Information Memo

ON THE DRAFT LAW OF THE REPUBLIC OF BELARUS
«On Local Government and Self-Government in the Republic of Belarus»

- Conceptual Remarks and Proposals
- Changes in and Additions to Individual Articles of the Draft Law and Their Justification
- Conclusions and Proposals
- Annexes

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Information memo

BELARUS’ DRAFT LAW

INTRODUCTION

The House of Representatives of the Belarusian National Assembly is now considering Belarus’ Draft Law “On Local Government and Self-Government in the Republic of Belarus”. The draft has been submitted to the parliament by the President of the Republic of Belarus. This draft passed the first reading by the House of Representatives of the National Assembly on June 11, 2009.

The Lev Sapieha Foundation has prepared an information memo on this draft law. It contains an analysis of some conceptual points of the draft and also an analysis of several articles as well as remarks, additions and proposals concerning these conceptual points and articles. This analysis and our vision of the prospects for the development of local self-government in Belarus form the foundation for our conclusions and proposals.

The principles and norms of the European Charter of Local Self-Government (hereinafter referred to as the Charter) are used as a reference point for the analysis. The legislation and experience of local self-government in Russia and other countries neighboring on Belarus have been also taken into consideration.

This information memo consists of three parts:

Part 1 – Conceptual remarks and proposals

Part 2 – Changes in and additions to individual articles of the Draft Law and their justification:

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Article 1. Definition of Local Self-Government and System of Its Organs;
Article 3. Fundamental Principles of Local Government and Self-Government;
Article 5. Role of Councils and Executive and Regulatory Organs in Improving the Organization of Work with Citizens and Legal Entities;
Article 6. Role of Councils and Executive and Regulatory Organs in Social Protection of Citizens;
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PART 1
CONCEPTUAL REMARKS AND PROPOSALS
CONCERNING
BELARUS’ DRAFT LAW
“ON LOCAL GOVERNMENT AND SELF-GOVERNMENT IN THE REPUBLIC OF BELARUS”

Since the European Charter of Local Self-Government (hereinafter referred to as the Charter) is based on the concept of dualism, while the Belarusian legislation on local self-government is based on the theory of state local self-government, there is a number of conceptual differences between the two models.

The fundamental conceptual provisions concerning local self-government are enshrined in Section V of the Constitution of the Republic of Belarus “Local Government and Self-Government”.

While writing these conceptual remarks and suggesting respective proposals for Belarus’ Draft Law “On Local Government and Self-Government in the Republic of Belarus”, it would not be correct – and it is in fact impossible – to leave without attention certain norms of Section V of the Constitution, since they substantially influence the concept of the Draft Law.


Even the title of this Section alone tells a lot. Firstly, it reflects a certain stage in the development of the country’s statehood and priorities of this stage. Secondly, it shows the understanding of the legislator at the time of the adoption of the Constitution in 1994 about the role of local government as the dominant and the role of local self-government as something subordinate and secondary.

According to Article 117 of the Belarusian Constitution, local government and self-government is exercised by citizens through local councils of deputies, executive and regulatory organs, organs of territorial public self-government, local referendums, local assemblies and other forms of direct participations in state and public affairs.

First of all, it has to be recognized that the thesis that citizens exercise local government through executive and regulatory organs is not true. These organs are neither elected nor established by citizens directly or indirectly. Executive and regulatory organs are not accountable to citizens and cannot be in any way controlled by them.

The second point that this article also mentions is the participation of citizens in state and public affairs. This type of wording was used in the Soviet times. Within the framework of local self-government, when we speak about the non-state segment of public power, this wording is incorrect and unacceptable. It is misleading and takes us away from the actual content and specificity of local self-government. Local affairs are not the affairs of the state (although the state indeed has interests at the local level). Issues of local self-government are, first of all, issues of real power and only afterwards they are about the possibilities for the realization of voluntary public initiatives.

Section V of the Constitution also contains some articles (Article 120 and Parts 2 and 3 of Article 122) which contradict the Charter.

Taking into account the importance of local self-government, some provisions should be enshrined in the Constitution, if possible, and particularly the ones given below:

- Local self-government is one of the pillars of the constitutional system;
- Rights of citizens (territorial community of citizens) to local self-government is recognized and guaranteed by the state;
- Organs of local self-government are not part of the system of the organs of state power and are independent within the limits of their authority;
- Communal property along with state and private property is one of recognized ownership forms.

The inclusion of the above-mentioned provisions into Section V of the Belarusian Constitution will create the basis for bringing the Belarusian legislation into line with the norms of the Charter.

The current provisions of Section V of the Constitution impede the evolutionary process of development and improvement of the system of government and do not allow citizens to realize the norm contained in Part 1 of Article 3 of the Constitution.
It can be mentioned here that the introduction of changes and additions to Section V of the Constitution “Local Government and Self-Government” does not require a referendum as provided for in Article 139 and in Part 3 of Article 140.

2. Main terms and notions
The Draft Law has to have an article describing main terms and notions such as:
- Territorial community of citizens (hramada);
- Local issues (local affairs);
- Public power;
- Organs of local self-government;
- Officials of local self-government;
- Regulatary and other acts (declarations, appeals) of organs of local self-government.

In order to unify terms and notions used in the Draft Law with the European ones, we suggest introducing such notions as municipality, municipal, mayor and so on or to make the existing terms in Belarus equal to these terms and notions.

3. Territorial community of citizens (hramada)
Chapters 3 and 4 of the Draft Law have great importance, since they are a kind of indicator showing how the legislator and the central government understand local self-government.

In general, Chapters 3 and 4 correspond to the general understanding of local self-government as a way of the functioning of local territorial communities. Within this approach the primary subject of local self-government is the territorial community of citizens who realize their rights directly or through different institutions established within the community.

However, this idea is not properly thought through and virtually disavowed in a number of articles of the Draft Law. For example, the Draft Law does not have a key notion for local self-government, such as territorial community of citizens (commune, canton, community or, in Belarus, hramada). In most European countries (Lithuania, Ukraine, Germany, Sweden, France, Switzerland and others) this notion is enshrined in the legislation.

Since the Draft Law does not have this notion, it is impossible to know who is the subject of local self-government: territorial community of citizens (hramada), citizens or impersonal administrative-territorial units. Who does, for example, the Minsk District Council of Deputies work for and whom does it represent? The respective administrative-territorial unit or the territorial community of citizens who live in the territory of the respective district? This makes the impression of no connection between citizens and Councils which elected by citizens.

Citizens have no possibility to organize themselves into territorial communities, since this notion is not in the legislation. Moreover, they do not have the possibility to reflect through the Charters of territorial communities of citizens (hramadas) their special features and traditions in the organization of local self-government, since there is no practice of having Charters (apart from the City of Minsk).

The Declaration of Principles of Local Self-Government in CIS Countries, which was adopted by the Inter-Parliamentary Assembly of CIS States on October 29, 1994, defines local self-government as a system of the organization of activities of the people (territorial communities of citizens) for independent and responsible resolution of local issues in accordance with the national legislation (Article 1). The Declaration emphasizes that territorial communities of citizens are entitled to managing local affairs both through their elected organs of local self-government and directly. Moreover, this right is guaranteed by the Constitution and legislation currently in force.

4. Notion of local self-government
Article 1 of the Draft Law gives the following definition of local self-government:
“Local self-government is an organizational and operational form that residents of a particular territory (hereinafter referred to as citizens, if not indicated otherwise) use to independently resolve social, economic and political issues of local significance, either directly or through their elected organs, proceeding in making their decisions from common state interests and interests of citizens and considering relevant features in the development of respective administrative-territorial units, with the use of their own material and financial resources and those raised elsewhere”.

This definition contains essential contradictions with and fundamental differences from the definition of local self-government in the Charter (Part 1 of Article 3):
“Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.”

The main contradictions and fundamental differences are as follows:

- The Charter defines local self-government as “the right and the ability of local authorities”, while the Draft Law defines local self-government as “an organizational and operational form [for] residents of a particular territory”;  
- Given the authority of Councils described in Articles 17 to 29 of the Draft Law, it is impossible both to “regulate and manage a substantial share of public affairs under their own responsibility” (Part 1 of Article 3 of the Charter) and to “resolve social, economic and political issues of local significance” (Part 1 of Article 1 of the Draft Law);  
- According to Part 1 of Article 3 of the Charter, local self-government is exercised within the limits of the law and under own responsibility and in the interests of citizens. In Article 1 of the Draft Law the legislator keeps silence about the legal framework and responsibility of organs of local self-government and suggests that common state interests should be taken as the priority in the activities of local self-government, which is contradictory to the very nature of local self-government.  
- The definition of local self-government in Article 1 of the Draft Law presupposes the availability of own material and financial resources in Councils. However, despite the fact that Councils are de-jure legal entities, in reality they lack the necessary attributes of legal entities (they don’t have bank accounts, they don’t have property on their balance sheets, etc.). Chapter 6 of the Draft Law does not contain any norms that can secure the formation and possession of material and financial resources by Councils, which contradicts Article 9 of the Charter.  

So, what kind of own material and financial resources of local self-government does Article 1 of the Draft law refer to? Just to the costs necessary for the functioning of Councils…?

Thus, taking into account what has been mentioned above, local self-government in Belarus:

- Works, first and foremost, in the common state interests and, only after that, in the interests of citizens;  
- Is not supported by the authority which would allow it to resolve local issues;  
- Does not have its own material and financial resources.

The analysis of the notion of local self-government as defined in Article 1 of the Draft Law clearly shows that it is conceptually different from the notion of local self-government defined by the Charter.

5. Organs of state government and organs of local self-government

One of the key conceptual problems of the Draft Law is the fact that local self-government in Belarus is viewed as a component of state government, which means that local self-government is actually replaced with state government.

According to Article 9 of the Draft Law, Councils are representative state organs, and according to Part 1 of Article 3, Councils have to take common state interests as the priority over the interests of individual citizens in their activities.

Councils also have to fulfill the decisions of upper-level state organs (Part 1 of Article 11). Such statement is legally correct with respect to the mandate delegated to Councils by state organs and also in the sense that Councils act within the limits of the law but not more than that.

The above-given provisions are not in line with the principles and norms of the Charter, in particular, Part 1 of Article 3 (local self-government acts in the interests of the local population) as well as Part 2 of Article 4 (local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority).

According to Part 2 of Article 1 of the Draft Law, the system of organs of local self-government includes Councils and organs of territorial public self-government.

It is not clear what kind of meaning is carried by the above-given phrase: what is this system of organs of local self-government if Councils are state organs and organs of territorial public self-government do not have attributes of local authorities (see Point 6 below)? What is the point of talking about this system?

The effective functioning of the state requires a balance of state and local interests, that is, common interests of citizens of every particular city, town or village. Local self-government should play the role of
expressing and protecting local interests. State interests, in turn, are expressed and protected by organs of state government.

The really working local self-government allows state government to focus on resolving the issues of national and regional level and thus enhance the efficiency of governance.

It has to be pointed out that it is incorrect, considering the different nature, formation and purpose of organs of local self-government and organs of state government (executive committees), to mix in one law the issues of their organization and operation.

6. Organs of territorial public self-government

It is doubtful whether the existing practice of including organs of territorial public self-government (TPS) into the system of organs of local self-government (Part 2 of Article 1 of the Draft Law) and thus giving them equal status is correct.

The Charter says that organs of local self-government are freely elected by secret ballot on the basis of direct, equal, universal suffrage, and may possess executive organs responsible to them.

In accordance with Part 1 of Article 25 of the Draft Law, TPS organs are the organizational form for the exercise of territorial public self-government by citizens, and are not organs of local self-government.

TPS as well as its organs (councils and committees of microdistricts, houses, housing complexes, blocks, streets, yards, agrotowns, towns, villages, etc.) are not organs of public government. TPS organs do not have key attributes of government organs, such as:

- Procedures of establishment. In accordance with Article 28 of the Draft Law, the main points concerning the establishment and operation of TPS are determined by the local assembly, which is one of the forms of direct citizen participation in local self-government. However, local assemblies cannot establish organs of local self-government, that is, organs which have public government authority! TPS is formed on a voluntary basis, which means that their establishment is not mandatory and the procedure of their establishment (as organs of local self-government) is not in line with Part 2 of Article 3 of the Charter.

When a collegial organ is established (Part 2 of Article 29 of the Draft Law) as well as when the work of TPS is organized at the primary level (Paragraph 2 of Part 1 of Article 44), executive committees can interfere with the activities of TPS. And this is despite the fact that executive committees are state organs and are not part of the system of local self-government.

- Possession of public authority. Organs of local self-government are organs of public government which have public authority. Para 11 of Article 3 of the Draft Law speaks about the obligation to fulfill decisions of Councils and executive committees when they are taken within the limits of their authority but nothing is said about similar obligation with respect to the decisions of TPS. According to Para 4 of Article 31 of the Draft Law, decisions of TPS are fulfilled by citizens on a voluntary basis.

In accordance with Article 26 of the Draft Law, TPS has different goals – develop and implement citizen initiatives, while their activities (such as to support, assist, study, engage, participate) are not related to the exercise of public authority. At the same time, the objectives of TPS are formulated as for something that has subordinate, auxiliary character and they mostly come from those issues which are within the authority of executive committees, that is, state organs!

In addition, according to Part 3 of Article 27 of the Draft Law, in those cases when TPS is a legal entity, it should be a non-profit organization and cannot have public authority.

- Delegation of authority from Councils to TPS. In accordance with Subparagraph 1.24 of Article 17 as well as taking into account Paragraph 2 of the same article, Councils can delegate the following authority to TPS organs:
  - 1.1. Represent the interests of the respective administrative-territorial unit in its relations with other state organs, other organizations and citizens;
  - 1.6. Dispose of natural resources in cases provided for by environmental legislation and legislation in the field of rational use of natural resources;
  - 1.12. Coordinate the activities of organs of territorial public self-government;
  - 1.13. Contribute to the development of industrial and agricultural production, and services sector, create conditions for the development of small and medium-scale business and personal farming households;
  - 1.14. Participate in activities intended to preserve and restore valuable historical and cultural heritage;
  - 1.15. Participate in campaigns to prevent and manage emergencies, in civil defense, measures of fire, industrial, nuclear and radiation safety, and management of Chernobyl consequences.

First of all, it is difficult to imagine that Councils would delegate to TPS organs what is indicated in Paragraphs 1.1 and 1.12.

Secondly, why should Councils delegate to TPS organs the authority to follow the remaining Paragraphs 1.6; 1.13; 1.14 and 1.15 if executive committees have the same authority, staff and resources to realize this...
authority (as per Article 41 of the Draft Law)?

Thirdly, the Draft Law does not contain norms explaining how TPS is going to realize the authority delegated by Councils. Are decisions of TPS going to be binding? What would be sources to fund these activities? And so on.

Taking into account what is mentioned above, the conclusion is as follows: there is no practical meaning in including into the Draft Law this norm about the delegation of some part of authority by Councils to TPS.

• Financing of activities. The Draft Law does not indicate sources of financing the activities of TPS. We can only guess that these sources will comprise voluntary contributions or donations by citizens or charitable assistance or some other sources or maybe sometimes also resources from the government budget.

A detailed analysis of the nature of TPS, its goals and objectives as well as its authority and procedures for its establishment and operation allows us to make the following conclusions:

• TPS organs cannot be included into the system of organs of local self-government;

Territorial public self-government is a form of citizen participation in the exercise of local self-government.

It can be mentioned here that the same approach is also taken in the Russian self-government law: Article 27 of the Federal Law #131 dated October 6, 2003 “On General Principles of the Organization of Local Self-Government in the Russian Federation”.

7. Authority of organs of local self-government. Decentralization

The authority of organs of local self-government is impossible to define clearly and to describe what exactly is to be regulated and managed by local self-government organs. Part 1 of Article 3 of the Charter speaks about “a substantial share of public affairs”, while Article 4 of the Charter establishes general principles which form the foundation of their obligations and authority.

The authority of Councils defined in Articles 17-20 of the Draft Law can hardly be called substantial. Councils as organs of local self-government clearly lack power for resolving a multitude of questions related to day-to-day activities of citizens, and they also lack their own and adequate material and financial resources to support such activities.

The power given to Councils by law should be full and exclusive (Part 1 and Part 4 of Article 4 of the Charter). Councils can delegate part of their power to other organs of local self-government established by them but Councils cannot independently, as required by Paragraph 1.24 of Article 17 of the Draft Law, “decide on questions concerning the re-distribution of authority between Councils of different levels, delegation of individual mandates to executive and regulatory organs, their chairs and organs of territorial public self-government.” Otherwise their power is not full and exclusive. Changes in the power of Councils are only possible through law.

In accordance with Part 2 and 4 of Article 4 of the Charter, it is inadmissible to create a hierarchy between Councils of different levels or to have any interference of “upper-level” Councils into the affairs of “lower-level” Councils as is the case in some articles of the Draft Law (Part 5 of Article 11; Paragraph 1.26 of Article; Part 2 of Article 18; Part 3 of Article 21; Part 5 of Article 55 and others).

The fact that Councils lack real power undermines their authoritativeness, it deprives this institution of local self-government (including forms of direct participation) of its attractiveness in the eyes of the citizens.

The tasks related to supporting everyday activities of citizens are de-jure and de-facto dealt with by executive and regulatory organs (hereinafter referred to as executive committees) which are not organs of local self-government.

Executive committees are state organs which deal with local issues within the limits of their authority and proceeding from common state interests (first of all state interests!) and interests of citizens. Their authority covers almost the same range of issues which is normally under the authority of organs of local self-government in member states of the Council of Europe (except for some former republics of the Soviet Union).

Executive committees, when it comes to their authority, are not controlled by or not accountable to Councils or citizens. Councils have no influence on the decisions taken by executive committees and have no influence on staffing issues (apart from endorsing the candidatures of chairs of regional- and basic-level executive committees).
A conclusion that follows from this analysis is that the organization of local authority in Belarus is based on full centralization of power in the hands of state organs.

As historical experience shows, centralized system of government cannot properly handle the main task of government, that is, to make sure that citizens enjoy decent living standards.

In any law-ruled democratic state one of the basic conditions for the existence of local self-government in the system of government institutions is decentralization of power. In the most general sense decentralization means the transfer of certain part of authority from state organs to local elected organs (organs of local self-government) and giving them the necessary rights, obligations and resources. Organs of local self-government are not subordinate to state organs but only subject to supervision from their side. Tough centralization of power, which can be perhaps necessary at a certain stage of development, cannot have the long-term character.

Of course, the state has also its interests at the local level. Therefore, it is understandable to have state organs along with organs of local self-government at the local level, if there are economic or administrative reasons for that. In many European countries we see that very often state organs delegate part of their authority to organs of local self-government, and not vice versa as indicated in Subparagraph 1.24 of Article 17 of the Draft Law.

Decentralization of state power is one of key issues to be addressed in carrying out government reforms at the local level. The issue is to find the right balance between decentralization of state power and independence of local self-government, the balance which would be adequate to the actual conditions and social development level.

8. **Formation of Council organs**

   Article 14 of the Draft Law says that Councils form their organs independently, determine their structure and terms of reference, and set spending for their work and in accordance with the Law and other legislative acts. With respect to Council organs, this article is in line with the requirements of Part 1 of Article 6 of the Charter. At the same time, in accordance with Part 3 of Article 11 of the Draft Law, Article 14 refers to the Presidium only as well as to standing and temporary commissions. However, in accordance with the Draft Law, elections of the Council Chair (Paragraph 3 and Paragraph 4 of Article 21), formation of Council secretariat (Article 11), and formation of its executive and regulatory organs (Article 38) are not the prerogative of the Councils, which contradicts Part 1 of Article 6 of the Charter.

9. **Forms of direct citizen participation in local self-government**

   Both the current legislation and the proposed Draft Law defines local self-government as citizens’ own resolution of local issues either directly or through their elected organs.

   Article 117 of the Belarusian Constitution indicates such forms of direct exercise of local self-government as local referendums and local assemblies. Moreover, it also mentions (but never specifies) other forms of direct citizen participation in the resolution of local issues.

   It is a well-known fact that there has been no precedent of local referendums in Belarus. As for local assemblies or law-making initiatives of citizens, even if there are some cases of the realization of these forms of direct democracy, they have been very few.

   The legislator should analyze the reasons of such state of affairs and statistics of the practical use of such forms of direct democracy (if such statistics exist) and take them into consideration while working on the Draft Law. In our opinion, the reasons of citizen passivity in exercising direct forms of participation in local self-government are in the imperfections in the instruments of direct democracy, in the lack of conditions necessary for their practical use, in the excessive complexity of the suggested legal mechanisms, and so on.

   If the legislator does not react properly to the situation related to the realization of direct forms of democracy, this means that despite the provisions of Part 1 of Article 3 of the Belarusian Constitution, they are satisfied with the situation and they are not interested in anything more than simply simulation of democracy.

   Local self-government, as one component of democracy, requires a mandatory set of political institutions, including electability of officials, guarantees for the freedom and transparency of election procedures, freedom of expression, alternative sources of information, autonomy of associations and respect of general civil rights.

   The quality of legislation regulating the forms of direct democracy plays an important role in making sure that citizens are involved in the process of the exercise of public power. Laws can excessively
complicate the democratic process, implicating also substantial financial spending, and fail to provide the necessary guarantees for the respect of citizen rights in the implementation of such laws.

As an example of what is said in the previous paragraph, we explain the procedures for the organization and exercise of direct forms of democracy such as local referendum and local assembly.

**Local referendum**
A referendum is an opportunity for citizens to compel Councils or executive committees to take into account their will. However, the law gives the right to call referendums to Councils and not to citizens when they want to resolve one issue or another.

The value of local referendums is in the possibility of their use by citizens when they want it, that is, without the authorization of the Council. It is this possibility, and not its indirect form through the Council, can be considered as a form of direct democracy. The referendum's mechanism of decision-making can be called for specifically as an alternative to indirect, representative forms of democracy. This can happen, for example, when the Council or executive committee does not take the necessary decisions or when the taken decision does not correspond with the opinion of most citizens (as this was the case when the Minsk city authorities decided to abolish small retail kiosks from the streets of the city).

When the possibility of initiating referendums (without any intermediaries) is taken from the citizens, one cannot speak about direct democracy!

The assessment of the importance of one issue or another suggested for a referendum looks too subjective as indicated in Part 1 of Article 34 of the Draft Law – if all the procedures concerning the collection of signatures are fulfilled, and if there is a sufficient amount of them, this means that the respective question is important for citizens and the respective referendum has to take place. It is citizens and not the Ministry of Justice as required by Part 3 of Article 126 of the Election Code should have the right to decide whether the issue is important for them or not.

Moreover, in case the referendum is initiated by citizens, all costs related to the fulfilment of the necessary procedures have to be borne by the initiators, that is, by citizens.

Thus, it is clear now why the attractiveness of local referendums as a form of direct democracy is so low for citizens. As a result, there are no precedents of local referendums.

**Local assembly**
With respect to local assemblies, there are also norms and procedures stipulated by the law which create serious obstacles for the realization of citizen initiative for holding local assemblies. First of all, there is a high ceiling for the necessary number of citizen signatures (at least 10 percent of citizens who reside in the respective territory). Moreover, there is also a requirement that the initiators themselves have to finance the costs related to the organization of local assemblies.

The initiators are required to solve a number of organizational issues, such as finding a venue for the local assembly, which is impossible to do in the Belarusian conditions without the approval of the executive committee (local administration).

So it turns out in the final analysis that in reality all initiatives of citizens are strictly controlled and regulated to every detail and as a result citizens cannot do anything without the prior approval of the state authorities. As long as this situation persists, neither local referendums nor local assemblies (nor any other forms of direct participation for that matter) will be used in reality.

In addition, there are too many laws regulating the forms of direct democracy, which is why they often regulate the same things. But at the same time, there are also a lot of legal gaps. Many notions are not specified, while their content remains ambiguous.

