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The Search for an Exit from the Poland–Belarus Deadlock on Small Border Traffic

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A Polish–Belarusian agreement on small border traffic (SBT) could revive border trade and open new opportunities for regional cooperation. The Belarusian authorities, however, do not want the agreement to enter into force and treat it as a form of pressure on Warsaw. Poland may attempt to influence a change in this position by indicating the potential benefits to the Belarusian economy as well as to border areas if the agreement is implemented and noting the high level of support among residents who live there.

Poland has so far signed three agreements on small border traffic with Ukraine (entered into force on 1 July 2009), Kaliningrad Oblast (entered into force 31 July 2012), and Belarus. The SBT agreement with Belarus was signed by the foreign ministers of Poland and Belarus on 12 February 2010, then ratified by their parliaments and signed by the presidents of both countries. The Belarusian side, however, has not sent a diplomatic note confirming ratification of the agreement while Poland has sent two. According to the Belarusian Foreign Ministry, the agreement cannot enter into force because of poor political relations with Poland.¹

Local Communities Count on the Agreement

With the approval of the European Commission, EU Member States may sign agreements on small border traffic with their non-member neighbours. Under these agreements, inhabitants of a border zone—up to 30 km, or in special cases up to 50 km on either side of the border of the neighbouring countries—may regularly cross the common border while staying within the border zone of the other country for social, cultural, family and normal economic reasons.² It is estimated that the agreement on small border traffic between Poland and Belarus could be used by up to 1.7 million people. The area covered by the small border traffic agreement includes two large cities—Brest (322,000 inhabitants) and Grodno (346,600

¹ Statement by Andrei Savinykh, Belarusian Foreign Ministry press officer, *Belarusian Information Company Belpan*, http://belapan.com/archive/2013/03/21/media_eu_mid.

² Ministry of Foreign Affairs of Poland, “Local border traffic,” http://www.msz.gov.pl/pl/informacje_konsularne/maly_ruch_graniczny.

inhabitants). On the Polish side, the agreement will cover almost 600,000 people, including the residents of Biała Podlaska, Augustów, Bielsk Podlaski, Hajnówka, Sokółka, Siemiatycze and Sarnak (but not Białystok).

The agreement has caused great interest amongst local communities in both countries.³ Belarusians living in the border area were counting on the rapid entry into force of the agreement for the possibility of more frequent visits to Poland. The introduction of the SBT agreement is strongly supported in the Hrodna region (72%) and by a majority in the Brest region (54.2%).⁴

In Poland there are no surveys showing the attitude towards the agreement on small border traffic with Belarus, but judging by the popularity of the topic in local media and the close contact among borderland residents one can conclude that knowledge of the signing of the agreement is widespread and positive. Moreover, local authorities on both municipality and voivodeship levels have appealed to authorities in Warsaw to do their best to implement the SBT agreement.

Small Border Traffic and Statistics

According to data that shows an increase in the popularity of the SBT agreement among Russians from Kaliningrad Oblast and Ukrainians, it may be predicted that such permits will enjoy popularity in Belarus as well. For example, in 2009 more than 26,000 permits were given to citizens of Ukraine; in 2010, 36,000 permits; in 2011, more than 46,000 such documents; and, in 2012, more than 57,000. In the second half of 2012 (after the entry into force of the agreement with Kaliningrad Oblast), 18,000 permits were issued to Russian citizens.⁵ Judging from the increase in the number of crossings of the Polish-Belarusian border and the popularity of SBT permits in Kaliningrad Oblast and the territories covered by the Ukraine agreement, it can be expected that the introduction of the SBT agreement with Belarus would also contribute to increasing the number of Polish-Belarusian border crossings. On the basis of the SBT agreement in 2011, the Polish-Ukrainian border had 5,041,608 crossings, while in 2012, 5,969,461 people crossed (an increase of 18.4%). While in the period July-December 2012, on the basis of the SBT agreement with Russia, the border with Kaliningrad Oblast was crossed by 107,809 people. In the first quarter of 2013, the SBT agreement between Poland and Ukraine was used by 1,629,973 people, and for Kaliningrad Oblast, by 397,636 people.⁶

Belarusians will be interested in crossing the Polish border under the SBT primarily for economic reasons, that is, to do shopping on the Polish side, especially for basic food, household chemistry and home appliances, which in Poland are much cheaper (and often of better quality) than in Belarus, and to sell goods in Poland such as cigarettes, alcohol and gasoline, which are cheaper in Belarus. A decrease in trips for these purposes would happen only if administrative restrictions are put in place by the Belarusian authorities (such as a ban or strict limit on the export of currency or petrol).

