the state of play of the diaspora, and activities linked to the diaspora. In addition to the World Congresses of Belarusians, “Baćkauščyna” organizes other cultural and educational events with diaspora associations.<sup>3</sup>

The Rada (Council) of the Belarusian Democratic Republic is one of the most influential political organizations of the old Belarusian diaspora. It issues occasional statements on political, economic, and cultural matters. The Council is the supreme governing body of the Belarusian Democratic Republic, which was proclaimed on 25 March 1918 but was replaced by a Communist government in January 1919.

Belarusian autocephalous orthodox and Greek Catholic (Uniate) churches play an important role in supporting Belarusian identity abroad. There are up to twenty Belarusian autocephalous Orthodox Church communities across foreign countries, including the US, Canada, and Australia.<sup>4</sup> The Church of the Holy Mother of Zyrovyca is located in Manchester, Great Britain. The main Belarusian Greek Catholic centres are in London and in Antwerp (Belgium). Belarusian Greek Catholics abroad, numbering about 2,000, are under the care of Mitred Protopresbyter Alexander Nadson (based in Great Britain) as Apostolic Visitor. At present a new Belarusian Greek Catholic church is being constructed in North London.

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<sup>2</sup> See official webpage of the Council (<http://www.radabnr.org/indexen.html> [Accessed 21 September 2014]).

<sup>3</sup> Baćkauščyna’s webpage provides links to the main Belarusian diaspora organizations (<http://zbsb.org/node/10>) and to the Belarusian museums and libraries abroad (<http://zbsb.org/node/720> [Accessed 21 September 2014]).

<sup>4</sup> See the webpage of the Belarusian autocephalous orthodox church (<http://www.belapc.org/> [Accessed 21 September 2014]).

### 3. Socio-economic, political, and cultural rights of emigrants

#### 3.1 Political and civic rights of emigrants

Since Belarus tolerates multiple citizenships, emigrants who retain Belarusian citizenship have voting rights. Regardless of the length of the permanent residence abroad, overseas voters cannot lose their voting rights. According to Article 18 of the Belarusian Electoral Code, outside of Belarus electoral districts for the presidential election, the parliamentary election, and national referenda are set up by the heads of the Belarusian diplomatic/consular institutions (Electoral Code 2000). Belarusian citizenship is an indispensable condition for registration as an overseas voter.

At the last presidential election of 2010, electoral committees were established in 34 countries. Four electoral committees were organized in both Poland and Russia, two each in Germany, China, Latvia, and the US, and one electoral committee was established in more than 20 countries. Normally, they are located in the capital city of a receiving country.

As of 1 July 2012, 80,900 Belarusians were registered at Belarusian consulates abroad. Out of these, 28.9 thousand were registered in Russia, 16.8 thousand in the US, 10.9 thousand in Germany, 3.7 thousand in Ukraine, and 3.4 thousand in Israel (Kostiukevich 2012). This figure does not represent the number of overseas voters, but is a rather good proxy for it. On the one hand, this figure includes an unknown number of minors not eligible for voting. On the other, diplomatic/consular institutions have incomplete lists of local Belarusian citizens with voting rights, since thousands of Belarusian emigrants do not register at consulates. Despite the Law “On the procedure of moving out from the Republic of Belarus and moving into the Republic of Belarus”, which stipulates the obligatory registration of citizens permanently living abroad (Law 2009), many migrants prefer not undergo additional bureaucratic procedures – including an order to remain recipients of state social support at their formal place of registration, which includes subsidized health care services in Belarus. However, diplomatic/consular institutions include unregistered migrants in the voting list upon appeal, as Article 20 of the Electoral Code (2000) allows nationals who temporarily stay abroad for business, tourist, or individual purposes to do so. Alternatively, if an emigrant has preserved formal permanent registration in Belarus, he or she can vote in a corresponding local electoral district in Belarus.

The Central Electoral Committee, however, does not report any data on the number of Belarusians who actually take part in election. It appears from the occasional media reports on the topic, that the turnout of overseas voters is usually very low. Apart from weak connections with the state of the emigrants, one of the reasons for low turnout is the rigging of elections, which makes it irrational for overseas voters to spend their time and money in order to reach the nearest electoral committee; the cast ballot is not counted and not duly processed anyway.