Local officials often consider citizen initiatives as a threat to their authority, and this is also one of the obstacles for the development of citizen activities and their independence.

All these factors affect the implementation of the legislation regulating both direct and indirect forms of democracy.

It has to be pointed out also that neither Article 117 of the Constitution nor the Draft Law mention local elections as one of the forms of direct citizen participation in local self-government. This has to be changed in the Draft Law and this gap should be filled.

**10. Economic basis of local self-government**
Councils have certain authority which allows them de-jure to influence local finances to a certain extent: through the endorsement of local budgets and reports about their execution; through the disposal of communal property (apart from land, natural resources, water and forest resources); through the establishment of local taxes and duties and through setting the rates of some charges.
However, as has been mentioned earlier, Chapter 6 of the Draft does not contain any norms which would make sure that Councils have their own material and financial resources, which is contradictory to Article 9 of the Charter.

Local budgets only have resources intended to support the operation of Councils (sessions, secretariat, office expenses, etc.). And Councils give their approval for the estimation of costs for these purposes. But these resources cannot be considered as the economic basis of local self-government!

It is a common practice that the norms related to economic and financial foundations of local self-government are included into laws on local self-government. The fact that such norms are included into Budget, Tax and Civil Codes in Belarus makes it impossible for local self-government to fully realize its rights and authority, since Codes are based on the priority of state interests (state budget, state property) and cannot adequately reflect the specificity of financial and economic interests of territorial communities of citizens.
## PART 2
### CHANGES IN AND ADDITIONS TO INDIVIDUAL ARTICLES AND THEIR JUSTIFICATION
(the draft passed the first reading on June 6, 2009)

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| **Article 1. Definition of Local Self-Government and System of Its Organs**  
1. Local self-government is an organizational and operational form that residents of a particular territory (hereinafter referred to as citizens, if not indicated otherwise) use to independently resolve social, economic and political issues of local significance, either directly or through their elected organs, proceeding in making their decisions from common state interests and interests of citizens and considering relevant features in the development of respective administrative-territorial units, with the use of their own material and financial resources and those raised elsewhere. Local self-government shall be exercised through local Councils of Deputies (hereinafter referred to as Councils), organs of territorial public self-government, local assemblies, local referenda, citizen initiatives to advocate Council decisions, citizen participation in funding and/or reimbursement of budget spending for particular goals defined by citizens or through any other forms of citizen participation in state and public affairs. | **Article 1. Definition of Local Self-Government and System of Its Organs**  
1. Local self-government is the right and the ability of territorial communities of citizens, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of citizens.  
2. Territorial community of citizens (hramada) denotes citizens who live in the territory of the respective administrative-territorial unit and who are linked together by common public needs and interests.  
3. Organs of local self-government are elected directly by citizens on the basis of direct, free, equal and universal suffrage by secret ballot and/or organs established by the representative organ (Council) and given the mandate to manage local affairs.  
4. Local affairs are issues under the authority of Councils and executive committees of all levels as well as issues which do not fall under the authority of other governmental organs. | The suggested definition of local self-government corresponds with the notion of local self-government in Article 3 of the European Charter.  
For justification see Paragraph 4 of Part 1 of this Information Memo. |
| 2. The system of local self-government organs shall include Councils and organs of territorial public self-government. | The part “… and organs of territorial public self-government” should be excluded from Part 2 of Article 1 of the Draft Law. The remaining part of this paragraph can be reflected in Paragraph 3 of the same article. | Our suggestion is to include a new notion into the text of the Draft Law: territorially community of citizens (hramada). Territorial community of citizens would be the subject of local self-government.  
Our suggestion is to include the notion organs of local self-government into the text of the Draft Law.  
Our suggestion is to include the notion local affairs into the text of the Draft Law.  
The Draft Law often refers to local issues or issues of local significance.  
First of all, it would be more correct to speak about managing affairs and not managing issues.  
Secondly, the legislator does not define local issues.  
Organs of territorial public self-government cannot be included into organs of local self-government.  
Territorial public self-government is a form of direct exercise of local self-government by citizens.  
For justification see Paragraph 6 of Part of this Information Memo. |
3. The system of Councils in the Republic of Belarus shall consist of three territorial levels – regional, basic, and primary – and comprise regional, city, district, town and village Councils.

The regional territorial level shall comprise regional Councils and Minsk City Council (all hereinafter referred to as regional-level Councils, if not indicated otherwise).

The basic territorial level shall comprise city Councils (for cities of regional subordination) and district Councils (all hereinafter referred to as basic-level Councils, if not indicated otherwise).

The primary territorial level shall comprise village Councils, town Councils, and city Councils (for cities of district subordination) (all hereinafter referred to as primary-level Councils, if not indicated otherwise).

Minsk City Council shall also enjoy the rights of a basic-level Council.

### Article 3. Fundamental Principles of Local Government and Self-Government

Local government and self-government in the Republic of Belarus shall be exercised in accordance with the following fundamental principles:

- Legality;
- Social justice;
- Protection of rights and legitimate interests of citizens;
- Combination of common state interests and local interests, participation of local government and self-government in the resolution of issues affecting the rights and legitimate interests of citizens;
- Unity and cohesiveness of the system of local government and self-government;
- Cooperation of local government and local self-government;
- Division of authority between local government and local self-government;
- Electability of local self-government and its accountability to citizens;
- Transparency and appreciation of public opinion, constant provision of information to citizens about taken decisions on most significant issues of local significance;
- Responsibility of local government and self-government for the legality and relevance of their decisions;
- Obligation to fulfill the decisions of Councils and executive and regulatory organs if they are taken within their respective authority;
- Autonomy and independence of local self-government in resolving local issues within their authority, prohibition of limitations on the authority of local government and self-government, except for the cases provided for by this Law and other legislative acts.

### Article 3. Fundamental Principles of Local Government and Self-Government

Local self-government shall be exercised in accordance with the following fundamental principles:

1. Grass-roots democracy and multitude of organizational forms for the exercise of local self-government by citizens;
2. Legality, soundness of decisions, social justice, humanism, respect, observation and protection of human and civil rights and freedoms;
3. Division of authority between state and local government on the basis of the subsidiarity principle;
4. Independence and autonomy of organs of local self-government in managing local affairs;
5. Electability of organs of local self-government and their accountability to citizens;
6. Openness and transparency in the activities of organs of local self-government and their officials, regularly informing citizens about decisions and actions taken, and giving to citizens the possibility to get familiar with the documents and materials which refer to the activities of organs of local self-government and/or affect their interests;
7. Financial and economic security and independence;
8. Guaranteed rights of local self-government;
9. Responsibility of organs of local self-government and their officials for the legality and soundness of their decisions.

Principles of local self-government should contain a clear and unambiguous indication of the link between organs of local self-government and citizens, of the independence and autonomy of organs of local self-government (within their authority) from the state in managing local affairs, and of the division of authority in managing local affairs between state organs and organs of local self-government on the basis of the principle of subsidiarity.

To be able to fulfill their tasks, organs of local self-government should have sufficient financial and economic resources and administrative independence.

The activities of organs of local self-government should be open and transparent. Councils should inform citizens about their activities and be responsible for their decisions.
# Article 5. Role of Councils and Executive and Regulatory Organs in Improving the Organization of Work with Citizens and Legal Entities

We suggest excluding Article 5 from the Draft Law.

1. Councils shall be engaged in activities aimed at improving the organization of work with citizens and legal entities, including activities to introduce the principle of “one stop shop” into the operation of state organs and other state organizations; they shall also participate in exercising control over such activities in their respective territories.

2. In order to improve the organization of work with citizens and legal entities, Councils and executive and regulatory organs, within their authority and in accordance with procedures established by law, shall be entitled to as follows:

   2.1. Review appeals of citizens, including sole proprietors, and legal entities (hereinafter referred to as appeals of citizens and legal entities), including trips to the places in question, and keep a record book of complaints and proposals;

   2.2. Take necessary measures to ensure full, objective, all-sided and timely review of appeals of citizens and legal entities in the respective territory, including participation in exercising control over the timely and quality resolution of issues raised in appeals of citizens and legal entities by state organs and other state organizations;

   2.3. Hold personal reception hours for citizens, including sole proprietors, and representatives of legal entities (hereinafter referred to as personal reception of citizens and representatives of legal entities);

   2.4. Conduct administrative procedures, get engaged in regular activities aimed at their simplification, including through reducing the number of documents required for such procedures, shortening the duration of such procedures and by sending respective proposals to the relevant state organs and other organizations.

This article duplicates the provisions which are already contained in other legislative acts where these provisions are set out in greater detail: Belarus’ Law “On Appeals of Citizens” (from July 8, 2008), Presidential Decree #2 “On Improving the Work with the Population” (from January 14, 2005), Presidential Edict #512 “On the Endorsement of the List of Administrative Procedures Conducted by State Organs or State Organization Following Citizen Appeals” (from March 16, 2006 and with changes from September 6, 2007, January 8, 2001 and September 14, 2006), and others.

Since Article 65 of Chapter 7 of the Draft Law does not invalidate the above-mentioned documents, it is suggested that Article 5 should be excluded.

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# Article 6. Role of Councils and Executive and Regulatory Organs in Social Protection of Citizens

We suggest excluding Article 6 from the Draft Law.

Councils and executive and regulatory organs, within their authority and in accordance with procedures established by law, shall take measures to ensure social protection of citizens in the respective territory, including through the provision of tax and duties (charges) concessions, through award and payment of retirement pensions, social benefits, targeted state social support and other types of social payments.

This article duplicates the provisions which are already contained in other legislative acts where these provisions are set out in greater detail: Belarus’ Law “On State Social Benefits, Rights and Guarantees for Certain Categories of Citizens” (from June 14, 2007), Presidential Edict #638 “On Some Measures of Social Protection of the Population” (from December 14, 2007) and others.

Since Article 65 of Chapter 7 of the Draft Law does not invalidate the above-mentioned documents, it is suggested that Article 6 should be excluded.

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# Article 7. Associations (Unions) of Councils

In order to exercise their authority effectively, protect common interests and provide mutual assistance in resolving local issues, Councils shall be entitled to establishing their associations (unions) which are subject to registration in accordance with procedures

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# Article 7. Associations (Unions) of Local Councils of Deputies

Article 7. Associations (Unions) of Local Councils of Deputies

1. Councils shall be entitled to associate into associations (unions) on the basis of the common aspiration to manage common political, economic and socio-cultural affairs.

1. The legislatively enshrined right for Councils to form associations (unions) gives them the possibility to form and represent their common position on issues which affect their interests.
applied to non-profit organizations. The decision to enter such an association (union) shall be taken at a session of the respective Council.

2. Membership in the Association shall be voluntary. The decision to join the Association shall be taken at a Council session.

3. To represent and protect the common interests of Councils in their relations with the National Assembly, Council of Ministers, Presidential Administration and other governmental organs as well as with international organizations, a Belarusian Association of Councils (BAC) can be established. BAC will be considered legally qualifying if it includes at least two thirds of all Councils.

4. The legal basis for the establishment and operation of associations (unions) of Councils shall be established by law and Charters of respective associations (unions).

5. Associations (unions) cannot interfere with the activities of Councils or limit them in any way.

### CHAPTER 2. COUNCILS

1. Councils shall be representative state organs established in accordance with procedures defined by law in the territory of the respective administrative-territorial units and shall be the main element of the local self-government system.

2. Councils shall exercise their authority in accordance with the Constitution of the Republic of Belarus, this Law and other legislative acts.

### CHAPTER 2. LOCAL COUNCILS OF DEPUTIES

We suggest using the full name of the organs of local self-government in the title of this chapter (Local Councils of Deputies). First of all, the title of the chapter should be different from one of its articles (Article 9).

Secondly, the law should clearly distinguish between local councils of deputies as organs of local self-government from other organizations which do not have the function of public authority but have the word council in their names (for example, Council of Veterans, Council for Cooperation, etc.).

### Article 9. Councils

1. Councils shall be representative state organs established in accordance with procedures defined by law in the territory of the respective administrative-territorial units and shall be the main element of the local self-government system.

2. Councils shall exercise their authority in accordance with the Constitution of the Republic of Belarus, this Law and other legislative acts.

### Article 9. Councils as Representative Organs of Local Self-Government

1. Councils shall be representative organs of local self-government which are established in accordance with procedures defined by law in the territory of the respective administrative-territorial units.

2. Councils shall exercise their authority in accordance with the Constitution of the Republic of Belarus, this Law, Charters of territorial communities of citizens (hramadas), rules of procedure and other legislative acts.

We suggest using the full name of the organs of local self-government in the title of this chapter (Local Councils of Deputies). First of all, the title of the chapter should be different from one of its articles (Article 9).

Secondly, the law should clearly distinguish between local councils of deputies as organs of local self-government from other organizations which do not have the function of public authority but have the word council in their names (for example, Council of Veterans, Council for Cooperation, etc.).

1. According to the principles and norms of the European Charter, Councils are elected organs of local self-government. Thus, Councils cannot be part of the system of state organs.

Organs of local self-government like state organs are independent forms of public government. The authority of organs of local self-government and state organ is defined by law and they are independent within the limits of their authority.

2. Along with the Constitution and this Law, Charters of territorial communities of citizens (hramadas) are also important legal acts which should be observed in the territory of the respective Council. These Charters contain basic norms regulating the organization and
3. Councils shall be independent within the limits of their authority. In their activities, Councils shall be accountable to citizens, responsible before them and liable to check by upper-level Councils.

4. Councils shall be legal entities.

Article 11. Council Activities

1. In its activities aimed at resolving local issues, Councils shall proceed from common state interests and interests of citizens, participate in the discussion of nationally significant issues which affect the interests of the respective territories, submit their proposals on such issues to the relevant state organs and other organizations, and fulfill the decisions of upper-level state organs.

2. Councils shall carry out their activities through sessions and Council organs as well as through deputies who fulfill their authorities, including by establishing and operating groups of deputies and other associations of deputies.

3. Council organs shall consist of the Presidium and Standing and Temporary Commissions which shall be established within two months from the day of convening the first session.

4. Councils shall organize their activities on the basis of rules of procedure which are approved by the Council and which define the procedures of preparing, submitting and considering issues for Council sessions and meetings of its organs, procedures for voting on operation of both territorial communities of citizens and organs of local self-government. In addition, rules of procedure adopted by Councils are also important internal documents, since they establish basic rules and procedures for the Council, its organs and its staff. Therefore, it is important to mention in this paragraph these charters and rules.

3. According to the European Charter, organs of local self-government are not state organs but independent organs of public authority. Therefore, the relationships between different levels of Councils should not be based on subordination but be based on the principle of the division of authority provided for in the law.

4. We suggest enumerating the main attributes of legal entities. Councils as legal entities should have their own seals, bank accounts, property and finances (communal property). The genuine possession of these attributes will allow Councils to improve their status and will be useful in the realization of their authority. Councils as representative organs of territorial communities of citizens (hramadas) should have their symbols such as coat-of-arms, flag, etc., which reflect historical and cultural traditions of citizens residing in the respective territory.

Article 11. Council Activities

1. In its activities aimed at managing local affairs, Councils shall proceed from the interests of citizens, participate in the discussion of nationally significant issues which affect the interests of the respective territorial community of citizens, submit their proposals on such issues to the relevant state organs and organizations.

2. Without changes

3. Council organs shall consist of Council Chair, Presidium, Standing and Temporary Commissions, groups of deputies and other associations of deputies.

The Draft Law (Article 22) provides that the Council Chair should be given an authority which does not belong to other Council organs. At the same time, Council Chair is not regarded as an independent Council organ. In accordance with Article 22, Council Chair can issue orders and bear personal responsibility for them within the limits of his authority.

In case this amendment into the Draft Law is accepted, even the Council Chair who is not elected by citizens will have some features of a mayor who is directly elected.

3. It is suggested that Council Chair should explicitly have the status of a Council organ.

The Draft Law (Article 22) provides that the Council Chair should be given an authority which does not belong to other Council organs. At the same time, Council Chair is not regarded as an independent Council organ. In accordance with Article 22, Council Chair can issue orders and bear personal responsibility for them within the limits of his authority.

In case this amendment into the Draft Law is accepted, even the Council Chair who is not elected by citizens will have some features of a mayor who is directly elected.

4. Councils are independent organs of public power directly elected by territorial communities of citizens (hramadas). Councils work on behalf of citizens and in their interests. Councils as independent subjects of legal relations should have a legal basis for relations with...
1. Sessions shall be the main form of the Council’s work. They shall be convened as often as necessary but at least once in three months. The first session of the newly elected Council shall be convened by the respective territorial election commission on the condition that more than one half of deputies of their total number for the respective Council are elected and not later than 30 days after the elections. Council sessions shall be conducted in the form of general meetings in accordance with procedures established by the Council’s rules of procedure.

2. Before the chair of the Council is elected, the first session of the newly elected Council shall be presided by the chair of the respective territorial election commission, or in the event that the chair is absent, by the member of the above-mentioned commission who has been appointed to act as the chair.

3. Council sessions shall be convened and conducted in accordance with the Council’s rules of procedure by the chair of the Council, or in the event that the chair is absent, by the vice chair designated by the chair. Council sessions can be convened by the Council’s presidium or by the Council’s chair.

4. Decisions at regular sessions of the Council shall be adopted by a majority of the deputies and shall be recorded in the minutes of the session.

5. Upper-level Councils shall exercise coordination of the activities of lower-level Councils and their organs and provide organizational and methodological assistance to them.

6. Organizational, technical and other support for the work of the Council and its organs shall be provided by the Council’s secretariat and by the executive committee at the cost of the respective local budget. The numerical composition of the Council’s secretariat shall be established by the President of the Republic of Belarus.

7. Issues that affect the interest of adjacent territories shall be resolved by the respective Councils together.

8. Issues related to the organization and operation of the Council’s secretariat shall be resolved by the Council’s organs.

9. The Council’s secretariat shall consist of a secretariat head and secretariat staff set up at the cost of the budget of the respective Council. The number of secretariat staff shall be determined at a Council session.

10. Each Council acts within the limits of its authority, which means that the upper-level Councils cannot exercise coordination of the activities of lower-level Councils.

11. To support their independence, organs of local self-government should have their own organizational and technical mechanism which would make sure they operate properly. The number of staff for the secretariat should be determined on the basis of several criteria such as good governance, qualification, competence, costs, etc.

12. Council sessions shall be convened by the Council’s chair or by the vice chair in the event the Chair is absent or has chosen to instruct the vice chair to call the session. Extraordinary Council sessions shall be called on the basis of a Presidium decision or a standing commission decision or at the written request of at least two groups of deputies.

13. Regular Council sessions shall be convened as often as necessary but at least once in three months. Extraordinary Council sessions shall be convened in the event the chair is absent or has chosen to instruct the vice chair to call the session. Extraordinary Council sessions shall be convened on the basis of a Presidium decision or a standing commission decision or at the written request of at least two groups of deputies.

5. It is suggested to exclude this Paragraph 5.

6. The numerical composition of the Council’s secretariat shall be established by the President of the Republic of Belarus.

7. The Council’s secretariat shall consist of a secretariat head and secretariat staff set up at the cost of the budget of the respective Council. The number of secretariat staff shall be determined at a Council session.

8. The number of secretariat staff shall be determined at a Council session.

9. The Council’s secretariat shall consist of a secretariat head and secretariat staff set up at the cost of the budget of the respective Council. The number of secretariat staff shall be determined at a Council session.

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14. The Council’s secretariat shall consist of a secretariat head and secretariat staff set up at the cost of the budget of the respective Council. The number of secretariat staff shall be determined at a Council session.

15. The number of secretariat staff shall be determined at a Council session.

16. The Council’s secretariat shall consist of a secretariat head and secretariat staff set up at the cost of the budget of the respective Council. The number of secretariat staff shall be determined at a Council session.

17. Each Council acts within the limits of its authority, which means that the upper-level Councils cannot exercise coordination of the activities of lower-level Councils.

18. To support their independence, organs of local self-government should have their own organizational and technical mechanism which would make sure they operate properly. The number of staff for the secretariat should be determined on the basis of several criteria such as good governance, qualification, competence, costs, etc.
At the initiative of at least one third of all deputies, at the initiative of the chair of the respective executive committee or at the initiative of at least 10 percent of eligible voters residing in the respective territory;

Upon the demand of the President of the Republic of Belarus or an upper-level Council if the local Council in question violates the rights and legitimate interests of citizens or in any other way violates the law.

Council sessions shall be held in the form of meetings in accordance with the procedures defined by this Law and Council Rules of Procedure. Issues suggested for discussion at the session by the Presidium, standing commission, group of deputies of at least five people, organs of territorial self-government, local assemblies or citizens of the number of no less than 50 people residing in the respective territory shall be included into the agenda of the Council session.

Issues suggested for discussion at the session by the head of the executive committee (head of local administration) or executive committee (local administration) shall be included into the agenda of the session if it is supported by at least one fifth of the deputies who are present at the respective session.

The time and place of the Council session as well as issues suggested for discussion at the session shall be communicated in the written form by the Presidium to every deputy along with the necessary materials. The public shall be informed through the media about the calling of the session at least ten days before it starts.

Issues suggested for the inclusion into the Council agenda should be indeed included into the agenda. This is important, because what is done at present is that those issues which are not convenient for the Council are simply taken out at the stage of agenda formation, without proper discussion. If most deputies are against the inclusion of certain issues into the agenda, they should provide arguments for their position at a plenary session. This would give more transparency and publicity to the Council activities.

4. Council sessions shall be conducted in an open and transparent way, except for the cases when the Council makes the decision to hold a closed session. A session shall be legally qualified if at least two thirds of elected deputies take part in it.

percent of citizens is the optimal number of citizens who should have the right to call a Council session. Since with respect to Council session at the primary level, the level of two percent can still be very small, there is also another clarification that the number of citizens should be at least 50.

Issues suggested for the inclusion into the Council agenda should be indeed included into the agenda. This is important, because what is done at present is that those issues which are not convenient for the Council are simply taken out at the stage of agenda formation, without proper discussion. If most deputies are against the inclusion of certain issues into the agenda, they should provide arguments for their position at a plenary session. This would give more transparency and publicity to the Council activities.

4. The new wording of Paragraph 4 is intended to realize the principle of openness and transparency in the activities of organs of local self-government and their staff.
5. Proposals for consideration at Council sessions can be submitted by the Council’s chair, presidium and other Council organs, Council deputies, executive committee chair (head of local administration), executive committee (local administration), organs of territorial public self-government, local assemblies, and, in accordance with Article 35 of this Law, citizens.

We suggesting excluding Paragraph 5 of this article. This paragraph should be excluded because its content is already reflected in the proposals for Paragraph 3 of this article.

<table>
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<tbody>
<tr>
<td>1. Councils shall take decisions on issues considered at their sessions.</td>
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</table>

2. Council decisions shall be taken at Council sessions by a simple majority of all elected deputies by secret or open ballot, including roll call vote. The decision of the voluntary dissolution of the Council shall be taken by at least two thirds of elected deputies. The form of voting shall be determined in accordance with the procedure established the Council’s rules of procedure.

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<tr>
<td>1. With respect issues considered at Council sessions, the Council shall take decisions and adopt statements and declarations. Council decisions of the regulatory nature shall be published in the media and posted on information stands in the building of the Council within ten days after they enter into force. In case there is a written request from a citizen of the Republic of Belarus, he shall be given a copy of the decision taken by the Council within two days and free of charge; this does not apply to information containing state secrets or related to the personal life of citizens. Draft Council decisions affecting political, financial, economic, social or cultural interests of citizens shall be subject to mandatory publication in the media, posting on the website or made available in any other officially approved way at least 15 days before they are discussed at the session of the respective Council.</td>
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This article is intended to strengthen the feedback between Councils and citizens who elected them and to strengthen the principle of openness and transparency in the activities of organs of local self-government.