It does not seem likely that the SBT agreement would result in a significant influx of job-seeking Belarusians to Poland. Poland offers employers the right to offer declarations of employment to a foreigner for the opportunity for legal, seasonal work. Such declarations were used by 7,367 people in 2012 to obtain visas. Among those employed in this manner, men made up the majority (5,100 declarations) and people aged 26–40 (3,811 declarations). Most of the declarations were registered in construction (1,904), transportation and storage (1,290), and agriculture, forestry, hunting and fishing (1,002). The most common

³ According to the NISEPI survey centre, the highest percentage of people who have heard of the small border traffic agreement live in Grodno region—69.2%. However, a minority of residents of the Brest region are aware of the initiative (37.8%, fourth on the list), well below the percentage of inhabitants of Vitebsk (51.5%) and slightly less than even those in Gomel (39.4%). Data for the NISEPI survey was collected on 2–12 December 2012. For more, see NISEPI survey of small border traffic, www.iiseps.org/analitica/18.

⁴ *Ibidem*.

⁵ This is according to the Ministry of the Interior of Poland. See: “Mały ruch graniczny – ponad 62% więcej zezwoleń w 2012” [Small border traffic—more than 62% more permits in 2012], www.msw.gov.pl/portal/pl/2/10701/Maly_ruch_graniczny__ponad_62_wiecej_zezwolen_w_2012.html.

⁶ Data from the Polish Border Guard. For more, see: www.strazgraniczna.pl/wps/portal/tresc?WCM_GLOBAL_CONTEXT=pl/serwis-sg/polskie_formacje_graniczne/statystyki/&locale=pl.

form of employment was a contract of employment (3,268 cases). Most of the declarations were issued for a period of three to six months (7,271). The number of declarations pertaining to Belarusian citizens increased significantly in 2012 compared with 2010, when 3,623 declarations were registered, and with year 2011 when 2,078 such declarations were registered.⁷ Therefore, these statistics show that foreigners are employed in branches of the local economy where there is a shortage of workers.

Judging from past experience, it should not be expected that in the short and medium terms, there will be a decline in interest among Belarusian citizens in obtaining Polish visas as a result of the entry into force of the SBT agreement, but rather it can be expected to grow. In 2011, the Polish consulate issued a total amount of 216,048 visas (of which 160,799 were Schengen visas and 55,249 were national visas). In 2012, a total of 350,695 visas were issued to Belarusian citizens (of which 291,822 were Schengen visas and 58,873 were national visas). In total in 2012, Schengen countries issued about 700,000 visas for Belarusians, of which almost 43% were visas issued by Polish consulates. Other top EU countries in terms of the number of Schengen visas issued to Belarusians are Lithuania (193,000) and Germany (66,000).⁸ What is more, the experience of similar agreements with Ukraine and Kaliningrad Oblast shows that a lot of people with SBT permits also apply for visas since the passes are only for a designated area on either side of the border. The number of visas issued in recent years has been trending up: in 2012 in Ukraine, 643,000 visas were issued (an increase of 12.3% compared to 2011), and in Russia, 264,000 visas were issued (an increase of 23.4% compared to 2011).⁹

Benefits and Risks of Small Border Traffic between Poland and Belarus

The entry into force of the Poland-Belarus SBT agreement would be important for the development of regional cooperation between the countries. As the experience of the implementation of similar agreements with Ukraine and Kaliningrad Oblast shows, the number of border crossings increased and led to an increase in trade in the border area, at least on the Polish side. The data show that foreigners coming to Poland spent more money compared to Poles going to the border areas of Ukraine, Belarus and Russia. The estimated value of the goods and services purchased in Poland by foreigners from the eastern border region in 2012 was PLN 6.6208 billion compared to the amount spent by Poles, which was PLN 647.9 million. This was, respectively, 26.1% and 27.6% more than in the previous year.¹⁰ Also important is that the people crossing the border today are mostly citizens of the neighbouring country, rather than from a third country. For example, on the Polish border with Ukraine, 97% of the people who crossed were citizens of Ukraine, while on the border with Kaliningrad Oblast, 92.4% were citizens of Russia. On the border with Belarus, 87.5% are citizens of Belarus. Among the foreigners surveyed in the fourth quarter of 2012, 93.2% declared they were on a one-day trip to Poland.¹¹ Therefore, it can be concluded that the increase in trade in Poland was primarily due to one-day stays by residents of neighbouring countries.