Belarusian legislation does not allow any other modalities of casting a vote from abroad except for voting in person at a consulate/diplomatic institution. According to Article 54 of the Electoral Code (2000), the electoral committee – without elaboration as to whether this means a committee in Belarus or abroad – is obliged to provide the opportunity to cast a vote to the voters who cannot personally attend an electoral district for the health reasons or another valid reason. For this situation, the electoral committee is supposed to have up to three mobile ballot boxes. However, in reality, this provision is unlikely to be followed by the electoral committees set up abroad.

In order to be qualified for presidential candidature, a Belarusian citizen must permanently reside in Belarus for at least 10 years preceding the election. Only permanent residents of Belarus have a right to stand in the parliamentary election. There is no exhaustive permanent residence requirement for those that stand in the local election, but Article 60 of the Electoral Code (2000) requires that, in cases in which a candidate neither resides nor works in the territory of the constituency, he or she shall

work “for a company that contributes to the satisfaction of the needs of the local population and to social development in the territory of a given local council”. This effectively makes permanent residents abroad ineligible to stand in a Belarusian local election.

### 3.2 Socio-economic rights of Belarusian emigrants

The state agencies which are involved in the process of the creation and implementation of policy on social protection include the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, and the Ministry of Justice.

Belarus has bilateral agreements which regulate the socio-economic rights of labour migrants with Russia (1993), Moldova (1994), Ukraine (1995), Poland (1995), Armenia (2000), Azerbaijan (2007), and Serbia (2009). The CIS countries which have not concluded bilateral agreements regulating the socio-economic rights of migrants, act according to the “CIS Agreement on Cooperation in the Field of Labour Migration and the Social Protection of Migrant Workers” (1994) and the “CIS Convention On the Legal Status of Labour Migrants and Their Family Members” (2008). Additionally, Belarus has bilateral agreements with Lithuania (1999) and Latvia (2008) on pension provisions, which entitle a person to the pension amount proportionate to the period of contributions in a given state. According to the pension provision agreements with Moldova (1995), Ukraine (1995), and Tajikistan (1998), local pension insurance schemes are applied to the pension payments of the migrants.<sup>5</sup>

The most comprehensive set of legislative measures for the socio-economic rights of migrants is with Russia and Kazakhstan. On 1 January 2012, the Agreement on the Legal Status of Migrant Workers and Members of Their Families between Belarus, Kazakhstan and Russia was enforced (Agreement 2010). The Agreement significantly complements the rights of labor migrants in the territories of the Common Economic Space member states. The agreement, inter alia, minimizes the list of documents required from migrant workers to get legal employment in a CES member state, provides longer timeframes for registration at a temporary residence address in a CES member state, and grants additional social rights (e.g. in the educational sphere) to the family members of migrant workers. Equal rights in the social sphere, health care, and pensions for the CES countries’ citizens are expected to be provided by the CES states from 2015 with the launch of the Eurasian Economic Union.

### 3.3 Cultural rights of Belarusian emigrants

The main state agencies involved in the educational policy of the diaspora are the Ministry of Foreign Affairs, the Office of the Commissioner for Religious and Ethnic Affairs, the Ministry of Education and, to some extent, the Ministry of Culture. All existing Belarusian national schools abroad do not teach Belarusian curriculum but implement the study plans of the respective hosting countries, with additional teaching of Belarusian language and sometimes extra courses on Belarusian literature/culture.

In Poland there is a high school in Bielsk Podlaski with Belarusian as a teaching language and several other schools with Belarusian as an additional subject (including in Hajnówka).<sup>6</sup> Polish matriculants who study at the schools in a language of instruction other than Polish have to pass four obligatory subjects, including a national language. In 2013, 233 school matriculants in Poland passed

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<sup>5</sup> Full texts of the international agreements regulating pension and allowances payments can be found on the webpage of the Social Protection Fund of the Belarusian Ministry of Labour, available on: [http://www.ssf.gov.by/priside/payment\\_pension/](http://www.ssf.gov.by/priside/payment_pension/) [Accessed 21 September 2014].

<sup>6</sup> Additional information on the Polish schools with Belarusian as a language of instruction/additional language is provided on Bačkauščyna’s webpage (<http://zbsb.org/node/11> [Accessed 21 September 2014]).

Belarusian language, comprising the highest figure among other languages of national minorities. To compare, 90 matriculants passed Ukrainian and 31 persons chose Lithuanian (TVN 2013).