<table>
<thead>
<tr>
<th>Article 14. Formation of Council Organs</th>
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<tbody>
<tr>
<td>Councils shall form their organs, determine their structure and authority, and set spending for their work independently and in accordance with this Law and other legislative acts.</td>
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<thead>
<tr>
<th>Article 14. Formation of Council Organs</th>
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<tbody>
<tr>
<td>Councils shall form their organs independently as well as determine their structure and mandate, set costs for their operation in accordance with the Constitution of the Republic of Belarus, this Law, Charters of territorial communities of citizens (hramadas), Rules of Procedure and other legislative acts of the Republic of Belarus.</td>
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It is suggested that this Article 14 of the Draft Law should also mention other legal acts such as Charters of territorial communities of citizens (hramadas) and Rules of Procedure since they also regulate the organization and operation of both territorial communities of citizens and Councils.

<table>
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<tr>
<th>Article 16. Council’s Standing Commissions</th>
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<tbody>
<tr>
<td>1. To give preliminary consideration and preparation to the issues falling within the Council’s terms of reference as well as to organize the implementation and supervision of the decisions of the Council and upper-level state organs, standing commissions shall be elected at Council sessions out of Council deputies. Primary-level Councils may not form standing commissions, except for a credentials commission.</td>
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</table>

2. Standing commissions shall make decisions falling within their terms of reference in accordance with procedures established by the Council’s rules of procedure.

<table>
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<tr>
<th>Article 16. Standing Commissions, Groups (Associations) of Deputies</th>
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</thead>
<tbody>
<tr>
<td>1. To give preliminary consideration and preparation to the issues falling with the Council’s terms of reference, standing commissions shall be elected at Council sessions out of Council deputies. Primary-level Councils may not form standing commissions, except for a finance and budget commission and a credentials commission.</td>
</tr>
</tbody>
</table>

We suggest a new wording for the title of this article - Standing Commissions, Groups (Associations) of Deputies 1. Since organs of local self-government are not part of the system of state organs, supervision over the implementation of the decision by upper-level state organs should be done by the respective state organs. Primary-level councils should have also a finance and budget commission along with a credentials commission. Para 2-5 without changes
3. Standing commissions shall be led by chairs of standing commissions.
4. A standing commission meeting can be attended with the right of deliberative voice by deputies elected into other standing commissions of the same Council, experts and other specialists invited by the chair of the commission as well as deputies of other Councils if taken decisions can affect the interests of citizens residing in the territory of the respective administrative-territorial unit.
5. Recommendations contained in the decisions of standing commissions shall be subject to consideration by the respective state organs and other organizations. Reports on the results of such consideration and measures taken thereupon shall be submitted to standing commissions within one month.

After Paragraph 5, Article 16 should be complemented on Paragraphs 6 to 9 with the following content:

6. In order to exercise their authority, including through collective discussion of issues falling within the authority of the Council, and to realize their campaign programs, Council deputies shall be entitled to forming voluntary groups (associations) of deputies.
7. Deputy groups or associations can be established if they have at least three Council deputies in their composition. Deputy groups or associations are formed on the basis of self-enrollment and their composition can change.
8. Council deputies who form a group or association shall inform Council Chair about its formation in writing. The establishment of deputy groups or associations as well as changes in their composition, title, leadership and termination of their activities shall be noted in the minutes of the Council session.
9. Deputy groups or associations shall take decisions which are recommendations. Their recommendations shall be considered by state and public organs and organizations. Deputy groups or associations shall be informed about the results of the consideration within the period of time established by law.

We suggest adding Paragraphs 6 to 9 to Article 16. Paragraph 2 of Article 11 mentions among Council organs deputy groups or associations. The Draft Law has provisions regulating the establishment and operation of most Council organs but it does not have provisions for deputy groups or associations. Therefore, we suggest including such provisions here and changing the title of the article.

CHAPTER 3. TERRITORIAL PUBLIC SELF-GOVERNMENT

Article 25. Territorial Public Self-Government
1. Territorial public self-government refers to voluntary activities of citizens in the area of their residence which is part of the territory of an administrative-territorial unit (urban neighborhoods, housing areas, blocks of buildings, streets, yards, agricultural towns, settlements, villages, etc.) to resolve issues of local significance directly or through organs of territorial public self-government. Organs of territorial public self-government are the organizational form for the exercise of territorial public self-government by citizens.

2. One part of an administrative-territorial unit can have only one organ of territorial public self-government.

We suggest a new wording for Article 25 of the Draft Law. Territorial public self-government (TPS) is defined here by us as a form of self-organization that citizens residing in a particular part of an administrative-territorial unit (block of buildings, street, city microdistrict, small town, village, etc.) to assist the Council, executive committee (local administration) in managing local affairs. Territorial public self-government shall be exercised by citizens through organs of territorial public self-government.

TPS is a form of citizen participation in the exercise of local government and self-government. TPS organs do not possess public power to manage local affairs and not organs of local self-government.

Paragraph 2. Without changes
### Article 26. Goals and Objectives of Territorial Public Self-Government

1. The main goal of territorial public self-government shall be the development and implementation of citizen initiatives on local issues in the respective part of the administrative-territorial unit.

2. The main objectives of territorial public self-government shall be as follows:
   2.1. Support to the realization of rights, freedoms and legitimate interests of citizens;
   2.2. Assistance to executive and regulatory organs and Councils in their work with citizens;
   2.3. Study, analyze and consider opinions of citizens on issues of economic and social development, environmental protection and rational use of natural resources;
   2.4. Engage citizens in activities to improve the condition, maintenance and repair of residential houses and adjacent territories;
   2.5. Participate in activities to provide social support to families and different categories of citizens who need such support (children, young people, elderly people, disabled people and other categories of citizens);
   2.6. Assist in organizing activities for spare time of citizens;
   2.7. Participate in organizing activities involving dysfunctional families;
   2.8. Support charitable activities;
   2.9. Support the revival and preservation of cultural valuables, national customs and traditions, and development of artistic and technical creativity;
   2.10. Support the relevant authorities in activities related to crime prevention;
   2.11. Support the exercise of legislative initiative by citizens regarding issues of local significance;
   2.12. Provide assistance in resolving other issues of local significance.

### Article 27. Organs of Territorial Public Self-Government

1. An organ of territorial public self-government can be a collegial organ or a sole organ.
2. A collegial organ of territorial public self-government can be established as a legal entity or without the formation of a legal entity.
3. A collegial organ of territorial public self-government established as a legal entity shall be a non-profit organization.

Procedures for the establishment, operation and termination of activities of a collegial organ of territorial public self-government set up as a legal entity shall be regulated by the legislation in force for the relevant legal entities but also taking into account the provisions of Article 26 of this Law.

We have changed Part 1 of Article 26 of the Draft on the basis of our proposals for Article 25 of the Draft Law. When defining the goals for the establishment and operation of TPS, the main emphasis is placed on the involvement of citizens into the activities of organs of local self-government.

We suggest a new wording for Article 27. We suggest referring to two types of TPS organs:
1) Collegial organ of TPS with the status of a legal entity;
2) Sole organ of TPS without the status of a legal entity.

This approach to the classification of TPS corresponds with law-enforcement practices in Belarus which have been the case since 1989 when this organizational and legal form of local self-government was first established.

We suggest unifying the name of TPS organs, and more specifically, using one term “committee of territorial public self-government” for all collegial organs (this approach is also reflected in the model Charter for CTPS for the city of Minsk) and using the term “elder” for all sole organs of TPS.
4. A collegial organ of territorial public self-government set up without the formation of a legal entity shall be established and operated in accordance with this Law and regulations on the organ of territorial public self-government which are endorsed by the local assembly on the basis of a template approved by the respective regional-level Council with due regard to the provisions of this Law. We suggest excluding Paragraph 4 from this article of the Draft Law.

5. A sole organ of territorial public self-government (elder, headman, etc.) shall act in accordance with this Law and respective regulations endorsed by the respective Council on the basis of a template approved by the respective regional-level Council with due regard to the provisions of this Law.

5. The sole organ of TPS in the person of a village elder shall be elected by citizens residing in the territory of the respective village at a local assembly of citizens and acts in accordance with this Law, Charter of territorial community of citizens (hramada) and Council Rules of Procedure.

The establishment of TPS collegial organs without the status of legal entity is suggested to be excluded from the article.

The legal construction of the TPS collegial organ without the status of legal entity (as suggested in Paragraph 4 of Article 27 of the Draft Law) has a number of drawbacks:

1) According to Article 44 of the Civil Code, an organization which is not a legal entity cannot own or manage property, cannot buy or exercise property or non-property rights, cannot have obligations and cannot have an independent balance or budget;

2) Such an organization cannot be independently responsible, cannot be represented in court as a defendant or as a plaintiff;

3) Councils cannot delegate their authority to such organizations;

4) There is no possibility for funding this type of organizations from local budgets;

5) It is also difficult for such organizations to receive donations and contributions from citizens and other organizations;

6) The activities of such organizations is legally equal as an unregistered non-governmental organization;

7) The establishment of a TPS collegial organ in a particular part of the administrative-territorial unit not as a legal entity blocks the initiative of citizens to set up a collegial organ as a legal entity.

When the legislator wants to have the legal construction for CTPS which is not a legal entity, he simplifies the procedure for the establishment of such organs but at the same time he also emasculates the very idea of such organs.

An adequate replacement for TPS organs without the status of legal entity could be the possibility for establishing commissions under executive committees and involving citizens in the work of these commissions. Such form of citizen involvement in the process of local decision-making is enshrined in Article 9 of the current Law “On Local Government and Local Self-Government in the Republic of Belarus” and indeed implemented in reality. Organizationally, this is significantly easier and also more effective for the implementation of tasks than what is suggested in the Draft Law (a TPS collegial organ without the status of legal entity).
6. Organs of territorial public self-government shall be accountable to local assemblies and Councils for their activities. Supervision over the activities of organs of territorial public self-government shall be exercised by the respective Councils.

6. CTPS and elder shall be accountable to the local assembly of citizens who took the decision about their establishment and to the respective Council.

7. **General meeting or conference of authorized representatives** shall be the highest governance body of CTPS. In the periods between the meetings the activity of CTPS shall be managed by the **Board**. The structure of CTPS organs shall include the Board and the **Audit Commission**. The composition of the Board and the Audit Commission and the procedures for their work shall be established by the Charter of the CTPS.

We suggest including this article on elders in Chapter 3 of the Draft Law. This article defines the main elements of the status of the elder in villages. The present legislation in the field of local self-government as well as this Draft Law do not contain such norms, which leads to the situation where local Councils and executive committees in different parts of the country have different approaches to regulating this institution.

### Article 27. Elder

1. Village elder is a sole form of the organization and operation of TPS.
2. The activity of elders shall be exercised in accordance with this Law, Charter of territorial community of citizens (hramada) and Council Rules of Procedures.
3. Elders shall be elected at a local assembly by citizens (general meeting or meeting of authorized representatives) residing in the territory of the respective village out of their number for the period of Council tenure.

   The decision about the election of the elder shall be registered by the executive committee. The mandate of the elder shall be confirmed by a certificate issued by the respective executive committee.

4. The elder shall be entitled to the following:
   - Call local assemblies of citizens;
   - Attend sessions of the respective Council and executive committee;
   - Submit proposals to the respective local Council and executive committees;
   - Organize citizen discussions of draft decisions of Councils and executive committees;
   - Assist in the implementation of Belarusian legislation and decisions of the respective Councils and executive committees;
   - Provide assistance to deputies of all levels in exercising their authority;
   - Provide assistance to the respective Councils and executive committees in organizing public events as well as cultural and economic activities;
   - Study public opinion and conduct polls among citizens;
   - Exercise public supervision over the provision of social services, observance of fire safety regulations, sanitary rule, land use regulations and improvement of publicly owned areas.

5. The activities of the elder shall apply in the territory of the village where he is elected.

   The elder shall deliver reports about his activities to an assembly of citizens residing in the respective village at least twice a year.

   The elder can be dismissed from his position earlier in the following
Article 28. Authority of Local Assemblies Called to Establish and Operate Organs of Territorial Public Self-Government

1. With respect to collegial organs of territorial public self-government, local assemblies shall be entitled to do the following: Make decisions to set up and terminate organs of territorial public self-government; Endorse regulations governing the respective organ of territorial public self-government and amend them as necessary; Elect members (with their consent) of organs of territorial public self-government out of members of local assemblies and make decisions concerning the termination of membership in organs of territorial public self-government. Procedures for electing members of organs of territorial public self-government by local assemblies shall be determined by the respective Council with due regard to the provisions of the Law of the Republic of Belarus, dated July 12, 2000, “On National and Local Assemblies” (Ref: National Register provisions of the Law of the Republic of Belarus, dated July 12, 2000, №67, 2/186); Determine the organizational structure of organs of territorial public self-government; Consider issues related to the authority of organs of territorial public self-government and put forward proposals on them.

2. Decisions of local assemblies taken within their mandates shall be obligatory for organs of territorial public self-government. 3. Decisions of local assemblies as well as other information about the activities of organs of territorial public self-government discussed by local assemblies shall be communicated to members of local assemblies, members of organs of territorial public self-government and other stakeholders within ten days after the respective local assembly by way of sending them the relevant materials.

Article 28. Procedures for Establishing Collegial Organs of Territorial Public Self-Government

1. An initiative of citizens or an organizing committee can be established at the initiative of citizens to set up a collegial organ of TPS in the form of a committee (CTPS).

2. The initiative group (organizing committee) shall inform the respective Council and executive committee (local administration) in writing about the intention to set a CTPS, receive approval for the territory to be covered by the CTPS, list of issues that can be delegated to the CTPS by the Council and possibilities for financial and economic support for the CTPS at the initial phase of its operation.

3. The initiative group (organizing committee) shall inform citizens, independently or with the help of the respective Council, about the intention to call a local assembly (general meeting or conference of authorized representatives) for the establishment of the CTPS.

4. After the relevant issues related to the establishment of the CTPS are coordinated with the Council and executive committee (local administration), the initiative group shall call a local assembly. The local assembly for the establishment of the CTPS can be legally qualifying, if it is attended by at least 25 percent of citizens who are older than 18 and permanently residing in the respective territory or at least two thirds of authorized representatives.

The norms of representation and procedures for the election of authorized representatives shall be established by the initiator of the assembly.

5. The local assembly for the establishment of the CTPS shall decide on the following issues:

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
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<tbody>
<tr>
<td>1. Decision to establish the CTPS;</td>
<td></td>
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<tr>
<td>2. Adoption of the Charter of the CTPS;</td>
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</tr>
<tr>
<td>3. Election of the chair, deputy chair and members of the Board of</td>
<td></td>
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<tr>
<td>the CTPS;</td>
<td></td>
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<tr>
<td>4. Election of the Audit Commission;</td>
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<tr>
<td>5. Delegation of the right to represent the organization with the</td>
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<tr>
<td>registration authority or the court to three members of the Board,</td>
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<tr>
<td>in case if the organization is refused registration.</td>
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</tbody>
</table>

Article 28 of the Draft Law has the following fundamental drawbacks, which are the reason why we suggest a new wording for this article:

1) Article 28 of the Draft Law says that the only form of the establishment of the collective organ of the TPS is a local assembly. However, this form can be seen as a kind of legal fiction, because there is no way to assemble a huge number of residents, or voters to be more precise, in one room for the establishment of the collective organ. Committees of territorial public self-government are usually established in multidistricts of cities, and the population of such a microdistrict can amount to 4,000 to 10,000 voters. Even if we consider that the assembly is legally qualifying with the turnout of at least 20 percent, it is very unlikely that 1,000 or 2,500 voters, respectively, can come at the same time to participate in such an event;

2) The Council cannot establish the procedure for electing the members of the TPS, because it is not provided for by the law (either by the current law or by the proposed Draft Law, see Articles 17-20 of the Draft Law);

3) There is no legal regulation of the necessary steps in the procedure of the establishment of the collegial organ of TPS;

4) Neither Article 28 of the Draft Law nor the other articles of Chapter 3 of the Draft Law contain clear indications of organizational structures required for NPOs, that is, Board and Audit Commission.

Taking into account what has been said above and proceeding from the law enforcement practices in Belarus, we suggest clearly reflecting in this article the following stages for the establishment of the CTPS:

1) Creation of an initiative group of citizens to establish a CTPS;
2) Getting the necessary approvals from the Council and executive committee concerning the establishment of the CTPS;
3) Notification of citizens about the local assembly to establish the CTPS;
4) Nomination of representatives for the assembly of authorized representatives, if it is the case;
5) Holding the local assembly;
<table>
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<tr>
<th>Article 28¹. Board of the Committee of Territorial Public Self-Government</th>
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</thead>
<tbody>
<tr>
<td>1. The Board of the CTPS shall be elected for the period of the tenure of the respective Council.</td>
</tr>
<tr>
<td>2. The Board of the CTPS shall consist of the chair, deputy chair and other members of the Board;</td>
</tr>
<tr>
<td>3. The leadership of the CTPS Board shall be exercised by the chair of the Board or his deputy at the time when the chair is absent;</td>
</tr>
<tr>
<td>4. The chair of the CTPS Board shall be accountable to the Board, CTPS, local assembly of citizens, respective Council and executive committee and shall be responsible for the activities of the CTPS;</td>
</tr>
<tr>
<td>5. The composition of the CTPS Board shall include persons who are at least 18 and permanently reside in the territory of CTPS activities;</td>
</tr>
<tr>
<td>6. Members of the CTPS Board shall be obliged to fulfill the requirements of the Charter, decisions of the local assembly and other organs of the CTPS;</td>
</tr>
<tr>
<td>7. The mandate of a member of the CTPS Board shall be terminated in the following cases:</td>
</tr>
<tr>
<td>- At the decision of the local assembly of citizens, if the member of the CTPS Board does not fulfill his obligations on a regular basis and without good reasons;</td>
</tr>
<tr>
<td>- At his own request on the basis of his written resignation letter;</td>
</tr>
<tr>
<td>- In case his tenure as a member of the organ of territorial public self-government expires;</td>
</tr>
<tr>
<td>- In case a member of the organ of territorial public self-government moves for residence to a different place which is beyond the borders of the part of the administrative-territorial unit where the respective organ of territorial public self-government was established;</td>
</tr>
<tr>
<td>- In case a member of the organ of territorial public self-government is declared disabled in accordance with the established procedures;</td>
</tr>
<tr>
<td>- In case of the death of a member of the organ of territorial public self-government or if he is declared missing or dead.</td>
</tr>
</tbody>
</table>

We suggest adding this Article 28¹ to specify the composition of the committee of territorial public self-government. This article is needed to regulate the structure and composition of the CTPS Board, authority of its members and requirements that have to be fulfilled by the people elected to the CTPS Board.

<table>
<thead>
<tr>
<th>Article 28². Supervision over the Activities of the Committee of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Supervision over the activities of the CTPS shall be exercised by the CTPS Audit Commission and registration authority;</td>
</tr>
<tr>
<td>2. The Audit Commission of the CTPS shall be elected for the period of the tenure of the respective Council;</td>
</tr>
<tr>
<td>3. The Chair of the Audit Commission shall be elected at the first session of the commission;</td>
</tr>
<tr>
<td>4. The decisions of the Audit Commission shall be taken by the simple majority of its members;</td>
</tr>
<tr>
<td>5. The Audit Commission of the CTPS shall exercise supervision over the fulfillment of the activities of the</td>
</tr>
</tbody>
</table>

We suggest adding this Article 28² to stipulate provisions concerning the supervision over the activities of the committee of territorial public self-government. This article fills the gap in Chapter 3 of the Draft Law concerning internal control of the CTPS activities. In non-profit organizations such as the CTPS such control should be exercised by an audit commission. The Charter of the CTPS should have a chapter specifying the composition, terms of reference and operational procedures of the audit commission.
CTPS, decisions of the respective Council and executive and regulatory organs dealing with financial and economic issues;
- conduct audits of the financial activities of the CTPS at the instruction of the local assembly of citizens or at its own initiative at least once a year.
6. The Audit Commission shall report to the local assembly of citizens.

We suggest excluding Article 29 from the Draft Law

<table>
<thead>
<tr>
<th>Article 29. Membership in Collegial Organs of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Members of collegial organs of territorial public self-government can be citizens who reached at least 18 years of age and have registered residence in the part of the territory of the administrative-territorial unit where the collegial organ of territorial public self-government is established.</td>
</tr>
<tr>
<td>2. Candidates for members of collegial organs of territorial public self-government can be nominated by citizens as well as Councils and executive and regulatory organs of the respective administrative-territorial unit.</td>
</tr>
<tr>
<td>3. Members of collegial organs of territorial public self-government shall be elected by open voting or secret ballot by local assemblies. The exact type of voting shall be determined by local assemblies.</td>
</tr>
<tr>
<td>4. The composition of collegial organs of territorial public self-government shall include a chair, a vice chair and other members.</td>
</tr>
<tr>
<td>5. The management of collegial organs of territorial public self-government shall be exercised by the chair of the respective organ of territorial public self-government or by the vice chair when the chair is absent. The chair and vice chair shall be elected and relieved from their duties at a session of the respective collegial organ of territorial public self-government out of its members and with approval from the respective Council.</td>
</tr>
<tr>
<td>6. The chair of the collegial organ of territorial public self-government shall be accountable on all his activities to the respective organ of territorial public self-government, local assembly and respective Council.</td>
</tr>
<tr>
<td>7. The chair of the collegial organ of territorial public self-government shall exercise leadership of the respective organ of territorial public self-government, make sure that the organ of territorial public self-government fulfills the decisions of the local assembly and bear responsibility for the activities of the respective organ of territorial public self-government.</td>
</tr>
</tbody>
</table>
| 8. The mandates of the chair and vice chair shall be terminated in the following cases:
  - By a decision of the respective organ of territorial public self-government taken at the request of the respective Council, members of the respective organ of territorial public self-government, local assembly or citizens registered at the place of residence in the respective part of the administrative-territorial unit where the organ of territorial public self-government is established – in case they fail |
to fulfill their duties properly;
At their own request – on the basis of their written resignation note;
In case they lose membership in the respective organ of territorial public self-government.
9. Members of collegial organs of territorial public self-government shall be entitled to the following:
Participate in the management of affairs of the respective organ of territorial public self-government in accordance with procedures established by law and regulations on the respective organ of territorial public self-government;
Obtain information about the activities of the respective organ of territorial public self-government.
10. Members of collegial organs of territorial public self-government shall comply with the requirements of the regulations on the respective organ of territorial public self-government and decisions of local assemblies.
11. Membership in collegial organs of territorial public self-government shall be terminated in the following cases:
By a decision of the respective local assembly, if a member of the organ of territorial public self-government does not fulfill his duties systematically without good reasons;
At the own request of the member – on the basis of his written resignation note;
In case of the expiry of the mandate as a member of the organ of territorial public self-government;
In case of the movement of the member of the organ of territorial public self-government to a different location outside the borders of the part of the administrative-territorial unit where the organ of territorial public self-government is established;
In case if in accordance with the relevant procedures, the organ of territorial public self-government is declared incapable of fulfilling its duties;
In case of the death of the member of the organ of territorial public self-government, or if he is declared dead, or if he is declared missing.