The SBT agreement may also contribute to an increase in cooperation between local authorities from border areas in such fields as tourism and culture. The Białystok Opera has implemented cultural tourist packages for Belarusians, on the basis of which they can apply for a free Polish visa.¹² The local authorities

⁷ Ministry of Labour and Social Policy, "Rejestracja oświadczeń pracodawców o zamiarze powierzenia pracy cudzoziemcowi" [Registration of employer's declarations of their intention to employ a foreigner], <http://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki>.

⁸ According to information from the Consulate General in Grodno, in Grodno Oblast every 10th citizen has a valid Schengen visa issued by a Polish consulate, and interest in them is growing.

⁹ Ministry of Foreign Affairs of Poland, "Raport polskiej służby konsularnej za 2012 rok" [Polish consular report 2012], www.msz.gov.pl/resource/dbfd4993-2a3b-4f0f-bb0c-f7c82a2ed9fc:jCR, p. 18–19.

¹⁰ Central Statistical Office-Statistical Office in Rzeszów, "Badanie obrotów towarów i usług na zewnętrznej granicy Unii Europejskiej na terenie Polski w IV kwartale 2012 r." [The study of turnover of goods and services to the external border of the European Union on Polish territory in the fourth quarter of 2012], http://www.stat.gov.pl/cps/rde/xbcr/gus/pm_badanie_obrotu_tow_uslug_w_ruchu_granicz_IVkw_2012.pdf.

¹¹ *Ibidem*.

¹² M. Żmijewska, "Wizy za bilety do Opery. Białorusini dźwigną naszą kulturę, nie tylko handel" [Visas for the tickets to the opera. Belarusians carry our culture, not only trade], *Gazeta Wyborcza Białystok*, http://bialystok.gazeta.pl/bialystok/1,35233,13510235,Wiza_za_bilety_do_opery__Bialorusini_dzwigna_nasza.html.

in Brest would like to open a pedestrian checkpoint in their city through which visitors could easily reach Brest Fortress via rebuilt the Terespol bridge. This project is combined with a plan by Belarus to reconstruct the fortress and rebuild the bridge connecting the Terespol Gate and Border Island (now inaccessible to the public), which is one of the most vital elements of the project.¹³ This plan is supported by the authorities in Terespol, who want to join it on the Polish side and put in a section of an old cobblestone road leading to Brest as evidence of the historical connection between the two cities. There are also plans for the common usage of Augustów Canal and the Biłowieża Forest. It can be expected that the entry into force of the SBT agreement would further increase the number of such initiatives.

Due to the difficult situation in the relations between Poland and Belarus and the manifestation of the Belarusian authorities' reluctance to start the agreement, seen for example in the words of President Alexander Lukashenka, who emphasizes that he is the guardian of the Polish border and thanks to Belarus illegal migrants and drugs do not enter the EU¹⁴, a temporary weakening of control by Belarusian border guards can be expected. This sort of "blackmail" has already been used by Belarusian authorities to demand the EU help develop Belarusian border infrastructure and (as in this case) as a protest against sanctions by the EU against Belarus.

However, according to data provided by the Polish Border Guard on smuggled items discovered in 2012, compared to 2011 drug smuggling decreased by about two thirds, from about PLN 30 million in 2011 to nearly PLN 11 million in 2012. Cigarette smuggling dropped to a small extent, from about 168,691,000 units found in 2001 to 127,764,000 units found in 2012. Smuggling of alcohol fell from a total value of discovered items of about PLN 4,489,000 in 2011 to PLN 2,168,000 in 2012. The smuggling of weapons has increased, however.¹⁵ Nevertheless, after the entry of the SBT agreement it can be expected an increase in smuggling (especially of such goods as cigarettes, alcohol and gasoline) will result from the increased passenger traffic at border crossings. The scale of the phenomenon, however, will also depend on factors such as the quality of life in the region and the prices of goods on both sides of the border.

Attitude towards the SBT Agreement

In Poland, both the central government and the local authorities are opting for the agreement, hoping that it will increase cross-border trade, which is important and sometimes the only source of income for the inhabitants of these areas. In the view of the authorities, the entry into force of the SBT agreement can be an important stimulus for wider economic cooperation in the region, increasing the exchange of goods and services, and will also remove barriers for small and medium-sized enterprises in the transfer of technology, capital, products and services. Representatives of the local communities also emphasize that the entry into force of the SBT would be conducive to the development of cross-border tourism. The SBT agreement is also supported by local small and medium-sized entrepreneurs, who stress that increasing the level of trans-border trade will increase employment, which is extremely important in a region with a high rate of unemployment (in border prefectures, the rate varies from 12.7 to 18.7%¹⁶).