Numerous Belarusian diaspora in the Baltic states have a number of educational facilities. There is a Belarusian school named in honor of Francysk Skaryna with a 12-year-long cycle of education in Vilnius, Lithuania,<sup>7</sup> and a number of Sunday schools across Lithuania. According to the agreement between the Ministries of Education of Belarus and Lithuania, the two countries make annual exchanges of teachers of the national language and literature and of some other school disciplines. Also, the two countries agreed on the possibility of establishing scientific centers for Belarusian studies under the auspices of the Vilnius pedagogical university, and for Lithuanian studies under the auspices of the Belarusian state pedagogical university (Agreement 1997). There is one school with Belarusian as the language of instruction for a number of school disciplines in Riga, Latvia.<sup>8</sup> In Estonia, a number of secondary Sunday schools operate for children of Belarusian ethnic origin.

Despite the large Belarusian diaspora in Russia, assessed at several hundreds of thousands of people, there is not a single school that has Belarusian as a language of instruction, only occasional Sunday schools. Additionally, there are a number of Sunday schools teaching Belarusian language/history/culture in a number of countries (the Czech Republic, Great Britain, etc.) which are organized by diaspora organizations and local civic initiatives, but there is a deficit of accurate, updated information on this matter.

As for schools for national minorities in Belarus, the general secondary educational institutions of Belarus offer courses in the Hebrew, Polish, and Lithuanian languages. Consultative committees on academic affairs for Belarusian ethnic minorities in Poland and Lithuania and for Polish and Lithuanian minorities in Belarus have been set up. According to data from the Office of the Commissioner for Religious and Ethnic Affairs, there are four general secondary educational institutions in which studies are conducted in the languages of ethnic minorities: two in Polish (in Hrodna and Vaŭkavysk) and two in Lithuanian (in Pielasa and Rymdziuny, small towns in Hrodna province). In 114 general secondary educational institutions, studies are organized for members of ethnic minorities in their native languages in a number of ways – as an academic subject, supplementary studies, or language circles – for about 4,780 students, of whom 4,327 study Polish, 344, Hebrew and 116, Lithuanian. Additionally, groups of about 40 children study Polish, Lithuanian, Ukrainian and Hebrew in preschool institutions, and 26 language circles are attended by 93 children. Usually, most of the pupils at these schools possess Belarusian citizenship (CERD 2012: 16).

The higher educational institutions which train teachers of Polish, Ukrainian, and Lithuanian are both publicly and privately funded. For example, the Minsk State Linguistic University trains teachers of Polish, Ukrainian, and Lithuanian; the Belarusian State University trains teachers of Polish and Ukrainian; the Maxim Tank Belarusian State Pedagogical University trains teachers of Polish and Lithuanian; and the Yanka Kupala State University of Hrodna and Brest State University train teachers of Polish.

As for compulsory languages in the curricula in Belarus, the Ministry of Education has approved curricula which incorporate options of studying the language and literature of national minorities and of training and studying in such languages. But the compulsory state languages in the national curricula are Russian and Belarusian, with one compulsory foreign language (normally English, French, German, or Spanish).

Belarusian State television and radio reportedly cooperate with 53 foreign partners from 23 countries, including 27 broadcasting networks from CIS countries and more than 26 networks from the Russian Federation. There is a satellite TV channel, entitled Belarus TV. The Belarus radio service

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<sup>7</sup> See the webpage of the school (<http://skorina.lt/> [Accessed 21 September 2014]).

<sup>8</sup> See the webpage of the school (<http://www.jkps.lv/> [Accessed 21 September 2014]).

broadcasts 16 hours a day in seven languages – Russian, Belarusian, Polish, German, English, French and Spanish – and an English-language internet site carries reporting in real time. Medium wave and short wave broadcasts cover 20 countries of eastern, central, southern and western Europe; non-stop FM broadcasting in Belarusian, Russian, and English is available in the foreign regions bordering the Brest, Hrodna, Minsk, and Viciebsk provinces. Under an agreement with the German radio broadcasting company Euskirchen, Belarus radio programmes in German are retransmitted to the territory of a number of European states and are made available on the German station's server. Belarus radio programmes are broadcast over the air and on the site of the Russian Orthodox station "Orthodoxy" in Białystok (CERD 2012: 20).

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