**MISSING**

**Article 29 1. Charter of the Committee of Territorial Public Self-Government**
The Charter of the Committee of Territorial Public Self-Government shall contain the following information:
- Name, goals and objectives of the CTPS, and legal address;
- Territory covered by the activities of the CTPS;
- Procedures for the formation of the CTPS and its structure, and the composition of the CTPS;
- Sources of funding and procedure for the formation of CTPS property;
- Governance of the CTPS and supervision over its activities;
- Mandate of the meeting of authorized representatives as the supreme organ of the CTPS;

Our suggestion is to include another article (29 1) to Chapter 3 of the Draft Law on the Charter of the Committee of Territorial Public Self-Government, since it is the basic document for the establishment and registration of the committee of territorial public self-government.
### Article 30. Registration of Collegial Organs of Territorial Public Self-Government

1. For a collegial organ of territorial public self-government to be registered, the following documents shall be submitted to the respective executive and regulatory organs within one month after its establishment:
   - An application made in the form approved by the regional-level Council;
   - Regulations on the collegial organ of territorial public self-government;
   - Minutes of the local assembly providing information about the establishment of the organ of territorial public self-government, endorsement of the regulations on it and election of its members;
   - A list of local assembly participants with their first names, patronymics, last names, years of birth, citizenship and place of residence;
   - A list of members of the organ of territorial public self-government with the indication of their first names, patronymics, last names, dates of birth, citizenship, place of residence, home (mobile) telephone number, place of work (study), office telephone number and position in the organ of territorial public self-government.

2. The registration of the collegial organ of territorial public self-government shall be done by the respective executive and regulatory organs within ten days after the submission of the documents indicated in Paragraph 1 of this Article.

   Within five days after the registration of the collegial organ of territorial public self-government executive and regulatory organs shall inform the chair of the organ of territorial public self-government about it in the written form and issue a certificate on the registration of the collegial organ of territorial public self-government.

3. The application for registration of the collegial organ of territorial public self-government shall be rejected in the following cases:
   - When there is a contradiction between the submitted regulations on the organ of territorial public self-government and the relevant legislation or template of the regulations on the collegial organ of territorial public self-government approved by the regional-level Council;
   - When there is a discrepancy between the goals and objectives of the organ of territorial public self-government as laid out in the regulations on this organ and the goals and objectives of the activities of organs of territorial public self-government as defined by Article 26 of this Law;
   - When there is a violation of the established procedures for citizen nomination of representatives for local assemblies and norms of

### Article 30. Registration of the Committee of Territorial Public Self-Government

1. CTPS shall be registered by the respective executive committee (local administration) within ten days after the submission of the documents indicated in Paragraph 2 of this Article. Registration denial can be taken to court.

2. For the registration of the CTPS, the following documents shall be submitted to the registration authority within one month after the CTPS establishment:
   - A standard application;
   - Charter of the CTPS;
   - Minutes from the respective local assembly of citizens;
   - List of participants in the local assembly of citizens;
   - List of members of the Board of the CTPS;
   - List of members of the Audit Commission;
   - Documents confirming the availability of a legal address;
   - Other supporting documents required by the legislation.

3. The respective executive committee (local administration) shall issue to the CTPS chair a certificate of registration, a copy of the Charter and a certificate of the chair within five days after the registration.

We suggest a new wording for Article 30 “Registration of the Committee of Territorial Public Self-Government”.

The fundamental difference from the old version of this article is that we suggest that the registration of the CTPS should be done on the basis of its Charter and other supporting documents, which is also the case with the current legislation in the field of local self-government.

There are already practices based on such procedures. For example, there is a model regulation on territorial public self-government in the city of Minsk, and the registration of the committees is done on the basis of their charters.

Civil Code (Part 1 of Article 48) allows for the registration of non-profit organizations on the basis of their regulations in some cases, but in our case this norm is not relevant, because it is only applicable to individual non-profit organizations, while the establishment of CTPSs in the territory of one administrative-territorial unit can become a widespread phenomenon.
representation as well as procedures of citizen participation in such assemblies and election of members of the organ of territorial public self-government by local assemblies.

4. The collegial organ of territorial public self-government shall be regarded as established at the moment of its registration.

<table>
<thead>
<tr>
<th>Article 31. Operational Procedures for Organs of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sessions of the collegial organ of territorial public self-government shall be held as often as necessary but at least once in six months.</td>
</tr>
<tr>
<td>2. Sessions of the collegial organ of territorial public self-government shall be legally qualified if they are attended by at least two thirds of its members.</td>
</tr>
<tr>
<td>Citizens shall be entitled to have free access to sessions of the collegial organ of territorial public self-government as well as to participating in its work in a consultative capacity without the right to vote.</td>
</tr>
<tr>
<td>3. Decisions of the collegial organ of territorial public self-government shall be taken in an open vote by a simple majority of the members present at the respective session.</td>
</tr>
<tr>
<td>4. Decisions of the territorial public self-government organ shall apply to citizens who are registered for residence in the respective part of the administrative-territorial unit where the territorial public self-government organ is established and shall be fulfilled by citizens on a voluntary basis.</td>
</tr>
</tbody>
</table>

We suggest excluding Article 31 from the Draft Law

We suggest adding this new Article 311 to specify the mandate of the committee of territorial public self-government.

MISSING

<table>
<thead>
<tr>
<th>Article 311. Mandate of the Committee of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CTPS shall realize its mandate in accordance with procedures established by the Charter of territorial community of citizens (hramada) and Council Rules of Procedure.</td>
</tr>
<tr>
<td>To achieve its goals and objectives, the CTPS shall be entitled to the following:</td>
</tr>
<tr>
<td>☑ Submit proposals concerning ways of managing local affairs to Council sessions and Council organs;</td>
</tr>
<tr>
<td>☑ Attend Council sessions and meetings of its organs as well as executive committee (local administration) meetings;</td>
</tr>
<tr>
<td>☑ Call local assemblies, conduct public hearings and opinion polls, and assist in the implementation of law-making initiative of citizens;</td>
</tr>
<tr>
<td>☑ Use the money received by the CTPS account in accordance with the requirements of Part 1 of Article 311;</td>
</tr>
<tr>
<td>☑ Accept (including free of charge) from the Council, executive committee and other organizations property objects and public areas such as playgrounds and sports grounds for its possession and management;</td>
</tr>
<tr>
<td>☑ Study the opinion of citizens concerning the issues of socioeconomic development;</td>
</tr>
<tr>
<td>☑ Assist citizen initiatives in managing local affairs;</td>
</tr>
<tr>
<td>☑ Organize social services for families and different categories of citizens who need social support;</td>
</tr>
</tbody>
</table>

We suggest adding this new Article 311, since its provisions are covered by the norms in the new articles suggested by the Lev Sapieha Foundation (Articles 281, 282 and 291).

Procedures for the operation of organs of territorial public self-government are also reflected in the Charter of the CTPS.
<table>
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<tbody>
<tr>
<td>✐ Contribute to the revival and preservation of traditions and cultural values;</td>
<td>✐ Submit proposals on local affairs to Council or executive committee (local administration) sessions (Paragraph 1 of Part 11 of Article 29).</td>
</tr>
<tr>
<td>✐ Organize recreational activities for citizens;</td>
<td>✐ We suggest keeping this norm from the current law and also entitle representatives of territorial public self-government to attend Council or executive committee (local administration) sessions.</td>
</tr>
<tr>
<td>✐ Assist in maintaining public order.</td>
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<tr>
<th>Article 31. Financial and Economic Basis of the Committee of Territorial Public Self-Government</th>
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<tbody>
<tr>
<td>1. The financial basis for the activities of the Committee of Territorial Public Self-Government shall be composed as follows:</td>
</tr>
<tr>
<td>✐ Voluntary contributions and donations from citizens and organizations;</td>
</tr>
<tr>
<td>✐ Proceeds from its events and activities carried out under its Charter;</td>
</tr>
<tr>
<td>✐ Financial resources transferred from the local budget for the realization of the mandate delegated by the Council to the CTPS;</td>
</tr>
<tr>
<td>✐ Other incomes which are not forbidden by law, including from foreign citizens and organizations.</td>
</tr>
<tr>
<td>The CTPS can use the financial resources at its disposal for the activities provided for in its Charter, including for the operation of its organs.</td>
</tr>
<tr>
<td>2. The material basis for the activities of the CTPS is communal property (objects of improvement, buildings, internal premises, playgrounds, sports grounds and other objects) which has been transferred to the CTPS by the Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 32. Abolition of the Collegial Organ of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>The collegiate organ of territorial public self-government can be abolished by the decision of the respective – Local assembly or Council in case of its systematic or flagrant violations of the legislation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 32. Extension, Suspension and Termination of the Activities of the Committee of Territorial Public Self-Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>✐ We suggest replacing Article 32 of the Draft Law “Abolition of the Collegial Organ of Territorial Public Self-Government” with an article entitled, “Extension, Suspension and Termination of the Activities of the Committee of Territorial Public Self-Government.”</td>
</tr>
<tr>
<td>1. Within three months after the election of the new Council the Board and the Audit Commission of the Committee of Territorial Public Self-Government shall be re-elected.</td>
</tr>
<tr>
<td>2. The activities of the CTPS shall be suspended by the respective executive committee (local administration) in the following cases:</td>
</tr>
<tr>
<td>✐ Violations of state registration procedures;</td>
</tr>
<tr>
<td>✐ Regular violations of the legislation.</td>
</tr>
<tr>
<td>✐ We suggest re-electing the Board and the Audit Commission of the CTPS after the election of the new Council.</td>
</tr>
</tbody>
</table>

The Draft Law does not have an article specifying the financial and economic basis for the activities of the committee of territorial public self-government. This is a step back in comparison with the current law on local self-government (Article 46). The possession of own financial resources (even if they are limited) is critical for further development of this form of citizen self-organization. The movement of establishing such committees can hardly become widespread and effective, if there is uncertainty about adequate financial resources for carrying out activities under the charter. Without the contributions and donations from citizens who establish the committee, it is impossible for the committee even to exist, let alone work effectively.

One should proceed from the assumption that the CTPS as a form of citizen participation in local self-government can lay a claim on a part of local budget resources. Such an approach is taken in the Ukrainian Law “On Organs of Self-Organization of Population” from July 11, 2001. In particular, if the Council gives its approval for the establishment of an organ of self-organization of citizens and if this organ is indeed established and registered, the Council has an obligation to finance the activities of this organ from its budget.

It can be mentioned here that in the initial period of establishing organs of territorial public self-government in Belarus (1989-1995) local Councils did the registration of CTPSs and allocated certain funding for their operation. Moreover, they also gave them the right to manage some parts of communal property.

The termination of the activities of non-profit organizations is usually done by the founders if the goals of the organization are achieved and the mission is completed or by a court decision if there are violations of the law.
3. The CTPS can be terminated at the decision of –
- Local assembly of citizens;
- The Council, in case of regular and serious violation of the law;
- The court, in cases provided for in the law.
4. The termination of the CTPS shall be done by a termination commission which is set up by the authority who takes the decision about its termination. In case of termination, the property of the CTPS shall become communal property.

CHAPTER 4. LOCAL ASSEMBLY, LOCAL REFERENDUM AND OTHER FORMS OF LOCAL SELF-GOVERNMENT

Article 33. Local Assembly
1. Local assembly is the common presence of a group of citizens who convene to discuss issues of state and public life of national or local significance and the main form of direct citizen participation in the management of the affairs of the society and of the state.

2. Procedures for initiating, convening and holding local assemblies as well as their authority shall be determined by the Law of the Republic of Belarus “On National and Local Assemblies” and by this Law.

Our suggested wording for the title of this chapter is fuller and more precise with the respect to the idea and content of the articles in this chapter.

Local self-government can be exercised through two forms: representative (Councils) and direct (local elections, local referendums, local assemblies, etc.). Therefore, it is not correct to say that local elections, local referendum, local assemblies and so on are forms of local self-government. They are forms of direct exercise of local self-government by citizens and direct participation of citizens in local self-government.

We suggest a new wording for Part 1 of Article 33 of the Draft Law.

Part 2 of Article 1 of the Draft Law also mentions local assemblies as one of the forms (not the main one!) for citizens to exercise local self-government.

2. We suggest making the following changes in Article 33 of the Draft Law:
- Expand the circle of subjects who have the right of initiative in calling local assemblies, adding also the Council chair, presidium and standing commissions;
- Reduce from 10 to 2 percent the number of citizens who can realize their initiative for calling local assemblies. The right to determine a specific number of citizens should be given to Councils;
- Make the respective amendments in the Law of the Republic of Belarus “On National and Local Assemblies”.

CHAPTER 4. FORMS OF DIRECT EXERCISE OF LOCAL SELF-GOVERNMENT BY CITIZENS AND DIRECT PARTICIPATION OF CITIZENS IN LOCAL SELF-GOVERNMENT

Article 33. Local Assembly
1. Local assembly is the common presence of a group of citizens who convene to discuss issues of local significance, receive information about the activities of the Council and executive committee (local administration) and adoption of decisions concerning the establishment and abolition of organs of territorial public self-government.

2. Local assemblies can be convened by the Council Chair, Presidium of the Council, Standing Commission of the Council, organs of territorial public self-government, executive committee chair, head of local administration and at the initiative of citizens who are at least two percent (but no less than 10 people) of those who reside in the respective territory.

A specific number of citizen signatures necessary to support the initiative of holding a local assembly shall be established by every Council independently in the Charter of territorial community of citizens (hramada) or Council Rules of Procedure.

The norms of representation and procedures for the election of authorized representatives for the participation in the local assembly shall be established by the initiator of the assembly.

The assembly is legally qualifying if it is attended by at least 25 percent of citizens who are older than 18 and permanently reside in the respective territory or at least two thirds of their authorized representatives.
3. Representatives of state organs, enterprises, organizations and institutions can participate in the assembly with a deliberative voice. The participation of representatives of the respective Council and executive committee (local administration) in local assemblies shall be mandatory.
4. The secretary of the assembly and its counting commission shall be elected by the respective local assembly. The assembly shall take minutes.
5. Local assemblies shall be financed by the local budget.
6. The decision of the local assembly shall be considered adopted when more than one half of participants vote for it.
7. Decisions adopted at the local assembly which contain proposals and recommendations on local issues shall be considered at Council or executive committee (local administration) sessions. The results of the consideration and the respective decisions shall be communicated to citizens.
8. The procedure for initiating, convening and holding local assemblies as well as the authority of local assemblies shall be regulated by the Law of the Republic of Belarus “On National and Local Assemblies”, this Law, Charter of territorial community of citizens (hramada) and Council Rules of Procedure.

<table>
<thead>
<tr>
<th>Article 34. Local Referendum</th>
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<tbody>
<tr>
<td>1. Local referenda can be held to resolve issues which are of utmost importance for the population of the respective administrative-territorial units and which fall within the authority of the respective Councils and executive and regulatory organs.</td>
<td>1. Local referendums can be held to resolve local issues which fall within the authority of the respective Councils, executive committees and local administration.</td>
<td>1. We suggest excluding from Part 1 of Article 34 the following phrase: “which are of utmost importance for the population of the respective administrative-territorial units”, since a) it is not clear which issues are of utmost importance and which criteria should be used to find out; and b) Article 126 of the Election Code allows the regional and Minsk City justice authorities to conclude that any issue placed on the referendum is of no “utmost importance” and reject the application for the referendum. Thus, it turns out that it is justice authorities (and not citizens!) decide which issues are of “utmost importance”. This emasculates the very idea of the local referendum as the right of citizens to take decisions on local issues. Therefore, if an initiative group of citizens observes all the necessary norms and procedures as required by law, the referendum should be held on any issue! (except for the issues listed in Parts 3 and 4 of Article 112 of the Election Code). Citizens (and not justice authorities!) can themselves decide whether one particular issue is of “utmost importance” for them or not.</td>
</tr>
</tbody>
</table>
2. The initiative of citizens on local referendums shall be expressed in a proposal submitted by at least five percent of eligible voters residing in the respective territory.

3. Referendum decisions can be mandatory or consultative. The list of issues on which decisions have to be mandatory shall be established in the Charter of territorial community of citizens (hramada) or Council Rules of Procedure.

4. The referendum decision if it is of mandatory nature shall be fulfilled in the territory of the respective administrative-territorial unit and shall not be subject to approval by any other state organs, organs of local government or self-government or by their officials.

5. The Council shall call the date of the local referendum within 30 days after the required documents are submitted by the initiative group of citizens who call for a local referendum. In case the local referendum is not called by the Council within the specified period of time, the referendum shall be called by a court decision on the basis of a complaint filed with the court by the initiative group of citizens.

6. The procedures for holding local referendums as well as the list of issues that cannot be placed on the local referendum shall be determined by law.

2. We suggest reducing from 10 to 5 percent the number of signatures necessary for the realization of the initiative of citizens for a local referendum. This will simplify this form of direct participation and will make more real and accessible.

3-4. Article 127 of the Election Code gives Councils the right to independently decide on the legal force of the local referendum. It is suggested that Charters of territorial Communities of Citizens (Hramdas) or Council Rules of Procedure should have a list of issues on which decisions taken at referendums are mandatory.

4. Article 127 of the Election Code as well as Article 34 of the Draft Law does not envisage a situation in which the Council refuses to call a local referendum, despite the fact that all the necessary procedures have been fulfilled. Therefore, we suggest including this Part 5 which would regulate the above-described situation.

5. The Election Code as well as Article 34 of the Draft Law does not envisage a situation in which the Council refuses to call a local referendum, despite the fact that all the necessary procedures have been fulfilled. Therefore, we suggest including this Part 5 which would regulate the above-described situation.

Part 2 of Article 34 of the Draft Law remains without changes.
The original Article 35 only stipulates that the right of citizens to law-making initiative refers only to issues which fall within the authority of Councils. Such an approach restricts this right to a very narrow and often irrelevant circle of issues, bringing the effectiveness of this instrument to a very low level. Most issues which concern the everyday life of citizens are covered by the authority of executive and regulatory organs as well as local administrations in city districts.

2. The actual absence of law-making initiative from citizens is largely a result of the need to collect a large number of signatures to support the law-making initiative. In order to involve citizens in the participation in local affairs, we suggest reducing the required number of signatures, making this condition more realistic and the respective procedure – easier and more understandable.

3. Paragraph 2 of Article 35 suggests making it more explicit that draft decisions submitted by citizens as part of their law-making initiative should be considered at an open session. The same approach is taken in Article 31 of the current local self-government law, which is in line with the principle of openness and transparency.

4. Citizens should have the right to appeal against the refusal to consider draft decisions submitted by citizens as part of their law-making initiative.

Article 36. Citizen Participation in Financing Expenditures to Achieve Goals Designated by Citizens

1. If decided at a local referendum or local assembly in the territory of villages, towns or cities of district subordination, money can be collected on the basis of self-taxation to finance expenditures to achieve goals designated by citizens.

The wording of Article 36 suggested by the Lev Sapieha Foundation reflect the following fundamental principles: voluntary self-taxation; use of resources collected from self-taxation outside local budgets; properly managed process of self-taxation; and responsibility for the use of resources collected on the basis of self-taxation. The need to make self-taxation voluntary comes from the fact that people have different levels of income and have different capacities to pay. Therefore, there should be differentiation in payments and the assumption that the richer will pay more, while the poor will pay less. This is also in line with the principle of justice.
2. Self-finance fund shall be included into the respective local budget and spent exclusively for the purposes designated by the local assembly or territorial public self-government organ.

3. Local assemblies or territorial public self-government organs shall set the size of contributions to the self-finance fund, determine the terms of their payment with due regard to Paragraph 4 of this Article, identify categories of citizens who will pay the contributions, and examine and approve the report of the executive committee on the use of self-finance resources.

4. The payment of contributions to the self-finance fund shall be voluntary and shall be conducted within the term determined by the local assembly or territorial public self-government organ but before the first of December of the current year at the latest. The payments shall be collected by the respective primary-level executive committee.

5. The primary-level executive committee shall make sure that the self-finance fund is spent for the execution of activities designated by the local assembly or territorial public self-government organ as well as shall report to the local assembly or territorial public self-government organ on the use of these resources.

6. The part of the self-finance fund which is not used in the current financial year shall remain on the account of the respective local budget and shall be spent the following financial year for the same or other purposes designated by the local assembly or territorial public self-government organ.

7. Supervision over the allocation and intended use of resources from the self-finance fund shall be exercised by basic-level executive committees.

MISSING

Article 361. Public Hearings

1. Public hearings are conducted for the discussion of draft regulatory acts concerning local affairs which fall within the authority of the Council, executive committee or local administration.

2. Public hearings are conducted at the initiative of the Council, Council Presidium, Standing Commissions, deputy groups and associations, executive committee, executive committee chair, head of local administration, and at the initiative of citizens and non-governmental organizations.

3. The initiators shall take part in the public hearings along with representatives of the Council and executive committee (local administration).

4. The initiative of citizens or non-governmental organizations concerning the conduct of public hearings shall be supported by:
   
   - 500 people, for the discussion of draft regulatory acts of regional-level Councils and executive committees (including in the city of Minsk);
   
   - 250 people at the basic level and for local administrations in city

5. The extra-budgetary nature of self-taxation can prevent possible attempts of local authorities to use these resources as an additional source of budget revenues and use them to cover the budget deficit. Therefore, it is necessary to isolate self-taxation from local budgets.

Proper management of the process of self-taxation will be ensured by the election of a special person at the local assembly who will be responsible for the collection, storage and intended use of these resources.

Supervision over the proper use of the resources will be ensured by giving this function to an external actor, that it, the respective Council at the primary level.

We suggest adding this article 361 on public hearings to Chapter 4 of the Draft Law. Public hearings are one form of direct exercise of local self-government by citizens. The special feature of public hearings as a form of direct exercise of local self-government by citizens is that citizens participate in the discussion of draft regulatory acts on local issues which are prepared by both organs of local government and self-government and citizens as part of their law-making initiative. Public hearings are also conducted to realize the principle of openness and transparency in the work of Councils and executive committees (local administrations). Experts can be invited by the initiators of public hearings to take part in the discussions.
districts;
6. 50 people at the primary level.
4. Public hearings which are conducted at the initiative of citizens and non-governmental organizations shall be called by the head of the organ which is responsible for the consideration and adoption of the respective regulatory acts.
5. The following documents and issues shall be placed on public hearings in any case:
5.1. Draft Charter of territorial community of citizens (hramada) and Council Rules of Procedure as well as draft regulatory acts intended to amend the above-mentioned Charter or the Rules;
5.2. Draft local budget and its execution report;
5.3. Draft programs of socioeconomic development, territorial programs and concepts (or draft activity plans at the primary level) which are indicated in Article 17 (Paragraphs 1.2 and 1.4) and Article 41 (Parts 1 and 2).
5.4. Issues concerning the changes of borders of administrative-territorial units, formation or abolition of administrative-territorial units, movement of administrative centers and changes in the names of places.
The list of issues which are mandatory for public hearings can be expanded by a Council decision.
6. Public hearings shall be conducted in an open and transparent manner.
The initiators of public hearings shall inform citizens about their time and place at least 15 days in advance and shall provide the possibility to study the draft regulatory act in question as well as take other measures to facilitate citizen participation in the public hearings.
The results of public hearings shall be made public.
7. The results of public hearings shall be taken down in the written form and shall be considered by Councils and executive committees (local administrations) while making related decisions.
8. Procedures for the organization and holding of public hearings shall be determined by the Charter of territorial community of citizens (hramada) or Council Rules of Procedure.

MISSING

Article 36. Polling Citizens on Local Issues
1. Polling of citizens, including through the Internet, shall be conducted to study public opinion and take it into account while taking decisions of Councils, executive committees, local administrations or their officials. Polls can be conducted in the entire territory of the administrative-territorial unit or in one part of it.
2. The right of initiative for polling shall belong to Council Presidium, Council Chair, Standing Commissions, deputy groups or associations, executive committee chair, head of local administration and organs of territorial public self-government.
3. The decision to conduct polls of citizens shall be taken by the Council Presidium or, at the primary level, by the Council Chair. The decision shall contain the following information:

We suggest adding this article 36 on public opinion polls to Chapter 4 of the Draft Law.
Polls of citizens on local issues are one of the progressive forms of direct democracy. The current Belarusian legislation does not provide for this form of direct democracy.
Similar polls but narrower in terms of their topics (mostly related to the general social and political situation in the country) are regulated by some resolution of the Council of Ministers of the Republic of Belarus (№ 707 from 31.05.2002; № 1174 from 29.08.2002; № 1240 from 08.11.2005).
The inclusion of provisions on polls as one of the forms of direct democracy into the local self-government law is very relevant and
### Article 59. Legality

1. Decisions of Councils and executive and regulatory organs, orders of their heads as well as decisions of organs of territorial public self-government, local referenda and local assemblies shall be in accordance with the legislation.
2. Regulatory acts which are drafted or adopted by Councils and executive and regulatory organs shall be subject to mandatory legal examination in accordance with the procedures established by law.
3. Decisions of Councils which are not in line with legislations shall be cancelled by upper-level Councils, Council of the Republic of the National Assembly on the basis of a court decision (ruling) and can be suspended by the President of the Republic of Belarus.