The agreement is seen by Belarusian authorities though as a way to "discipline" Poland, which in their opinion maintains an anti-Belarusian policy.¹⁷ From Minsk's point of view, the SBT agreement should be a reward for a more pro-Belarusian position among EU countries. In 2010, Belarus signed SBT agreements with all neighbouring EU Member States, but only the agreement with Latvia has been allowed to enter into force as a result of its objections in March 2012 to targeted sanctions being imposed on Belarus. According to the Belarusian Foreign Ministry, the next agreement Belarus wants to implement is the one with

¹³ "Most do Europy?" [Bridge to Europe], *Kresy24*, <http://kresy24.pl/17652/most-do-europy>.

¹⁴ "Ugrozy Lukashenko odkryt granitsu dlya nelegalov" [Lukashenka threatens to open the border for illegal immigrants], *Charter '97*, <http://charter97.org/ru/news/2012/10/22/60320>.

¹⁵ Data from the Polish Border Guard, www.strazgraniczna.pl.

¹⁶ The voivodship labour office, "Stopa bezrobocia w maju 2013 r." [The unemployment rate in May 2013], <http://www.up.podlasie.pl/index.php/strony/22278>.

¹⁷ "MID schitaet 'antibeloruskoy' pozitsiyu pravitelstva Polshi" [Foreign Ministry considers "anti-Belarusian" position of the Government of Poland], *Naviny.by*, http://naviny.by/rubrics/politic/2013/03/21/ic_news_112_413179.

Lithuania.¹⁸ Moreover, from the point of view of the Belarusian authorities, the entry into force of the SBT agreement can also be disadvantageous because it will increase the opportunities for Belarusians to go to Poland and for frequent shopping trips (usually on the basis of so called visa shopping), which may cause an outflow of currency, reduce domestic demand in the country and give an opportunity to remove large quantities of fuel from the border regions. The local authorities in Belarus have so far not expressed their opinions about the SBT agreement, partly because of their lack of autonomy and the need to implement the guidelines given by the authorities in Minsk.

Conclusions and Recommendations for Poland and the EU

A change in the Belarusian position on the SBT and their acceptance of its implementation should not be expected in the near future. Nevertheless, Polish authorities should not stop their efforts to persuade the Belarusian authorities to implement the SBT agreement. In addition to bilateral activities to identify the economic benefits for both countries, Polish diplomats can enlist the support of other countries such as Lithuania, which counts on the entry into force of a similar agreement during its presidency of the EU. This case can also be part of the talks with the Belarusian delegation at the November summit of the Eastern Partnership countries in Vilnius.

Poland should take advantage of the positive attitude towards the SBT agreement among the people on both sides of the border and try to increase cooperation with Belarus at the regional level in particular. Local cooperation in areas such as trade, tourism and culture will strengthen Polish-Belarusian relations. Local authorities, supported by the central government, may propose collaboration with their Belarusian counterparts, such as in the creation of hiking trails (i.e., near Brest Fortress, Augustów Canal or Białowieża Forest) or the organisation of business forums and joint cultural events. The Polish side should also make an effort to open as much as possible any pedestrian crossings that encourage tourist movement on the border with Belarus. The Polish Cultural Institute or Poland's consulates also should help local Polish authorities promote their tourist attractions to Belarusians.

After the entry into force of the SBT agreement, the Polish Border Guard and Customs Service should expect an increase in petty smuggling associated with the increased frequency of border crossings. These services will have to use their experience after the implementation of similar agreements with Ukraine and Kaliningrad Oblast.

It has to be stressed that the implementation of the SBT agreement, especially in the beginning, will increase the burden on Polish consulates in Brest and Grodno (as well as on the Belarusian consulate in Biała Podlaska). Poland can take advantage of this situation and request increasing the number of visa consuls in Belarus, in exchange offering the Belarusian side the possibility to increase the number of its staff in Poland and the ability to open a consulate elsewhere, i.e., in Kraków, which also would be beneficial for the inhabitants of southern Poland to more easily obtain a Belarusian visa.

¹⁸ *Ibidem*.