### Article 36. Citizen Appeals to Organs of Local Government and Self-Government

1. Citizens shall have the right of individual and collective appeals to organs of local government and self-government.
2. An appeal is an individual or collective proposal, statement or complaint of a citizen or citizens to organs of local government and self-government, done orally or in written.
3. Officials of organs of local government and self-government are obliged to provide a written reply on the matter of the appeal within one month after it is received.
5. Officials of organs of local government and self-government shall bear responsibility for the failure to comply with the legislation of the Republic of Belarus on citizen appeals.

### Article 37. Other Forms of Citizen Participation in State and Public Affairs

In addition to the forms of direct citizen participation in state and public affairs as provided for in this Law, local self-government can be also exercised in other forms which do not contradict the legislation.

### Article 37. Other Forms of Direct Exercise of Local Self-Government by Citizens

Along with the forms of direct exercise of local self-government by citizens which are stipulated by this Law, citizens can exercise local self-government in other forms provided for by the legislation of the Republic of Belarus (local elections, recall of deputies, mass events) and which do not contradict the legislation of the Republic of Belarus.

We suggest adding one more procedure into the process of cancelling decisions of local authorities and their heads in Paragraphs 3-6 of Article 59 of the Draft Law, in particular, obtaining a court decision before cancelling decisions of local authorities. The court would have practical interest for medium and large cities. Such cities are developing quickly, with a lot of construction, traffic growth, with problems related to communications and infrastructure, land use, territorial planning, trade, etc. Therefore, consulting citizens on those issues can be useful and effective in terms of the quality of decision-making.

We believe that polls could also provide support for the Councils and executive committees in managing issues of local significance. Polls of citizens as a form of direct democracy are actively used in other countries. In Russia, for example, polls are formalized in the legislation.

We suggest adding this article 36 on citizen appeals to organs of local government and self-government to Chapter 4 of the Draft Law. Issues related to citizen appeals are regulated by the Law of the Republic of Belarus “On Citizen Appeals”.

Nevertheless (similarly to Article 33 on local assemblies and Article 34 of local referendums, whose provisions are also duplicated in Belarus’ Law “On National and Local Assemblies” and in the country’s Election Code), we suggest adding this Article 36 on citizen appeals to Chapter 4 of the Draft Law. This will help to emphasize the right of citizens to appeal to local authorities as a form of direct exercise of local self-government by citizens.

## Article 36.1. Citizen Appeals to Organs of Local Government and Self-Government

<table>
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## Article 37. Other Forms of Citizen Participation in State and Public Affairs

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<td>1.</td>
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</tr>
</tbody>
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## Article 37. Other Forms of Direct Exercise of Local Self-Government by Citizens

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</tr>
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</table>

We suggest making explicit other forms of direct exercise of local self-government by citizens in the text of Article 37.

The norms regulating local elections, recall of deputies, organization and conduct of mass events are formalized in other laws of the Republic of Belarus and often are not perceived as forms of direct exercise of local self-government by citizens.
the suspension of such a Council decision, the President of the Republic of Belarus shall submit a request to cancel the decision to the Council at the upper-level with regard to the one that made the decision or to the Council of the Republic of the National Assembly of the Republic of Belarus.

In case of the suspension of such a Council decision, the President of the Republic of Belarus shall submit a request to cancel the decision on the basis of a court decision (ruling) to the Council at the upper-level with regard to the one that made the decision or to the Council of the Republic of the National Assembly of the Republic of Belarus.

Orders of Council chairs which are not in accordance with the law shall be cancelled by the same or upper-level Councils as well as suspended by the President of the Republic of Belarus. In case of the suspension of such a Council chair decision, the President of the Republic of Belarus shall submit a request to cancel the decision to the same Council or to the Council at the upper-level with regard to the one whose chair made the decision in question.

Orders of Council chairs which are not in accordance with the law shall be cancelled by the same independently or by upper-level Councils on the basis of a court decision (ruling) as well as suspended by the President of the Republic of Belarus. In case of the suspension of such a Council chair decision, the President of the Republic of Belarus shall submit a request to cancel the decision to the same Council or, on the basis of a court decision (ruling), to the Council at the upper-level with regard to the one whose chair made the decision in question.

We suggest making more specific the norm of Part 2 of Paragraph 3 concerning the cancellation of orders by Council chairs. Since the chair is an organ and an official of the Council, the Council should have the right to cancel or change his orders independently. At the same time, Councils of other territorial levels and the President of the Republic of Belarus should take the decisions concerning the orders of Council chairs only on the basis of a court decision (ruling).

Decisions of executive committees which are not in accordance with the law shall be cancelled by the respective Councils, upper-level executive committees or the President of the Republic of Belarus.

Decisions of executive committee chairs which are not in accordance with the law shall be cancelled by the respective Councils, upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.

Decisions of heads of local administrations which are not in accordance with the law shall be cancelled by upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.

4. Decisions of executive committees which are not in accordance with the law shall be cancelled by the respective Councils, upper-level executive committees or the President of the Republic of Belarus.

Decisions of executive committee chairs which are not in accordance with the law shall be cancelled by the respective Councils, upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.

Decisions of heads of local administrations which are not in accordance with the law shall be cancelled by upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.

Part 2 Paragraph 4 without changes

Decisions of executive committee chairs which are not in accordance with the law shall be cancelled by the respective Councils within the limits of their authority or in other cases on the basis of a court decision (ruling) by upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.

Part 4 Paragraph 4 without changes

Decisions of executive committee chairs which are not in accordance with the law shall be cancelled by the respective Councils within the limits of their authority or in other cases on the basis of a court decision (ruling) by upper-level executive committees, chairs of upper-level executive committees or the President of the Republic of Belarus.
5. Decisions of organs of territorial public self-government which are not in accordance with the law or the charters of these organs of territorial public self-government, or the decisions of local assemblies shall be cancelled by the local assembly or respective Council.

6. Decisions of Councils and executive and regulatory organs which restrict or violate the rights, freedoms or legitimate interests of citizens as well as in other cases which are stipulated by the legislation can be appealed in court in accordance with the civil and economic procedures law.

### Article 64. Responsibility of Local Government and Self-Government Organs

1. Organs of local government and self-government shall bear responsibility for the legality of their decisions.

   1.1. Responsibility before citizens who elected deputies of the local Council in case of loss of confidence shall be expressed in recalling the deputy or deputies of the local Council and in not electing specific persons for the following tenure of the Council.

   1.2. Responsibility before the state for the violation of legislation shall be in the right of the Council of the Republic of the National Assembly to terminate the mandate of the Council early on the basis of a ruling by the Constitutional Court about serious and systematic violations in the activities of the Council in question;

2. The damage inflicted on organizations or citizens as a result of unlawful decisions, action or inaction of local government and self-government organs or their officials shall be reimbursed by them in accordance with civil legislation.

For Part 1 we suggest giving a more detailed definition of the responsibility of local authorities for the legality of their decisions by describing different types of responsibility.

In Paragraph 1.1. we suggest describing responsibility of the Council before citizens for the loss of confidence. This can be a reason for early termination of deputy mandate by initiating the procedure of recalling deputies or not voting for them any more in the next elections.

In Paragraph 1.2. we suggest describing responsibility of the Council before the state for the serious and regular violations of the law. This can be a reason for the early termination of Council mandate (Council dissolution) by the Council of the Republic of the National Assembly.

For Part 2 we suggest adding the norm which would also provide for the restoration of violated non-property rights of organizations and citizens in addition to the reimbursement of material damage caused by unlawful decisions of local authorities or their action or inaction.
PART 3

CONCLUSIONS AND PROPOSALS

Conclusions

1. During the presentation of this Draft Law in the House of Representatives of the Belarusian National Assembly, its initiators told the lawmakers that the main goals of the law were the following ones:
   - Simplification and systematization of legislation in the field of local self-government;
   - Comprehensive regulation of relations in this field in one legislative act.

Thus, the initiators of the Draft Law did not ask the developers of the draft to approximate its norms and concepts to the principles and norms of the European Charter of Local Self-Government (the Charter). Such position calls into question the seriousness of Belarus' intention to join the Council of Europe, as is repeatedly announced by the country's leadership.

In case this Draft Law is accepted, it will have substantial conceptual and practical contradictions with the principles and norms of the Charter. Moreover, in comparison with the law on local self-government currently in force in Belarus, some articles of the suggested new law can strengthen the role of the state and centralization of government as well as centralization of decision-making processes at the local level, which can be a source of additional contradictions with the Charter.

   For example, in accordance with Article 2 of the current Belarusian Law "On Local Government and Self-Government in the Republic of Belarus", local self-government in its activities proceeds from the interests of citizens. Part 1 of Article 1 of the Draft Law suggests that the first place should be given to the state interests and only afterwards should it refer to the interests of citizens.

   Paragraph 8 of Article 5 of the current law declares the principle of transparency as one of key principles, according to which, for example, every citizen can be given the possibility to familiarize himself or herself with the documents and materials that can affect his or her rights and legitimate interests. The Draft Law (Paragraph 9 of Article 3) takes away this possibility from citizens, which puts substantial restrictions on the rights of citizens and impedes the realization of the principle of transparency.

2. Despite the great importance of this Draft Law for every citizen, there has been no wide public discussion of this document, not even among members of local councils, not to mention the general public.

3. One of the positive things in the new Draft Law is that it now includes an article about associations of councils (Article 7), which can only be welcomed and supported. The process of developing and implementing this article (adoption of relevant regulations, establishment of an association, formulations of its goals and objectives, etc) in accordance with the principles and norms of the Charter will contribute to the development of genuine and effective local self-government in Belarus.

4. Another positive thing suggested in the Draft Law (Articles 42-44 of Chapter 5) is the division of authority of executive committees depending on the level of government. This approach is in line with Paragraph 3 of Article 4 of the Charter.

5. On the whole, the Draft Law is not aimed at the development of genuine local self-government in Belarus. Councils as well as organs of territorial public self-government and other forms of direct democracy are given a merely formal role in order to create only the appearance of democratic elements.

Proposals

Taking into account the prospect of Belarus' accession to the Council of Europe and, as a result, the need for signing and ratifying the Charter on the part of Belarus, we recommend the following steps to be taken:

1. Make an official approach to the Congress of Local and Regional Authorities of the Council of Europe and ask its experts to make an assessment of the Belarusian legislation in the field of local self-government and conclude whether it is in line with the principles and norms of the Charter and produce a respective report on the matter;

2. In order to improve the institutional mechanisms of government, the second proposal is to develop a uniform systemic approach to the evolutionary development of local self-government. The absence of such an approach negatively affects the development of respective legislation as well as the practical implementation of some national and regional programs and the improvement of the country's
In particular, the implementation of the national program of rural development resulted in a situation where about one-third of agrotowns are now located in places which are not administrative centers of village councils. There has been already reform of administrative-territorial division in some regions (Vitebsk region) and similar reforms are planned in other regions (Mogilyov region), but at the same time, there is no uniform and officially endorsed approach to this issue. In some cases towns and their respective surrounding districts are merged and in some situations the respective Councils are abolished while executive committees are still operational (Borisov, Zaslavl).

**One uniform, general approach** to the development of genuine and effective local self-government in Belarus will help avoid such mistakes, improve regulatory environment, define the long-term vision for the role of state institutions and civil society institutions (including territorial communities of citizens) in the organization of public life at the local level.

3. In accordance with Paragraph 3 of the Resolution of Belarusian Congress of Local Council Members, dated December 29, 2000, the third proposal is develop and adopt a concept of reform of local government and self-government in the Republic of Belarus, making sure that it is based on a model which is in line with the principles and norms of the Charter;

4. To implement this concept, develop and officially endorse a list of necessary activities, including the development of the respective regulatory framework (including a draft law on local self-government in a new wording) and the creation of an economic basis for local self-government, make a timetable for their implementation and designate those responsible for their implementation.
ANNEXES

2. European Charter of Local Self-Government
3. Information about NGO Lev Sapieha Foundation
DRAFT
Submitted by the President
of the Republic of Belarus

REPUBLIC OF BELARUS

LAW
On Local Government and Self-Government
in the Republic of Belarus

Passed by the House of Representatives
Approved by the Council of the Republic

This Law determines the legal and organizational basis of local
government and self-government in the Republic of Belarus.

CHAPTER 1
GENERAL PROVISIONS

Article 1. Definition of Local Self-Government and System of Its Organs

1. Local self-government is an organizational and operational form that residents of a particular territory (hereinafter referred to as citizens, if not indicated otherwise) use to independently resolve social, economic and political issues of local significance, either directly or through their elected organs, proceeding in making their decisions from common state interests and interests of citizens and considering relevant features in the development of respective administrative-territorial units, with the use of their own material and financial resources and those raised elsewhere.

Local self-government shall be exercised through local Councils of Deputies (hereinafter referred to as Councils), organs of territorial public self-government, local assemblies, local referenda, citizen initiatives to advocate Council decisions, citizen participation in funding and/or reimbursement of budget spending for particular goals defined by citizens or through any other forms of citizen participation in state and public affairs.

2. The system of local self-government organs shall include Councils and organs of territorial public self-government.

3. The system of Councils in the Republic of Belarus shall consist of three territorial levels – regional, basic, and primary – and comprise regional, city, district, town and village Councils.

The regional territorial level shall comprise regional Councils and Minsk City Council (all hereinafter referred to as regional-level Councils, if not indicated otherwise).

The basic territorial level shall comprise city Councils (for cities of regional subordination) and district Councils (all hereinafter referred to as basic-level Councils, if not indicated otherwise).

The primary territorial level shall comprise village Councils, town Councils, and city Councils (for cities of district subordination) (all hereinafter referred to as primary-level Councils, if not indicated otherwise).

Minsk City Council shall also enjoy the rights of a basic-level Council.

Article 2. Definition of Local Government and System of Its Organs

1. Local government is an organizational and operational form that local executive and regulatory organs (hereinafter referred to as executive and regulatory organs) use to resolve issues of local significance, proceeding in making their decisions from common state interests and interests of citizens.

2. The system of local government shall consist of three territorial levels – regional, basic and primary – and comprise regional, city, district, town and village executive committees (hereinafter referred to as executive committees) and local administrations in city districts (hereinafter referred to as local administrations).

The regional territorial level shall comprise regional executive committees and Minsk City executive committee (all hereinafter referred to as regional-level executive committees, if not indicated otherwise).

The basic territorial level shall comprise city executive committees (for cities of regional subordination) and district executive committees (all hereinafter referred to as basic-level executive committees, if not indicated otherwise).

The primary territorial level shall comprise village executive committees, town executive committees, city executive committees (for cities of district subordination) (all hereinafter referred to as primary-level executive committees, if not indicated otherwise).

Minsk City executive committee shall also enjoy the rights of a basic-level executive committee.

Article 3. Fundamental Principles of Local Government and Self-Government

Local government and self-government in the Republic of Belarus shall be exercised in accordance with the following fundamental principles:
Article 4. Legal Basis of Local Government and Self-Government

Local government and self-government in the Republic of Belarus shall be organized and exercised on the basis of the Constitution of the Republic of Belarus, this Law and other legislative acts.

Article 5. Role of Councils and Executive and Regulatory Organs in Improving the Organization of Work with Citizens and Legal Entities

1. Councils shall be engaged in activities aimed at improving the organization of work with citizens and legal entities, including activities to introduce the principle of “one stop shop” into the operation of state organs and other state organizations; they shall also participate in exercising control over such activities in their respective territories.

2. In order to improve the organization of work with citizens and legal entities, Councils and executive and regulatory organs, within their authority and in accordance with procedures established by law, shall be entitled to as follows:
   2.1. Review appeals of citizens, including sole proprietors, and legal entities (hereinafter referred to as appeals of citizens and legal entities), including trips to the places in question, and keep a record book of complaints and proposals;
   2.2. Take necessary measures to ensure full, objective, all-sided and timely review of appeals of citizens and legal entities in the respective territory, including participation in exercising control over the timely and quality resolution of issues raised in appeals of citizens and legal entities by state organs and other state organizations;
   2.3. Hold personal reception hours for citizens, including sole proprietors, and representatives of legal entities (hereinafter referred to as personal reception of citizens and representatives of legal entities);
   2.4. Conduct administrative procedures, get engaged in regular activities aimed at their simplification, including through reducing the number of documents required for such procedures, shortening the duration of such procedures and by sending respective proposals to the relevant state organs and other organizations.

Article 6. Role of Councils and Executive and Regulatory Organs in Social Protection of Citizens

Councils and executive and regulatory organs, within their authority and in accordance with procedures established by law, shall take measures to ensure social protection of citizens in the respective territory, including through the provision of tax and duties (charges) concessions, through award and payment of retirement pensions, social benefits, targeted state social support and other types of social payments.

Article 7. Associations (Unions) of Councils

In order to exercise their authority effectively, protect common interests and provide mutual assistance in resolving local issues, Councils shall be entitled to establishing their associations (unions) which are subject to registration in accordance with procedures applied to non-profit organizations. The decision to enter such an association (union) shall be taken at a session of the respective Council.
Article 8. Council for Cooperation of Local Self-Government Organs under the Council of the Republic of the National Assembly of the Republic of Belarus

Council for Cooperation of Local Self-Government Organs can be established under the Council of the Republic of the National Assembly of the Republic of Belarus to ensure cooperation with local self-government organs. Respective regulations governing the work of this Council shall be approved by the Council of the Republic of the National Assembly of the Republic of Belarus.

CHAPTER 2
COUNCILS

Article 9. Councils

1. Councils shall be representative state organs established in accordance with procedures defined by law in the territory of the respective administrative-territorial units and shall be the main element of the local self-government system.

2. Councils shall exercise their authority in accordance with the Constitution of the Republic of Belarus, this Law and other legislative acts.

3. Councils shall be independent within the limits of their authority. In their activities Councils shall be accountable to citizens, responsible before them and liable to check by upper-level Councils.

4. Councils shall be legal entities.


1. Councils shall be elected by the citizens of the respective administrative-territorial units in general, free, equal and direct elections by secret ballot for the term of four years in accordance with procedures established by the Election Code of the Republic of Belarus.

2. Council authority shall be valid starting from the opening of the first session following the election of the respective Council and remain valid till the opening of the first session of the next elected Council, except for the cases provided for in Article 24 of this Law.

Article 11. Council Activities

1. In its activities aimed at resolving local issues, Councils shall proceed from common state interests and interests of citizens, participate in the discussion of nationally significant issues which affect the interests of the respective territories, submit their proposals on such issues to the relevant state organs and other organizations, and fulfill the decisions of upper-level state organs.

2. Councils shall carry out their activities through sessions and Council organs as well as through deputies who fulfill their authorities, including by establishing and operating groups of deputies and other associations of deputies.

3. Council organs shall consist of the Presidium and Standing and Temporary Commissions which shall be established within two months from the day of convening the first session.

4. Councils shall organize their activities on the basis of rules of procedure which are approved by the Council and which define the procedures of preparing, submitting and considering issues for Council sessions and meetings of its organs, procedures for voting on proposed decisions, procedures for establishing and operating Council commissions, procedures for hearing their reports, procedures for considering inquiries of deputies and for resolving other issues related to the work of the Council and its organs; the rules of procedures shall also provide for responsibility that Council deputies have to take for failing to participate in the work of the Council without good reasons.

5. Upper-level Councils shall exercise coordination of the activities of lower-level Councils and their organs and provide organizational and methodological assistance to them.

6. Organizational, technical and other support for the work of the Council and its organs shall be provided by the Council’s secretariat and by the executive committee at the cost of the respective local budget. The numerical composition of the Council’s secretariat shall be established by the President of the Republic of Belarus.

7. Issues that affect the interest of adjacent territories shall be resolved by the respective Councils together.

Article 12. Council Session

1. Sessions shall be the main form of the Council’s work. They shall be convened as often as necessary but at least once in three months. The first session of the newly elected Council shall be convened by the respective territorial election commission on the condition that more than one half of deputies of their total number for the respective Council are elected and not later than 30 days after the elections. Council sessions shall be conducted in the form of general meetings in accordance with procedures established by the Council’s rules of procedure.

2. Before the chair of the Council is elected, the first session of the newly elected Council shall be presided by the chair of the respective territorial election commission, or in the event that the chair is absent, by the member of the above-mentioned commission who has been appointed to act as the chair.

3. Council sessions shall be convened and conducted in accordance with
the Council’s rules of procedure by the chair of the Council, or in the event that the chair is absent, by the vice chair designated by the chair. Council sessions can be convened by the Council’s presidium or by the Council’s chair:

1. Councils shall take decisions on issues considered at their sessions.
2. Council decisions shall be taken at Council sessions by a simple majority of all elected deputies by secret or open ballot, including roll call vote. The decision of the voluntary dissolution of the Council shall be taken by at least two thirds of elected deputies. The form of voting shall be determined in accordance with the procedure established the Council’s rules of procedure.


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Article 14. Formation of Council Organs

Councils shall form their organs, determine their structure and authority, and set spending for their work independently and in accordance with this Law and other legislative acts.

Article 15. Council Presidium

1. Councils shall take decisions on issues considered at their sessions.
2. Council decisions shall be taken at Council sessions by a simple majority of all elected deputies by secret or open ballot, including roll call vote. The decision of the voluntary dissolution of the Council shall be taken by at least two thirds of elected deputies. The form of voting shall be determined in accordance with the procedure established the Council’s rules of procedure.

3. Within its authority and in accordance with procedures established by law and the Council’s rules of procedure, the Council’s presidium shall do the following:
   3.1. Organize the work for the preparation of Council sessions, communicate to deputies and citizens the information concerning the time and place of Council sessions as well as concerning the issues placed on the agenda of Council sessions and decisions taken thereupon;
   3.2. Ensure the necessary follow-up for the Council’s decisions;
   3.3. Submit to the Council proposals on establishing standing and temporary commissions, and coordinates the activities of standing and temporary commissions, groups of deputies and other forms of association of deputies;
   3.4. Provide assistance to Council deputies in their Council-related work, including their personal reception of citizens and representatives of legal entities, preparation of reports to be delivered to voters, and provide them with all the necessary information;
   3.5. Submit to Council sessions proposals concerning the exercise of authority by Council deputies, including relieving deputies from their regular jobs for periods when Council sessions and meetings of its organs are prepared and conducted;
   3.6. Organize cooperation between the Council and executive and regulatory organs, other organizations and organs of territorial public self-government;
   3.7. Make sure that the work of the Council is transparent;
   3.8. Organize citizen discussions of draft Council decisions and other important local issues, make sure that there is wide participation of organizations and citizens in the development, adoption and implementation of Council decisions on local issues;
   3.9. Submit for consideration to Council sessions the question of early termination of the mandate of Council deputies;
   3.10. Accept for consideration inquires lodged by Council deputies and provide answers to them within the period and in accordance with the procedures established by law;
   3.11. Make sure that consideration is given to appeals of citizens and legal entities submitted to the Council. If need be, such appeals are submitted for consideration to Council sessions;
   3.12. Inform the Council about its activities;
   3.13. Act within its mandate as provided for by this Law and other legislative acts.
Article 16. Council’s Standing Commissions

1. To give preliminary consideration and preparation to the issues falling within the Council’s terms of reference as well as to organize the implementation and supervision of the decisions of the Council and upper-level state organs, standing commissions shall be elected at Council sessions out of Council deputies.

Primary-level Councils may not form standing commissions, except for a credentials commission.

2. Standing commissions shall make decisions falling within their terms of reference in accordance with procedures established by the Council’s rules of procedure.

3. Standing commissions shall be led by chairs of standing commissions.

4. A standing commission meeting can be attended with the right of deliberative voice by deputies elected into other standing commissions of the same Council, experts and other specialists invited by the chair of the commission as well as deputies of other Councils if taken decisions can affect the interests of citizens residing in the territory of the respective administrative-territorial unit.

5. Recommendations contained in the decisions of standing commissions shall be subject to consideration by the respective state organs and other organizations. Reports on the results of such consideration and measures taken thereupon shall be submitted to standing commissions within one month.

Article 17. Council Authority

1. Within their authority and in accordance with procedures established by law, Councils shall be entitled to the following:

1.1. Represent the interests of the respective administrative-territorial unit in its relations with other state organs, other organizations and citizens;

1.2. Endorse programs of socioeconomic development for the respective administrative-territorial unit, endorse local budgets and reports on their execution;

1.3. Endorse forecasts of socioeconomic development for the respective administrative-territorial unit;

1.4. Endorse territorial programs and concepts (primary-level Councils endorse action plans) concerning housing construction, provision of public amenities, road construction, communal, consumer and social services, support for small business, improvement of labor conditions and labor safety, healthcare, education, sports and physical culture, environmental protection, rational use of natural resources, radiation safety, protection of historical and cultural heritage, and other issues of local significance, exercise supervision over the implementation of these programs and concepts (action plans) and endorse reports on their implementation;

1.5. Determine, within the scope established by law, procedures of managing and disposing of the property of the respective administrative-territorial unit (hereinafter referred to as communal property, if not indicated otherwise);

1.6. Dispose of natural resources in cases provided for by environmental legislation and legislation in the field of rational use of natural resources;

1.7. Establish local taxes and duties in accordance with the law;

1.8. Grant concessions on taxes and duties which are fully paid to local budgets in accordance with the procedures established by the President of the Republic of Belarus and by national legislation or provide the right to grant such concessions to executive and regulatory organs;

1.9. Determine rates of payments in cases provided for by legislative acts (including rates of payments collected from those who rent hunting and fishing areas, and water bodies);

1.10. Decide on issues related to administrative-territorial arrangement;

1.11. Call local referenda;

1.12. Coordinate the activities of organs of territorial public self-government;

1.13. Contribute to the development of industrial and agricultural production, and services sector, create conditions for the development of small and medium-scale business and personal farming households;

1.14. Participate in activities intended to preserve and restore valuable historical and cultural heritage;

1.15. Participate in campaigns to prevent and manage emergencies, in civil defense, measures of fire, industrial, nuclear and radiation safety, and management of Chernobyl consequences;

1.16. Endorse the Council’s rules of procedure and structure;

1.17. Endorse annual estimation of the Council’s spending;

1.18. Decide on questions concerning mandates of Council deputies and early termination of their mandates;

1.19. Elect the Council’s chair and vice chair (vice chairs) and decide on the early termination of their office;

1.20. Endorse the chair of the executive committee;

1.21. Form and dissolve Council organs, endorse and change their composition, elect chairs and vice chairs of these organs (if they are formed) and relieve them of their duties;

1.22. Consider inquiries of Council deputies and make decisions thereupon;

1.23. Hear reports of Council chair and Council organs as well as officials who are elected, appointed or endorsed by them, hear reports and other information of the chair and other officials of the respective executive committee concerning questions falling within the authority of the Council;

1.24. Decide on questions concerning the re-distribution of authority
between Councils of different levels, delegation of individual mandates to executive and regulatory organs, their chairs and organs of territorial public self-government;

1.25. Determine the terms and procedures for relieving Council deputies, who have jobs on the basis of labor contracts, from their regular jobs for periods of preparing and conducting Council sessions and meetings of its organs;

1.26. Abolish orders of the Council’s chair and chair of the executive committee, decisions of the respective executive committee, decisions of an lower-level Council and decisions of its chair, if they are not in line with legislation;

1.27. Act as founders of local media;
1.28. Take decisions on voluntary dissolution;
1.29. Take part in international cooperation, including through the conclusion of international inter-departmental agreements and other types of agreements, and by joining international organizations;

Exercise other activities as provided for by this Law and other legislative acts.

2. The authority envisaged by Sub-Paragraphs 1.2, 1.5, 1.7, 1.11 of Paragraph 1 of this Article shall fall within exclusive authority of Councils. The authority defined as exclusive for Councils as well as the authority envisaged by Sub-Paragraphs 1.3, 1.4, 1.8-1.10, 1.16-1.29 of Paragraph 1 of this Article shall be exercised exclusively in the Council’s sessions.

Article 18. Special Authority of Regional-Level Councils

Within their authority and in accordance with procedures established by law, regional-level Councils shall be entitled to the following:

Endorse inter-territorial programs on issues of local significance;

Make sure that budgets of administrative-territorial units in the respective territory are balanced;

Regulate the process of carrying out administrative procedures in the respective territory;

Provide state support to legal entities and sole proprietors on a case by case basis through introducing changes into the legislatively established terms of the payment of taxes collected entirely for local budgets and penalties for their late payments, through the provision of budgetary resources from local budgets, through relieving them from paying for the communal property that they get for their use on the conditions similar to those determined by the President of the Republic of Belarus;

Endorse the maximum level of guarantees that can be provided by executive and regulatory organs on loans issued by the banks of the Republic of Belarus to legal entities of the Republic of Belarus;

Identify measures to support certain categories of citizens;

Award the title of an Honorable Citizen of the respective region (or the City of Minsk), thereby also determining procedures for the award of this title and privileges of its holders;

Exercise other activities as provided for by this Law and other legislative acts.

Article 19. Special Authority of Basic-Level Councils

Within their authority and in accordance with procedures established by law, basic-level Councils shall be entitled to the following:

Endorse territorial plans of district development, general plans of cities of district subordination and other inhabited localities of the respective territory;

Consider plans and programs for locating, developing and specializing of organizations located in the respective territory, issue their conclusions as a result of the consideration, with these conclusions being mandatory for the above-mentioned organizations;

Endorse the maximum level of guarantees that can be provided by executive and regulatory organs on loans issued by the banks of the Republic of Belarus to legal entities of the Republic of Belarus;

Award the title of an Honorable Citizen of the respective city or district, thereby also determining procedures for the award of this title and privileges of its holders;

Exercise other activities as provided for by this Law and other legislative acts.

Article 20. Special Authority of Primary-Level Councils

Within their authority and in accordance with procedures established by law, primary-level Councils shall be entitled to the following:

Submit to the Council and the respective executive committee at the basic level their proposals concerning the social protection of citizens;

Submit to the basic-level Council and the respective executive committee proposals concerning the size of deductions from local taxes and duties, and concerning the size of subsidies into the primary-level budgets;

Nominate candidates for collegial organs of territorial public self-government;

Endorse regulations governing the sole organ of territorial public self-government;

Exercise supervision over the activities of organs of territorial public self-government;

In cases provided for in Paragraph 3 of Article 32 of this Law, make
Article 21. Council Chair

1. The activities of the Council shall be led by the chair who is accountable to the Council which elected him. The Council chair is a civil servant.
2. The Council chair shall be elected out of Council deputies at a session of the respective Council by secret ballot and fulfill his duties till the opening of the first session of the next Council.
3. Candidates for the Council chair at the regional level shall be nominated by the deputies of the respective Council; candidates for the Council chair at the basic level shall be nominated by the deputies of the respective Council and the chair of the upper-level Council. Similar procedure shall be followed for the proposals for early termination of the Council chair’s office.

The Council chair shall be considered elected, if his candidacy has more than one half of votes from the elected deputies of the respective Council.
4. The Council chair at the primary level shall at the same time serve as the chair of the respective executive committee. The procedure for electing chairs for primary-level Councils shall be determined by the President of the Republic of Belarus.
5. The Council chair shall be relieved from his duties in case his mandate as a Council deputy is terminated before the expiry of his term.

The mandate of the Council chair shall be terminated early also on the grounds provided for by the civil service legislation of the Republic of Belarus for the discharge from civil service.

The decision on early termination of the Council chair’s office shall have the form of a Council decision indicating the date when his mandate is terminated.

Article 22. Authority of Council Chair

1. Within his authority and in accordance with procedures established by law, Council chair shall be entitled to the following:
   1.1. Head the Council, lead its work, and ensure cooperation with the respective executive committee;
   1.2. Represent the Council in all relations with other state organs, other organizations and citizens;
   1.3. Endorse the organizational chart of the respective Council;
   1.4. Convene Council sessions, organize preparations for the sessions and preside over them;
   1.5. Organize supervision over the fulfillment of Council decisions;
   1.6. Appoint members of Council staff and relieve them from their jobs, conclude (extend, terminate) labor contracts with them, and award them with incentives and disciplinary sanctions;
   1.7. Invite representatives of other Councils, executive and regulatory organs, other organizations, organs of territorial public self-government and citizens for Council sessions;
   1.8. Submit draft Council decisions to standing commissions for their opinion and give instructions to chairs of standing commissions;
   1.9. Sign decisions, protocols of Council sessions and issue orders;
   1.10. Make sure inquiries of Council deputies are given consideration;
   1.11. Organize the Council’s work related to the consideration of appeals by citizens and legal entities, keeping of a book for complaints and proposals and conduct of administrative procedures. If need be, submit proposals concerning such appeals to Council sessions;
   1.12. Personally receive citizens and representatives of legal entities;
   1.13. Report to the Council on the state of affairs in the respective territory and on other issues within his mandate, present to Council sessions reports on his activities as often as necessary but at least once a year, and inform citizens about the state of affairs in the respective territory;
   1.14. Exercise other activities as provided for by this Law and other legislative acts.

2. In addition to the authority indicated in Paragraph 1 of this Article, regional- and basic-level Council chairs shall be entitled to the following:
   2.1. Submit for Council consideration proposals to cancel unlawful orders given by the chair of the respective executive committee, decisions taken by the executive committee or lower-level Council, and orders given by the chair of the lower-level Council;
   2.2. Head the Council presidium, organize preparations for its meetings, lead these meetings, sign decisions and minutes of presidium meetings;
   2.3. Submit to Council sessions reports about the activities of the presidium as often as necessary but at least once a year.

3. The primary-level Council chair, apart from the authority indicated in Paragraph 1 of this Article, shall also fulfill the functions which are designated by this Law and other legislative acts as falling within the authority of the Council presidium.

Article 23. Council Vice Chair (Vice Chairs)

1. Council vice chair (vice chairs) shall be elected by the Council out of Council deputies upon recommendation from the Council chair for the period of the Council’s tenure by secret or open ballot and shall fulfill his duties till the opening of the first session of the next Council.
2. Council vice chair (vice chairs) shall be considered elected if he gets more than one half of votes from the elected deputies of the respective Council.
3. Council vice chair (vice chairs) shall be responsible, within his authority, for organizing the activities of the Council and its organs, and fulfill
the duties of the Council chair, if the latter is absent.
4. The mandate of Council vice chair (vice chairs) can be terminated early by the Council in accordance with the procedures used for his election.

**Article 24. Early Termination (Dissolution) of the Council**

1. The mandate of the Council can be terminated early by the Council of the Republic of the National Assembly of the Republic of Belarus in the following cases:
   - Systematic (more than twice) or flagrant violation of the legislation by the Council;
   - If the Council fails to convene a session at least three times due to the fact that Council deputies fail to attend it without good reasons;
   - If the Council fails to form its organs within two months after the first session.
2. The mandate of the Council can be terminated early:
   - By the decision of the same Council (self-dissolution);
   - By the decision of the upper-level Council or the President of the Republic of Belarus (in case of changes in administrative-territorial division in accordance with the legislation).

**CHAPTER 3 TERRITORIAL PUBLIC SELF-GOVERNMENT**

**Article 25. Territorial Public Self-Government**

1. Territorial public self-government refers to voluntary activities of citizens in the area of their residence which is part of the territory of an administrative-territorial unit (urban neighborhoods, housing areas, blocks of buildings, streets, yards, agricultural towns, settlements, villages, etc.) to resolve issues of local significance directly or through organs of territorial public self-government.

2. One part of an administrative-territorial unit can have only one organ of territorial public self-government.

**Article 26. Goals and Objectives of Territorial Public Self-Government**

1. The main goal of territorial public self-government shall be the development and implementation of citizen initiatives on local issues in the respective part of the administrative-territorial unit.
2. The main objectives of territorial public self-government shall be as follows:
   - Support to the realization of rights, freedoms and legitimate interests of citizens;
   - Assistance to executive and regulatory organs and Councils in their work with citizens;
   - Study, analyze and consider opinions of citizens on issues of economic and social development, environmental protection and rational use of natural resources;
   - Engage citizens in activities to improve the condition, maintenance and repair of residential houses and adjacent territories;
   - Participate in activities to provide social support to families and different categories of citizens who need such support (children, young people, elderly people, disabled people and other categories of citizens);
   - Assist in organizing activities for spare time of citizens;
   - Participate in organizing activities involving dysfunctional families;
   - Support charitable activities;
   - Support the revival and preservation of cultural valuables, national customs and traditions, and development of artistic and technical creativity;
   - Support the relevant authorities in activities related to crime prevention;
   - Support the exercise of legislative initiative by citizens regarding issues of local significance;
   - Provide assistance in resolving other issues of local significance.

**Article 27. Organs of Territorial Public Self-Government**

1. An organ of territorial public self-government can be a collegial organ or a sole organ.
2. A collegial organ of territorial public self-government can be established as a legal entity or without the formation of a legal entity.
3. A collegial organ of territorial public self-government established as a legal entity shall be a non-profit organization.

Procedures for the establishment, operation and termination of activities of a collegial organ of territorial public self-government set up as a legal entity shall be regulated by the legislation in force for the relevant legal entities but also taking into account the provisions of Article 26 of this Law.

4. A collegial organ of territorial public self-government set up without the formation of a legal entity shall be established and operated in accordance with this Law and regulations on the organ of territorial public self-government which are endorsed by the local assembly on the basis of a template approved
by the respective regional-level Council with due regard to the provisions of this Law.

5. A sole organ of territorial public self-government (elder, headman, etc.) shall act in accordance with this Law and respective regulations endorsed by the respective regional-level Council with due regard to the provisions of this Law.

6. Organs of territorial public self-government shall be accountable to local assemblies and Councils for their activities.

Supervision over the activities of organs of territorial public self-government shall be exercised by the respective Council.

Article 28. Authority of Local Assemblies Called to Establish and Operate Organs of Territorial Public Self-Government

1. With respect to collegial organs of territorial public self-government, local assemblies shall be entitled to do the following:
   - Make decisions to set up and terminate organs of territorial public self-government;
   - Endorse regulations governing the respective organ of territorial public self-government and amend them as necessary;
   - Elect members (with their consent) of organs of territorial public self-government out of members of local assemblies and make decisions concerning the termination of membership in organs of territorial public self-government.

   - Determine the organizational structure of organs of territorial public self-government;
   - Consider issues related to the authority of organs of territorial public self-government and put forward proposals on them.

2. Decisions of local assemblies taken within their mandates shall be obligatory for organs of territorial public self-government.

3. Decisions of local assemblies as well as other information about the activities of organs of territorial public self-government discussed by local assemblies shall be communicated to members of local assemblies, members of organs of territorial public self-government and other stakeholders within ten days after the respective local assembly by way of sending them the relevant materials.

Article 29. Membership in Collegial Organs of Territorial Public Self-Government

1. Members of collegial organs of territorial public self-government can be citizens who reached at least 18 years of age and have registered residence in the part of the territory of the administrative-territorial unit where the collegial organ of territorial public self-government is established.

2. Candidates for members of collegial organs of territorial public self-government can be nominated by citizens as well as Councils and executive and regulatory organs of the respective administrative-territorial unit.

3. Members of collegial organs of territorial public self-government shall be elected by open voting or secret ballot by local assemblies. The exact type of voting shall be determined by local assemblies.

4. The composition of collegial organs of territorial public self-government shall include a chair, a vice chair and other members.

5. The management of collegial organs of territorial public self-government shall be exercised by the chair of the respective organ of territorial public self-government or by the vice chair when the chair is absent. The chair and vice chair shall be elected and relieved from their duties at a session of the respective collegial organ of territorial public self-government out of its members and with approval from the respective Council.

6. The chair of the collegial organ of territorial public self-government shall be accountable on all his activities to the respective organ of territorial public self-government, local assembly and respective Council.

7. The chair of the collegial organ of territorial public self-government shall exercise leadership of the respective organ of territorial public self-government, make sure that the organ of territorial public self-government fulfills the decisions of the local assembly and bear responsibility for the activities of the respective organ of territorial public self-government.

8. The mandates of the chair and vice chair shall be terminated in the following cases:
   - By a decision of the respective organ of territorial public self-government taken at the request of the respective Council, members of the respective organ of territorial public self-government, local assembly or citizens registered at the place of residence in the respective part of the administrative-territorial unit where the organ of territorial public self-government is established – in case they fail to fulfill their duties properly;
   - At their own request – on the basis of their written resignation note;
   - In case they lose membership in the respective organ of territorial public self-government.

9. Members of collegial organs of territorial public self-government shall be entitled to the following:
   - Participate in the management of affairs of the respective organ of territorial public self-government.
10. Members of collegial organs of territorial public self-government shall comply with the requirements of the regulations on the respective organ of territorial public self-government and decisions of local assemblies.

11. Membership in collegial organs of territorial public self-government shall be terminated in the following cases:

- By a decision of the respective local assembly, if a member of the organ of territorial public self-government does not fulfill his duties systematically without good reasons;
- At the own request of the member – on the basis of his written resignation note;
- In case of the expiry of the mandate as a member of the organ of territorial public self-government;
- In case of the movement of the member of the organ of territorial public self-government to a different location outside the borders of the part of the administrative-territorial unit where the organ of territorial public self-government is established;
- In case if in accordance with the relevant procedures, the organ of territorial public self-government is declared incapable of fulfilling its duties;
- In case of the death of the member of the organ of territorial public self-government, or if he is declared dead, or if he is declared missing.

**Article 30. Registration of Collegial Organs of Territorial Public Self-Government**

1. For a collegial organ of territorial public self-government to be registered, the following documents shall be submitted to the respective executive and regulatory organs within one month after its establishment:

- An application made in the form approved by the regional-level Council;
- Regulations on the collegial organ of territorial public self-government;
- Minutes of the local assembly providing information about the establishment of the organ of territorial public self-government, endorsement of the regulations on it and election of its members;
- A list of local assembly participants with their first names, patronymics, last names, years of birth, citizenship and place of residence;
- A list of members of the organ of territorial public self-government with the indication of their first names, patronymics, last names, dates of birth, citizenship, place of residence, home (mobile) telephone number, place of work (study), office telephone number and position in the organ of territorial public self-government.

2. The registration of the collegial organ of territorial public self-government shall be done by the respective executive and regulatory organs within ten days after the submission of the documents indicated in Paragraph 1 of this Article.

Within five days after the registration of the collegial organ of territorial public self-government executive and regulatory organs shall inform the chair of the organ of territorial public self-government about it in the written form and issue a certificate on the registration of the collegial organ of territorial public self-government.

3. The application for registration of the collegial organ of territorial public self-government shall be rejected in the following cases:

- When there is a contradiction between the submitted regulations on the organ of territorial public self-government and the relevant legislation or template of the regulations on the collegial organ of territorial public self-government approved by the regional-level Council;
- When there is a discrepancy between the goals and objectives of the organ of territorial public self-government as laid out in the regulations on this organ and the goals and objectives of the activities of organs of territorial public self-government as defined by Article 26 of this Law;
- When there is a violation of the established procedures for citizen nomination of representatives for local assemblies and norms of representation as well as procedures of citizen participation in such assemblies and election of members of the organ of territorial public self-government by local assemblies.

4. The collegial organ of territorial public self-government shall be regarded as established at the moment of its registration.

**Article 31. Operational Procedures for Organs of Territorial Public Self-Government**

1. Sessions of the collegial organ of territorial public self-government shall be held as often as necessary but at least once in six months.

2. Sessions of the collegial organ of territorial public self-government shall be legally qualified if they are attended by at least two thirds of its members.

Citizens shall be entitled to have free access to sessions of the collegial organ of territorial public self-government as well as to participating in its work in a consultative capacity without the right to vote.

3. Decisions of the collegial organ of territorial public self-government shall be taken in an open vote by a simple majority of the members present at the respective session.

4. Decisions of the territorial public self-government organ shall apply to citizens who are registered for residence in the respective part of the administrative-territorial unit where the territorial public self-government organ is established and shall be fulfilled by citizens on a voluntary basis.
Article 32. Abolition of the Collegial Organ of Territorial Public Self-Government

The collegial organ of territorial public self-government can be abolished by the decision of the respective –
Local assembly or
Council in case of its systematic or flagrant violations of the legislation.

CHAPTER 4
LOCAL ASSEMBLY, LOCAL REFERENDUM AND OTHER FORMS OF LOCAL SELF-GOVERNMENT

Article 33. Local Assembly

1. Local assembly is the common presence of a group of citizens who convene to discuss issues of state and public life of national or local significance and the main form of direct citizen participation in the management of the affairs of the society and of the state.

2. Procedures for initiating, convening and holding local assemblies as well as their authority shall be determined by the Law of the Republic of Belarus “On National and Local Assemblies” and by this Law.

Article 34. Local Referendum

1. Local referenda can be held to resolve issues which are of utmost importance for the population of the respective administrative-territorial units and which fall within the authority of the respective Councils and executive and regulatory organs.

2. Procedures for holding local referenda as well as a list of issues which cannot be put on a local referendum shall be determined by law.

Article 35. Citizen Initiative for Council Decisions

1. Citizens shall be entitled to submit to the Council draft decisions on local issues in accordance with established procedures as well as to submit justified proposals on the need to adopt, change, amend, interpret, suspend, invalidate or abolish Council decisions or their individual provisions in accordance with legal procedures for such cases.

2. Draft decisions on local issues which are submitted by citizens to the Council shall be subject to mandatory consideration at a Council session attended by representatives of the citizens and the results of such consideration shall be published in the local media.

Article 36. Citizen Participation in Financing and/or Reimbursing Budget Spending for the Purposes Designated by Citizens

1. When decided by the local assembly or by the territorial public self-government organ, collection of resources for financing and/or reimbursing the spending of the respective local budget for the purposes designated by the local assembly or territorial public self-government organ (hereinafter referred to as self-finance fund) can be organized in the territory of villages, towns or cities of district subordination.

2. Self-finance fund shall be included into the respective local budget and spent exclusively for the purposes designated by the local assembly or territorial public self-government organ.

3. Local assemblies or territorial public self-government organs shall set the size of contributions to the self-finance fund, determine the terms of their payment with due regard to Paragraph 4 of this Article, identify categories of citizens who will pay the contributions, and examine and approve the report of the executive committee on the use of self-finance resources.

4. The payment of contributions to the self-finance fund shall be voluntary and shall be conducted within the term determined by the local assembly or territorial public self-government organ but before the first of December of the current year at the latest. The payments shall be collected by the respective primary-level executive committee.

5. The primary-level executive committee shall make sure that the self-finance fund is spent for the execution of activities designated by the local assembly or territorial public self-government organ as well as shall report to the local assembly or territorial public self-government organ on the use of these resources.

6. The part of the self-finance fund which is not used in the current financial year shall remain on the account of the respective local budget and shall be spent the following financial year for the same or other purposes designated by the local assembly or territorial public self-government organ.

7. Supervision over the allocation and intended use of resources from the self-finance fund shall be exercised by basic-level executive committees.

Article 37. Other Forms of Citizen Participation in State and Public Affairs

In addition to the forms of direct citizen participation in state and public affairs as provided for in this Law, local self-government can be also exercised in other forms which do not contradict the legislation.
Article 38. Executive and Regulatory Organs

1. Executive and regulatory organs are state organs and exercise their mandate in accordance with the Constitution of the Republic of Belarus, this Law and other legislative acts.

2. Executive committee is the executive and regulatory organ in the territory of a region, city, district within a region, town and village, whereas local administration is the executive and regulatory organ in the territory of a district within a city.

3. Regional-level executive committees shall be accountable and subordinate to the President of the Republic of Belarus as well as to the Council of Ministers of the Republic of Belarus with regard to issues which fall within the authority of the Government of the Republic of Belarus.

Basic-level and primary-level executive committees and local administrations shall be accountable and subordinate to the President of the Republic of Belarus and upper-level executive committees.

Executive committees shall be accountable to respective Councils with regard to issues which fall within the authority of these Councils.

Upper-level executive and regulatory organs shall exercise coordination of activities of lower-level executive and regulatory organs and provide the necessary assistance to them, including organizational, methodological, material, technical and informational assistance.

4. Executive and regulatory organs shall be legal entities.

Structural units of executive and regulatory organs can be entitled to the rights of legal entities in accordance with the legislation.

5. Regional-level executive committees and basic-level executive committees shall be composed of executive committee chair, vice chairs, chief administrator and other executive committee members.

6. Primary-level executive committees shall be composed of executive committee chair, vice chair (vice chairs) (in case this position is available for the composition of the primary-level executive committee), chief administrator and other executive committee members.

7. Local administrations shall be composed of head of local administration, vice heads, chief administrator and other local administration members.

8. The standard structure of regional executive committees, Minsk City executive committee, city executive committees (for cities of regional subordination), district executive committees, local administrations as well as the number of staff in executive and regulatory organs (excluding the staff for the guarding and maintenance of the respective buildings) in regions and in the City of Minsk, including the number of staff in structural units of executive and regulatory organs, shall be determined by the President of the Republic of Belarus.

9. Structural units of executive and regulatory organs which exercise their state power mandate in a specific sector (area of activity) in the territory of respective administrative-territorial units shall be subordinate to these organs and at the same time to the respective –

National government organs – when it comes to structural units of regional-level executive committees;

Structural units of regional executive committees – when it comes to structural units of basic-level executive committees;

Structural units of city executive committees (for cities of regional subordination) and Minsk City executive committee – when it comes to structural units of local administrations.

10. Regulations on structural units of regional-level executive committees which exercise their state power mandate in a specific sector (area of activity) shall be passed by these executive committees following the endorsement from the respective national government organs.

Regulations on structural units of basic-level executive committees which exercise their state power mandate in a specific sector (area of activity) shall be passed by these executive committees following the endorsement from the respective structural units of regional executive committees.

Regulations on structural units of local administrations which exercise their state power mandate in a specific sector (area of activity) shall be passed by these local administrations following the endorsement from the respective structural units of city executive committees (for cities of regional subordination) and Minsk City executive committee.

Article 39. Sessions of Executive and Regulatory Organs

1. Sessions of executive and regulatory organs shall be convened and held by executive committee chairs (heads of local administration) in accordance with the rules of procedure endorsed by the executive committee (local administration) as often as needed but at least once a month and shall be legally qualified if they are attended by at least two thirds of their full membership.

2. Sessions of executive and regulatory organs shall be attended by the executive committee chair (head of local administration), his vice chairs, chief administrator and other members of executive and regulatory organs.

Representatives of other state organs and other organizations, organs of territorial public self-government and citizens can also attend sessions of executive and regulatory organs in accordance with the established procedures.
**Article 40. Decisions of Executive and Regulatory Organs**

1. Executive and regulatory organs shall take decisions within the limits of their authority.

2. Decisions of executive and regulatory organs shall be taken at their sessions by a simple majority of full membership by secret ballot or in an open vote, including through roll-call. The form of voting shall be determined in accordance with procedures established by the rules of procedure of the respective executive and regulatory organ.

On some issues requiring immediate action and if allowed by the chair of the executive committee, decisions of executive and regulatory organs can be taken through individual consultations with the members of the executive and regulatory organ on the text of a draft decision and obtaining of their approval of it.

3. Decisions of executive and regulatory organs shall be signed by the chair of the executive committee (head of local administration) and its chief administrator. In case the chief administrator of the executive committee (local administration) is not available, decisions of executive and regulatory organs shall be signed by the acting chief administrator.

4. If need be, executive and regulatory organs can take joint decisions on issues which fall within their authority.

**Article 41. Authority of Executive Committees**

Executive committees, within the limits of their authority and in accordance with procedures established by law, shall be entitled to the following:

- Represent interests of the respective administrative-territorial unit in relations with other state organs, other organizations and citizens;
- Develop draft programs of socioeconomic development for the respective administrative-territorial unit, submit these drafts to Councils for their endorsement and make sure that the respective programs are implemented;
- Develop draft forecasts of socioeconomic development for the respective administrative-territorial unit and submit them to Councils for their endorsement;
- Develop draft territorial programs and concepts (or plans of activities when it comes to primary-level executive committees) on issues related to housing construction, territorial improvement, road construction, communal and social services, support to business development, healthcare, education, physical culture, sports, improvement of labor safety, environmental protection and rational use of natural resources, protection of historical and cultural heritage and other issues of local significance, submit them to Councils for their endorsement and make sure that they are implemented;
- Ensure uninterrupted trade;
- Encourage the development of industrial and agricultural production, services sector, and create conditions for the development of small- and medium-scale business and private farm households;
- Allot land plots to be managed, leased or used on the condition of lifetime ownership with hereditary succession, transfer titles to land plots and withdraw land plots (this does not apply to city executive committees for cities of district subordination);
- Organize activities related to the improvement of neighborhoods, maintenance of proper sanitary conditions and planting of trees in the respective territory;
- Take measures to ensure environmental protection and rational use of natural resources;
- Ensure the development of urban development projects;
- Provide support to the uninhibited development of cultures of ethnic
communities residing in the respective territory, protect the rights of citizens of different ethnic origins in the fields of education, information support and other fields;
Deal with issues related to demographic security and improvement of socioeconomic conditions of families;
Deal with issues related to the location of construction sites in the respective territory;
Ensure the development of housing and its maintenance, create conditions to provide citizens with housing, including the construction of social housing and provision of such housing to citizens;
Create conditions for the provision of communication services, public catering, trade and personal consumer services to citizens;
Create conditions for the provision of transport services to citizens and organize public transport in the respective territory;
Create conditions in which citizens could realize their right to education;
Ensure the dissemination of cultural values, organize cultural activities and encourage the cultural activities of citizens and organize activities aimed at the protection of cultural and historical heritage;
Engage citizens in activities in the field of physical culture and sports, maintain and repair communally owned sports facilities, and ensure the appropriate availability of sports facilities to citizens;
Provide for health rehabilitation of citizens in health centers and resorts;
Contribute to the development of trade unions, youth organizations, women’s organizations, veteran organizations and other organizations;
Carry out activities to implement the state youth policy;
Organize the construction, reconstruction, repair and maintenance of local automotive roads, and manage road activities related to automotive roads of non-public use;
Exercise state supervision in the fields of housing construction, territorial improvement, road construction, communal and social services, support to business development, healthcare, education, physical culture, sports, improvement of labor safety, environmental protection and rational use of natural resources, protection of historical and cultural heritage and other issues of local significance;
Ensure the issuance of low-interest loans and subsidies to citizens who are officially registered as requiring support in the improvement of their housing conditions;
Conduct state registration and dissolution of legal entities;

Article 42. Special Authority of Regional-Level Executive Committees

Regional-level executive committees, within the limits of their authority and in accordance with procedures established by law, shall be entitled to the following:
Regulate administrative procedures in the respective territory;
Support the employment of citizens, organize paid public work, assign and pay unemployment benefits, and deal with other issues related to employment;
Exercise supervision over the operation of healthcare establishments and quality of medical assistance to citizens, deal with issues related to the supply of pharmaceuticals and medical equipment, and ensure the operation of state sanitary inspection;
Together with the Ministry of Architecture and Construction of the Republic of Belarus, submit general plans of regional centers and the City of Minsk to the Council of Ministers of the Republic of Belarus for the subsequent presentation to the President of the Republic of Belarus;
Together with the Ministry of Architecture and Construction of the Republic of Belarus, submit general plans of cities of regional subordination (except for regional centers) to the Council of Ministers of the Republic of Belarus for its endorsement (this applies to regional executive committees only);
Ensure the issuance of low-interest loans and subsidies to citizens who are officially registered as requiring support in the improvement of their housing conditions;
Conduct state registration and dissolution of legal entities;
Article 43. Special Authority of Basic-Level Executive Committees

Basic-level executive committees, within the limits of their authority and in accordance with procedures established by law, shall be entitled to the following:

- Support the employment of citizens, organize paid public work, assign and pay unemployment benefits, and deal with other issues related to employment;
- Ensure the issuance of low-interest loans and subsidies to citizens who are officially registered as requiring support in the improvement of their housing conditions;
- Organize library services for citizens and make sure library stock is well-supplied and safe;
- Provide amenities and territorial improvement, maintain proper sanitary condition in the respective territory, including in agrotowns, and invite citizens and organizations to take part in such activities;
- Organize the lighting of streets and installation of indicators with street names and building numbers;
- Organize garbage collection;
- Conduct registration of instruments of civil status;
- Ensure road traffic safety;
- Conduct state registration and dissolution of economic entities (this applies to Brest, Vitebsk, Gomel, Grodno and Mogilyov City Executive Committees only)

Issue licenses for certain types of activities;

Submit proposals on the dismissal of heads of state organizations which are located in the respective territory and whose property is not owned communally in the respective administrative-territorial unit to their employers, if they fail to fulfill the decisions of the basic-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts, unless otherwise provided by the President of the Republic of Belarus;

Submit proposals on the dismissal of heads of organizations which are located in the respective territory and whose property is not owned communally in the respective administrative-territorial unit to the state organs under which jurisdiction they fall or to the management organs of these organizations, if they fail to fulfill the decisions of the regional-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts;

Submit to the relevant state organs proposals to hold accountable organizations, their staff and other citizens who operate in the respective territory and to demand compensation of the damage caused by their decisions, as a result of their failure to fulfill the decisions of the regional-level Council and executive committee which have been taken within the limits of their authority or their failure to fulfill other legislative acts;

Adopt annual regional staff programs to ensure human resources support to primary- and basic-level executive committees on the basis of proposals from primary-level executive committees about the number, composition and training needs of their staff (this applies to regional executive committees only);

Cancel decisions of lower-level executive and regulatory organs, decisions of their heads, if they run counter to the decisions of the regional-level Council and executive committee or other legislative acts;

Exercise other activities as provided for by this Law and other legislative acts.
action or inaction to the interests of citizens, local economy and environment as a result of their failure to fulfill the decisions of the regional- and basic-level Councils and executive committees which have been taken within the limits of their authority or their failure to fulfill other legislative acts;

Cancel decisions of lower-level executive and regulatory organs, decisions of their heads, if they run counter to the decisions of the regional- and basic-level Councils and executive committees or other legislative acts;

Exercise other activities as provided for by this Law and other legislative acts.

**Article 44. Special Authority of Primary-Level Executive Committees**

Primary-level executive committees, within the limits of their authority and in accordance with procedures established by law, shall be entitled to the following:

Submit proposals on social protection of citizens to the Council and respective basic-level executive committee;

Organize the work of territorial public self-government organs, convene local assemblies, provide assistance in the implementation of their decisions, nominate candidates for collegial organs of territorial public self-government, and encourage organs of territorial public self-government to be actively involved in resolving local issues;

Provide amenities and territorial improvement, maintain proper sanitary condition in the respective territory, including in agrotowns, and invite citizens and organization to take part in such activities;

Organize the lighting of streets and installation of indicators with street names and building numbers;

Organize garbage collection;

Conduct registration of instruments of civil status;

Conduct notary actions (in those localities where state notary offices and notary bureaus are not available);

Register citizens at the place of their residence and stay;

Conduct primary military registration of conscripts and those liable for military service in rural areas as well as in those towns where military commissariats are not available;

Take measures to encourage the development of personal farming households;

Keep records of personal farming households;

Conduct administrative process (village and town executive committees only);

Set up communal unitary enterprises (with advisory offices and leasing offices for agricultural equipment, carts and other vehicles) to provide services to citizens who have personal farming households and help them with their agricultural work, including harvesting, procurement of fodder, marketing of produce, supply of fuel, land cultivation and other services;

Discuss the need to dismiss heads of organizations which are located in the respective territory and whose property is not owned communally in the respective administrative-territorial unit, if they fail to fulfill the decisions of the regional-, basic- and primary-level Councils or executive committees which have been taken within the limits of their authority or if they fail to fulfill other legislative acts; submit these proposals on dismissals to the respective basic-level executive committee;

Discuss the need to bring to responsibility organizations, their staff and other citizens who operate in the respective territory and to demand compensation of the damage caused by their decisions, action or inaction to the interests of citizens, local economy and environment as a result of their failure to fulfill the decisions of the regional-, basic- and primary-level Councils or executive committees which have been taken within the limits of their authority or their failure to fulfill other legislative acts; submit these proposals to the respective basic-level executive committee;

Exercise other activities as provided for by this Law and other legislative acts.

**Article 45. Authority of Local Administrations**

Local administrations, within the limits of their authority and in accordance with procedures established by law, shall be entitled to the following:

Represent interests of the respective district of the city in relations with other state organs, other organizations and citizens;

Take part in the development and execution of respective local budgets (budget estimates when it comes to local administrations in the city of Minsk);

Manage communal property in accordance with procedures established by the city Council as well as exercise supervision over its use in the respective territory;

Ensure the fulfillment of state-set minimum social standards in the field of social support and social services, labor remuneration, elderly care and in other fields;

Submit proposals on all local issues to the city executive committee, Council and its organs and take part in their consideration;

Organize discussions of important local and national issues in its respective territory;

Inform citizens and organizations about the state of affairs in the respective territory with regard to issues of local significance;
Organize the work of territorial public self-government organs, convene local assemblies, provide assistance in the implementation of their decisions, and encourage organs of territorial public self-government to be actively involved in resolving local issues;

Deal with issues related to demographic security and improvement of socioeconomic conditions of families;

Deal with issues related to the location of construction sites in the respective territory;

Ensure the development of housing and its maintenance, create conditions to provide citizens with housing, including the construction of social housing and provision of such housing to citizens;

Ensure the issuance of low-interest loans and subsidies to citizens who are officially registered as requiring support in the improvement of their housing conditions;

Create conditions for the provision of communication services, public catering, trade and personal consumer services to citizens;

Create conditions for the provision of transport services to citizens and organize public transport in the respective territory (this applies to local administrations in the city of Minsk only);

Ensure the dissemination of cultural values, organize cultural activities and encourage the cultural activities of citizens and organize activities aimed at the protection of cultural and historical heritage;

Engage citizens in activities in the field of physical culture and sports, maintain and repair sports facilities owned communally, and ensure the appropriate availability of sports facilities to citizens;

Provide for health rehabilitation of citizens in health centers and resorts;

Contribute to the development of trade unions, youth organizations, women's organizations, veteran organizations and other organizations;

Carry out activities to implement the state youth policy;

Work together with law-enforcement agencies to protect law and order;

Conduct crime prevention activities;

Take part in the fight against extremism, including terrorism;

Take part in the prevention and management of emergencies, in activities related to civil defense, in the protection of fire, industrial, nuclear and radiation safety as well as in the work related to the handling of Chernobyl aftermath;

Ensure road traffic safety;

Conduct registration of instruments of civil status;

Organize library services for citizens and make sure library stock is well-supplied and safe;

Provide amenities and territorial improvement, maintain proper sanitary condition in the respective territory, and invite citizens and organizations to take part in such activities;

Organize the lighting of streets and installation of indicators with street names and building numbers;

Organize garbage collection;

Take measures aimed at the protection of the environment and rational use of natural resources;

Ensure the implementation of supervision over the fulfillment of legislation in the respective territory, provide explanations of issues related to the implementation of law within the limits of the authority of local government and self-government organs;

Organize celebrations of state holidays, special days and memorable dates;

Act as founders of local media;

Deal with issues related to the safety of labor in the organizations located in the territory under their jurisdiction;

Nominate candidates for collegial organs of territorial public self-government;

Discuss the need to dismiss heads of organizations which are located in the respective territory, if they fail to fulfill the decisions of the regional- and basic-level Councils or executive committees which have been taken within the limits of their authority or if they fail to fulfill other legislative acts; submit these proposals on dismissals to the respective city executive committee;

Discuss the need to bring to responsibility organizations, their staff and other citizens who operate in the respective territory and to demand compensation of the damage caused by their decisions, action or inaction to the interests of citizens, local economy and environment as a result of their failure to fulfill the decisions of the regional- and basic-level Councils or executive committees which have been taken within the limits of their authority or their failure to fulfill other legislative acts; submit these proposals to the respective city executive committee;

Exercise other activities as provided for by this Law and other legislative acts.

Article 46. Executive Committee Chair

1. The chair of the regional-level executive committee shall be the head of the executive authority in the territory of the respective region or the City of Minsk.

The chair of the basic-level executive committee shall be the head of the executive authority in the territory of the respective city of regional subordination or district.

The chair of the primary-level executive committee shall be the head of executive authority in the territory of the respective village, town or city of district subordination.
2. The chair of the executive committee shall bear personal responsibility for the fulfillment of the executive committee’s objectives and functions and for the state of affairs in the respective territory.

3. Procedures for appointments and dismissals of executive committee chairs shall be determined by the President of the Republic of Belarus. Executive committee chairs shall be endorsed by the respective Councils.

4. In case the executive committee chair is not available, his functions shall be performed by the first vice chair, in case the first vice chair is not available, these functions shall be performed by one of the vice chairs in accordance with the established division of functions, unless otherwise stipulated by the President of the Republic of Belarus.

5. Executive committee chair shall be liable for disciplinary, administrative, criminal and other types of responsibility in accordance with relevant legislative acts for the failure to fulfill his duties or for the failure to fulfill them properly as well as for the failure to follow the restrictions set for civil servants in accordance with relevant legislative acts.

Article 47. Authority of Executive Committee Chairs

1. Executive committee chair shall be guided in his activities by the Constitution of the Republic of Belarus, this Law and other laws of the Republic of Belarus, acts of the President of the Republic of Belarus, regulations of the Council of Ministers of the Republic of Belarus, orders of the Prime Minister of the Republic of Belarus, regulatory acts of national government organs, decisions of upper-level executive committees, orders of their chairs, decisions of upper-level Councils, decisions of the respective Council as far as they cover the issues which fall within their authority.

2. Executive committee chair, within the limits of his authority and in accordance with the procedures established by law, shall be entitled to the following:

2.1. Head the executive committee, steer its work and ensures its cooperation with the respective Council;

2.2. Represent the executive committee in relations with other state organs, other organizations and citizens;

2.3. Endorse the structure and staff of the executive committee and its structural units;

2.4. Appoint and dismiss staff members of the respective executive committee, conclude (extend, terminate) labor contracts with executive committee staff members for whom the executive committee acts as the employer, including the personnel to guard and maintain the respective premises, and award incentives and disciplinary sanctions;

2.5. Exercise general management of the organizations whose property is owned communally in the respective administrative-territorial unit, appoint and dismiss their heads, conclude (extend, terminate) labor contracts with them, and award incentives and disciplinary sanctions to them;

2.6. Appoint representatives of the state in management boards of companies whose shares are owned communally in the respective administrative-territorial unit;

2.7. Manage the property of the respective executive committee;

2.8. Submit proposals concerning local issues to the executive committee, Council and its organs and take part in their consideration;

2.9. Organize the work of the executive committee with regard to considering appeals of citizens and legal entities, giving personal reception to citizens and representatives of legal entities, keeping a book of complaints and proposals, and conducting administrative procedures;

2.10. Receive citizens and representatives of legal entities personally;

2.11. Conclude contracts with legal and physical persons, including sole proprietors, on behalf of the executive committee;

2.12. Conclude agreements in the framework of the labor legislation on behalf of the executive committee;

2.13. Set up standing and temporary commissions, assign mandates and coordinate their work;

2.14. Delegate part of its mandate to vice chairs, chief administrator, and heads of structural units who have the rights of a legal entity;

2.15. Organize the work related to preparations for executive committee sessions, preside over the sessions, and exercise supervision over the fulfillment of the decisions;

2.16. Allow for taking executive committee decisions on some issues requiring immediate action through individual consultations with the members of the executive committee on the text of a draft decision and obtaining their approval of it;

2.17. Invite representatives of other executive and regulatory organs, Councils, national government organs, other organizations, organs of territorial public self-government, and citizens to executive committee sessions;

2.18. Sign executive committee decisions and minutes of its sessions;

2.19. Be in charge of civil defense in the respective territory, exercise supervision over the planning and implementation of territorial defense measures, and can lead a commission to manage emergencies;
2.20. Coordinate activities to maintain public order and protect the rights of citizens in the respective territory;
2.21. Submit executive committee activity reports to Council sessions with regard to issues which fall within the authority of the Council at least once a year;
2.22. Exercise other activities as provided for by this Law and other legislative acts.

Article 48. Special Authority of Regional-Level Executive Committee Chairs

1. Regional-level executive committee chairs shall be accountable and subordinate to the President of the Republic of Belarus as well as to the Council of Ministers of the Republic of Belarus with regard to issues which fall within the authority of the Government of the Republic of Belarus, and shall be accountable to the respective Council with regard to issues which fall within the authority of the regional or Minsk City executive committee.

2. Regional-level executive committee chairs, within the limits of their authority and in accordance with the procedures established by law, shall be entitled to the following:

2.1. Subject to prior approval by the respective national government organs, appoint and dismiss heads of the regional-level executive committee’s structural units which exercise the state power mandate in a specific sector (area of activity);

2.2. Give approvals for nominees for the following positions:
   Heads of interior departments in regional-level executive committees, regional (Minsk City) inspectorates of the Ministry of Taxes and Duties of the Republic of Belarus, and for these positions also give endorsement for the extension or termination of their labor contracts;
   Heads of organizations which are located in the respective territory and whose property is owned communally in other administrative-territorial units as well as heads of organizations which are located in the respective territory and whose property is owned nationally when their heads are appointed by executive and regulatory organs (their chairs) of other administrative-territorial units or national government organs, and also give approval for the extension or termination of labor contracts with these persons;
   Heads of companies which are located in the respective territory and whose shares are owned by the state, and also give approval for the extension or termination of labor contracts with these persons;
   Heads of regional (Minsk City) departments for the management of emergency situations of the Ministry for Emergencies of the Republic of Belarus, deputy heads of department of internal affairs in regional-level executive committees, heads of road police divisions in the departments of internal affairs of regional-level (Minsk City) executive committees, heads of regional (Minsk City) military commissariat offices, and also give approval for the extension or termination of labor contracts with these persons;

2.3. Submit to the regional-level executive committee proposals to dismiss heads of organizations which are located in the respective territory and whose property is not owned communally in the respective administrative-territorial unit, if they fail to fulfill decisions of regional-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts;

2.4. Submit proposals on the dismissal of heads of organizations which are located in the respective territory and whose property is not owned communally in the respective administrative-territorial unit to the state organs whose jurisdiction covers these organizations or to management boards of these organizations, if they fail to fulfill decisions of regional-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts;

2.5. Give approval to allow lessors to apply increasing lease rates to lessees who rent space in markets and other trade facilities owned privately;

2.6. Together with councils of sole proprietors, conduct preliminary consideration of conflicts between sole proprietors and lessors concerning the rent of space, lease fees and other issues until the conflicts are solved by economic courts;

2.7. Give approval for the size of charges which lessors charge for services provided to lessees of trade space and whose provision is not regulated by law in terms of their prices as well as for the size of payments which lessees pay for guarding services;

2.8. Suspend the operation of organizations and construction of any objects in case there are violations of legislation until the violations are properly addressed;

2.9. Cancel decisions of organizations subordinate to the regional-level executive committee if they are not in line with the law;

2.10. Cancel orders of lower-level executive committee chairs (or instructions of local administrations of the city of Minsk when it comes to the chair of the Minsk City executive committee), submit to regional-level executive committees proposals to cancel decisions of lower-level executive and regulatory organs if they are not in line with decisions of regional-level Council or executive committee or other legislative acts;

2.11. Apply incentives and disciplinary sanctions to chairs of lower-level executive committees (to heads of local administrations when it comes to the chair of the Minsk City executive committee) in accordance with the law;

2.12. Exercise other activities as provided for by this Law and other legislative acts.
Article 49. Special Authority of Basic-Level Executive Committee Chairs

1. Basic-level executive committee chairs shall be accountable and subordinate to the President of the Republic of Belarus as well as to the respective regional-level executive committee, and shall be accountable to the respective Council with regard to issues which fall within the authority of the city (for cities of regional subordination) or district Council.
2. Basic-level executive committee chairs, within the limits of their authority and in accordance with the procedures established by law, shall be entitled to the following:
   2.1. Subject to prior approval by the respective structural units of the regional-level executive committee and, in cases provided for by relevant legislative acts, by the respective national government organs, appoint and dismiss heads of the basic-level executive committee’s structural units which exercise the state power mandate in a specific sector (area of activity);
   2.2. Give approvals for nominees for the following positions:
      Heads of interior departments in basic-level executive committees, heads of city and district military commissariat offices, heads of city, district and city district inspectorates of the Ministry of Taxes and Duties of the Republic of Belarus, and for these positions also give endorsement for the extension or termination of their labor contracts;
      Heads of city and district departments for the management of emergency situations and give approval for the extension or termination of labor contracts with these persons;
      Heads of organizations which are located in the respective territory and whose property is owned communally by the region or by the state, when they are appointed by the chair of the regional-level executive committee or national government organs and give approval for the extension or termination of labor contracts with these persons;
      Heads of companies which are located in the respective territory and whose shares are owned communally, and give approval for the extension or termination of labor contracts with these persons;
   2.3. Give approval to plans and programs for the location, development and specialization of organizations which are located in the respective territory – on the basis of the decision of the respective basic-level executive committee and, if need be, also submit relevant proposals to the respective management boards of such organizations;
   2.4. Submit to the basic-level executive committee proposals to dismiss heads of state organizations which are located in the respective territory and whose property is not owned communally in this administrative-territorial unit, if they fail to fulfill decision of the basic-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts;
   2.5. Submit proposals to dismiss heads of organizations which are located in the respective territory and whose property is not owned communally in this administrative-territorial unit to the state organizations whose jurisdiction covers these organizations or to management boards of these organizations if they fail to fulfill decisions of the regional- and basic-level Council or executive committee which have been taken within the limits of their authority or if they fail to fulfill other legislative acts;
   2.6. Conclude (extend, terminate) labor contracts with heads of agricultural cooperatives after their election (dismissal) by a general meeting of the members of such organizations or by other authorized organs of such organizations (this applies to the chair of the district executive committee only);
   2.7. Suspend the operation of organizations or construction of any objects in case there are violations of legislation until the violations are properly addressed;
   2.8. Cancel decisions of organizations subordinate to the basic-level executive committee if they are not in line with the law;
   2.9. Cancel orders of lower-level executive committee chairs (heads of local administrations), submit to basic-level executive committees proposals to cancel decisions of lower-level executive and regulatory organs if they are not in line with decisions of regional- or basic-level Councils or executive committees or other legislative acts;
   2.10. Apply incentives and disciplinary sanctions to chairs of lower-level executive committees (heads of local administrations) in accordance with the law;
   2.11. Exercise other activities as provided for by this Law and other legislative acts.

Article 50. Special Authority of Primary-Level Executive Committee Chairs

1. Primary-level executive committee chairs shall be accountable and subordinate to the President of the Republic of Belarus as well as to the upper-level executive committees, and shall be accountable to the respective Council with regard to issues which fall within the authority of the city (for cities of district subordination), town or village Council.
2. Primary-level executive committee chairs, within the limits of their authority and in accordance with the procedures established by law, shall be entitled to the following:
   2.1. Give approval for the following nominations and contracts:
      Nominated candidates for the positions of heads of organizations which are located in the respective territory and whose property is owned communally...
Article 51. Heads of Local Administrations

1. Heads of local administrations shall be the heads of executive authority in the territory of the respective district in a city.

2. Heads of local administration shall be accountable and subordinate to the President of the Republic of Belarus and upper-level executive committees.

3. Heads of local administrations shall bear personal responsibility for the fulfillment of the local administration’s objectives and functions and for the state of affairs in the respective territory.

4. Procedures for appointments and dismissals of heads of local administrations shall be determined by the President of the Republic of Belarus.

5. In case the head of local administration is not available, his functions shall be performed by the first vice head, in case the first vice head is not available, these functions shall be performed by one of the vice heads in accordance with the established division of functions, unless otherwise stipulated by the President of the Republic of Belarus.

6. Heads of local administrations shall be liable for disciplinary, administrative, criminal and other types of responsibility in accordance with legislative acts for the failure to fulfill their duties or for the failure to fulfill them properly as well as for the failure to follow the restrictions set for civil servants in accordance with relevant legislative acts.

Article 52. Authority of Heads of Local Administrations

1. Heads of local administrations shall be guided in their activities by the Constitution of the Republic of Belarus, this Law and other laws of the Republic of Belarus, acts of the President of the Republic of Belarus, regulations of the Council of Ministers of the Republic of Belarus, orders of the Prime Minister of the Republic of Belarus, regulatory acts of national government organs, decisions of upper-level executive committees, orders of their chairs, decisions of upper-level Councils, decisions of the upper-level Councils as far as they cover the issues which fall within their authority.

2. Heads of local administrations, within the limits of their authority and in accordance with the procedures established by law, shall be entitled to the following:

2.1. Head the local administration, steer its work and ensure its cooperation with the respective city executive committee and city Council;

2.2. Represent the local administration in relations with other state organs, other organizations and citizens;

2.3. Endorse the structure and staff of the local administration and its structural units;

2.4. Appoint and dismiss staff members of the respective executive committee, conclude (extend, terminate) labor contracts with executive committee staff members for whom the executive committee acts as an employer, including the personnel to guard and maintain the respective premises, and award incentives and disciplinary sanctions;

2.5. Exercise general management of the organizations whose property is owned communally in the respective administrative-territorial unit, appoint and dismiss their heads, conclude (extend, terminate) labor contracts with them, and award incentives and disciplinary sanctions to them;

2.6. Appoint representatives of the state in management boards of companies whose shares are owned communally in the respective administrative-territorial unit;

2.7. Following the approval of relevant structural units of the city executive committee and, in cases determined by relevant legislative acts, following the approval of relevant national government organs, appoint and dismiss heads of structural units of the local administration which exercise the state power mandate in a specific sector (area of activity), appoint and dismiss
other members of the local administration, conclude (extend, terminate) labor contracts with the staff of the local administration for whom the local administration acts as the employer, including the personnel to guard and maintain the respective premises, and award incentives and disciplinary sanctions;

2.5. Give approval for the following nominations:
   Heads of the local administration’s interior department, military commissariat office of the respective city district, and give approval for the extension or termination of labor contracts with these persons;
   Heads of organizations which are located in the respective territory and whose property is owned nationally or communally, when they are appointed by the national government organs or the regional-level executive committee chair or the city executive committee chair, and also give approval for the extension or termination of labor contracts with these persons;
   Heads of companies which are located in the respective territory and whose share are owned communally and also give approval for the extension or termination of labor contracts with these persons;

2.6. Dispose of the property of the local administration;

2.7. Submit to the local administration, city Council or its organs proposals on local issues and take part in their discussion;

2.8. Organize the work of the local administration to consider the appeals of citizens and legal entities, organize the personal reception of citizens and representatives of legal entities, keep a book of complaints and proposals, and conduct administrative procedures;

2.9. Receive citizens and representatives of legal entities personally;

2.10. Conclude civil law contracts with physical and legal entities, including sole proprietors, on behalf of the local administration;

2.11. Conclude agreements under the labor legislation on behalf of the local administration;

2.12. Set up standing and temporary commissions, determine their mandate and coordinate their work;

2.13. Delegate part of authority to vice heads and chief administrator of the local administration;

2.14. Organize the work related to sessions of the local administration, preside over the sessions and supervise the fulfillment of the decisions taken;

2.15. Allow for taking local administration decisions on some issues requiring immediate action through individual consultations with the members of the local administration on the text of a draft decision and obtaining of their approval of it;

2.16. Invite representatives of other executive and regulatory organs, Councils, national government organs, other organizations, organs of territorial public self-government, and citizens to local administration sessions;

2.17. Sign local administration decisions and minutes of its sessions;

2.18. Be in charge of civil defense in the respective territory and lead a commission to manage emergencies;

2.19. Together with the chair of the basic-level executive committee, suspend the operation of the organizations and construction sites in the respective territory in case there are violation of the relevant legislation until the violations are properly addressed;

2.20. Submit to the local administration for consideration and, in case of approval, to the city executive committee proposals to dismiss heads of organizations which are located in the respective territory if they fail to fulfill decisions of the basic- and regional-level Councils or executive committees or if they fail to fulfill other legislative acts;

2.21. Submit for consideration to the local administration and, in case of approval, to the city executive committee proposals to hold accountable organizations, their staff and other citizens who operate in the respective territory and to demand compensation of the damage caused by their decisions, action or inaction to the interests of citizens, local economy and environment as a result of their failure to fulfill the decisions of the basic- or regional-level Councils and executive committees which have been taken within the limits of their authority or their failure to fulfill other legislative acts;

2.22. Submit to the city executive committee a local administration activity report at least once a year;

2.23. Exercise other activities as provided for by this Law and other legislative acts.

**Article 53. Orders of Executive Committee Chairs (Heads of Local Administrations)**

1. Executive committee chairs (heads of local administration), within the limits of their authority, shall issue orders for the prompt resolution of issues which do not require collegial consideration and adoption of normative and regulatory acts.

2. Orders of executive committee chairs, if taken within the limits of their authority, shall be mandatory for the staff of the respective executive committee, subordinate executive and regulatory organs, and organizations which are located in the respective territory, their staff and other citizens to whom they are addressed.

Orders of heads of local administrations, if taken within the limits of their authority, shall be mandatory for the staff of the respective local administration and organizations which are located in the respective territory, their staff and other citizens to whom they are addressed.
CHAPTER 6
ECONOMIC BASIS OF LOCAL GOVERNMENT AND SELF-GOVERNMENT

Article 54. Definition of the Economic Basis of Local Government and Self-Government

The economic basis of local government and self-government shall be comprised of communal property, income from the use of natural resources and other sources of income of local government and self-government in accordance with the legislation on environmental protection and rational use of natural resources as well as in accordance with civil, tax and budget laws.

Article 55. Communal Property

1. Communal property shall be comprised of the treasury of the respective administrative-territorial unit and property assigned to communal legal entities in accordance with relevant legislative acts. The resources of the local budget and the other communal property which is not assigned to communal legal entities shall comprise the treasury of the respective administrative-territorial unit.

2. The procedure of managing and administering communal property shall be determined by the respective Councils within the limits established by law.

3. Executive and regulatory organs, their structural units with the status of the legal entity, and organizations whose property is owned communally shall be entitled to transfer and sell communally owned objects, in accordance with the established procedures, for the use and possession by organizations, individual citizens and their associations.

4. Councils and, by their mandate, executive committees and local administrations shall have the priority right in acquiring real property objects in the respective territory to be used for the local needs. The procedure of realizing the above-mentioned right as well as the list of categories of real property objects to which this priority right applies shall be determined by relevant legislative acts.

5. In case of disputes between Councils of different territorial levels regarding communal property objects, such disputes shall be resolved by the upper-level Council or, by its mandate, executive committee within one month.

6. In case of disagreement with the decision of the upper-level Council or executive committee, the dispute shall be resolved in court.

7. In order to protect the interests of citizens, Councils can set the terms for using and possessing communal property objects alienated to other owners, including at an auction or on a competitive basis, with these terms being mandatory for these owners.

Article 56. Relations of Councils, executive and regulatory organs with other organizations in the economic field

1. Civil relations of Councils and executive and regulatory organs with other organizations shall be built on a contractual basis.

2. Executive and regulatory organs shall coordinate the activities of organizations whose property is owned communally, ensure comprehensive economic and social development of the respective territory, support the establishment of state associations and unions, economic groups, commercial organizations, and support their economic activities with material and technical resources from the local funds.

3. Communal unitary enterprises which are set up by primary-level executive committees and whose income from selling their services related to agricultural work, including during sowing and harvesting campaigns in spring and autumn, to organizations and citizens in the territory of villages, towns, and cities of district subordination is not less than 70 percent of their income from all types of their activities shall be entitled to acquiring domestically made agricultural equipment for the provision of such services as well as fertilizers and petroleum products for the prices determined in accordance with the legislation for agricultural companies and to obtain loans for the purchase of tractors, agricultural machines and equipment, including on the terms of long-term leasing, on the conditions which are applicable to agricultural companies.

Article 57. Participation of Councils and Executive and Regulatory Organs in Foreign Economic Activities

1. Councils and executive and regulatory organs shall participate in foreign economic activities in accordance with the legislation, shall also contribute to the expansion of foreign economic activities of organizations which are located in the respective territory and to the increase in the production of goods and services which are competitive in foreign markets.

2. Councils and executive and regulatory organs shall be entitled, within the limits of their authority and in accordance with the procedures established by law, to undertake the following:

Conclude contracts to sell or purchase products with foreign citizens, stateless persons, and foreign and international legal entities (organizations which are not legal entities);
Participate together with foreign citizens, stateless persons, and foreign and international legal entities (organizations which are not legal entities) in setting up profit and non-profit organizations in the Republic of Belarus and beyond its borders;
Take part, on a profit basis, in the conduct of international fairs, exhibitions and other events as well as in advertising activities.
Organize trade activities in pre-border areas;
Submit to the Council of Ministers of the Republic of Belarus proposals regarding the establishment of free economic zones.

CHAPTER 7
GUARANTEES, SUPERVISION AND RESPONSIBILITY IN
THE FIELD OF LOCAL GOVERNMENT AND SELF-
GOVERNMENT

Article 58. Participation of Local Government and Self-
Government Organs in Inter-Departmental
Commissions

1. Councils and executive and regulatory organs shall send their
representatives to participate in the work of inter-departmental commissions
which are set up by state organs or other state organizations in case such
commissions consider issues of local significance.
2. State organs and other state organizations, when setting up inter-
departmental commissions which will consider issues of local significance,
shall include representatives of respective Councils and executive and
regulatory organs into such commissions.

Article 59. Legality

1. Decisions of Councils and executive and regulatory organs, orders of
their heads as well as decisions of organs of territorial public self-government,
local referenda and local assemblies shall be in accordance with the legislation.
2. Regulatory acts which are drafted or adopted by Councils and
executive and regulatory organs shall be subject to mandatory legal
examination in accordance with the procedures established by law.
3. Decisions of Councils which are not in accordance with the law shall
be cancelled by upper-level Councils, the Council of the Republic of the
National Assembly of the Republic of Belarus as well as suspended by the
President of the Republic of Belarus. In case of the suspension of such a
Council decision, the President of the Republic of Belarus shall submit a
request to cancel the decision to the same Council or to the Council at the
upper-level with regard to the one whose chair made the decision in question.
4. Decisions of executive committees which are not in accordance with
the law shall be cancelled by the respective Councils, upper-level executive
committees or the President of the Republic of Belarus.

Decisions of local administrations which are not in accordance with the
law shall be cancelled by upper-level executive committees or the President of
the Republic of Belarus.

Decisions of executive committee chairs which are not in accordance with
the law shall be cancelled by the respective Councils, upper-level executive
committees, chairs of upper-level executive committees or the President of
the Republic of Belarus.

Decisions of heads of local administrations which are not in accordance
with the law shall be cancelled by upper-level executive committees, chairs of
upper-level executive committees or the President of the Republic of Belarus.

5. Decisions of organs of territorial public self-government which are not
in accordance with the law or the charters of these organs of territorial public
self-government, or the decisions of local assemblies shall be cancelled by the
local assembly or respective Council.

6. Decisions of Councils and executive and regulatory organs which
restrict or violate the rights, freedoms or legitimate interests of citizens as well
as in other cases which are stipulated by the legislations can be appealed in
court in accordance with the civil and economic procedures law.

Article 60. Obligation of Decisions and Protection of Rights of
Organs of Local Government and Self-Government

1. Decisions of Councils and executive and regulatory organs which are
taken within the limits of their authority, and decisions of local referenda which
are declared mandatory by the Councils which called these referenda shall be
obligatory for lower-level Councils, executive and regulatory organs, and all
other organizations and citizens in the respective territory. Having failed to
fulfill these decisions, organizations, their staff and other citizens shall bear
civil, administration, criminal and other responsibility in accordance with the
law.

2. Organizations which are located in the respective territory, their staff
and other citizens shall fully compensate the damage caused by their decisions
as well as action or inaction to the interests of the population, local economy
and environment as a result of their failure to fulfill the decisions of Councils or
executive and regulatory organs which have been taken within the limits of their
authority or their lack of compliance with other legislative acts, including the
ones regulating technical norms.
3. Staff members of executive and regulatory organs can be dismissed from their jobs, in accordance with the established procedures, in case they fail to fulfill decisions of upper-level state organs which have been taken within the limits of their authority or if they fail to fulfill the requirements of other legislative acts.

**Article 61. Delegation of Authority by Organs of Local Government and Self-Government**

1. The authority of executive and regulatory organs can be delegated to their staff members or structural units of these executive and regulatory organs as well as to other state organs and other organizations, except for the cases stipulated in the second part of this paragraph and except for the authority which, in accordance with this Law and other legislative acts, require respective decisions by these executive and regulatory organs, unless otherwise stipulated by Paragraph 2 of this Article.

2. Upper-level executive and regulatory organs can delegate part of their authority to lower-level executive and regulatory organs.

3. Councils shall be entitled to undertake the following:
   - When mutually agreed, Councils of different levels can delegate authority to each other along with the resources required for the exercise of this authority;
   - Delegate their authority to executive and regulatory organs, their chairs, organs of territorial public self-government at the request or with the consent of these organs, except for the authority that can only be exercised at the sessions of the Council.

4. State organs can delegate part of their authority to Councils in accordance with the procedures established by the legislation.

**Article 62. Proposals of Organs of Local Government and Self-Government**

State organs of the Republic of Belarus and other organizations and their staff members shall consider proposals of organs of local government and self-government in accordance with the procedures established by the legislation regulating the treatment of appeals by citizens and legal entities, except for the cases when the legislation stipulates a different procedure for the consideration of such proposals.

**Article 63. Supervision over Implementation of Legislation in the Field of Local Government and Self-Government**

The supervision to make sure that the legislation in the field of local government and self-government is implemented in a correct and uniform way shall be exercised by the Prosecutor General of the Republic of Belarus and prosecutors who are subordinate to him.

**Article 64. Responsibility of Local Government and Self-Government Organs**

1. Organs of local government and self-government shall bear responsibility for the legality of their decisions.

2. The damage inflicted on organizations or citizens as a result of unlawful decisions, action or inaction of local government and self-government organs or their officials shall be reimbursed by them in accordance with civil legislation.

**CHAPTER 8 CONCLUDING PROVISIONS**

**Article 65. Loss of Force of Some Legislative Acts and Individual Provisions of Some Laws**

The following acts shall be deemed to have lost force:


Article 66. Implementation of This Law

1. The Council of Ministers of the Republic of Belarus shall undertake the following within six months:

   Submit to the Head of State for consideration a draft legislative act which determines the procedure for realizing the priority right of Councils, or by their mandate executive committees and local administrations, in acquiring real property objects which can be used for the local needs as well as a draft list of categories of real property objects which are covered by the above-mentioned priority right;

   Together with the National Center of Legislation and Legal Studies of the Republic of Belarus, develop and submit proposals to bring other legislative acts of the Republic of Belarus into line with this Law;

   Bring decisions of the Government of the Republic of Belarus into line with this Law;

   Make sure that national government organs subordinate to the Government of the Republic of Belarus bring their regulations into line with this Law;

   Take other measures necessary for the implementation of the provisions of this Law.

2. Councils and executive and regulatory organs shall bring their decisions in line with this Law within six months and take other measures necessary for the implementation of the provisions of this Law.

Article 67. Entry into Force

This Law shall enter into force six months after its official publication, except for this Article and Article 66, both of which shall enter into force on the day when this Law is officially published.

President of the Republic of Belarus
EUROPEAN CHARTER
OF LOCAL SELF-GOVERNMENT

Strasbourg, 15.X.1985
Preamble

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that one of the methods by which this aim is to be achieved is through agreements in the administrative field;

Considering that the local authorities are one of the main foundations of any democratic regime;

Considering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe;

Considering that it is at local level that this right can be most directly exercised;

Convinced that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen;

Aware that the safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralisation of power;

Asserting that this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfilment,

Have agreed as follows:

Article 1

The Parties undertake to consider themselves bound by the following articles in the manner and to the extent prescribed in Article 12 of this Charter.

Part I

Article 2 – Constitutional and legal foundation for local self-government

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

Article 3 – Concept of local self-government

Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.
Article 4 – Scope of local self-government

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.

2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.

3. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.

4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.

5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.

6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

Article 5 – Protection of local authority boundaries

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

Article 6 – Appropriate administrative structures and resources for the tasks of local authorities

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.

2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

Article 7 – Conditions under which responsibilities at local level are exercised

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.
2 They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.

3 Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

**Article 8 – Administrative supervision of local authorities' activities**

1 Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.

2 Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.

3 Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

**Article 9 – Financial resources of local authorities**

1 Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.

2 Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.

3 Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.

4 The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.

5 The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.

6 Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.

7 As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.

8 For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.
Article 10 – Local authorities' right to associate

1 Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest.

2 The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.

3 Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

Article 11 – Legal protection of local self-government

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

Part II – Miscellaneous provisions

Article 12 – Undertakings

1 Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among the following paragraphs:

- Article 2,
- Article 3, paragraphs 1 and 2,
- Article 4, paragraphs 1, 2 and 4,
- Article 5,
- Article 7, paragraph 1,
- Article 8, paragraph 2,
- Article 9, paragraphs 1, 2 and 3,
- Article 10, paragraph 1,
- Article 11.

2 Each Contracting State, when depositing its instrument of ratification, acceptance or approval, shall notify to the Secretary General of the Council of Europe of the paragraphs selected in accordance with the provisions of paragraph 1 of this article.

3 Any Party may, at any later time, notify the Secretary General that it considers itself bound by any paragraphs of this Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.
Article 13 – Authorities to which the Charter applies

The principles of local self-government contained in the present Charter apply to all the categories of local authorities existing within the territory of the Party. However, each Party may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe.

Article 14 – Provision of information

Each Party shall forward to the Secretary General of the Council of Europe all relevant information concerning legislative provisions and other measures taken by it for the purposes of complying with the terms of this Charter.

Part III

Article 15 – Signature, ratification and entry into force

1 This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of the preceding paragraph.

3 In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 16 – Territorial clause

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Charter shall apply.

2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Charter to any other territory specified in the declaration. In respect of such territory the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.
Article 17 – Denunciation

1. Any Party may denounce this Charter at any time after the expiration of a period of five years from the date on which the Charter entered into force for it. Six months' notice shall be given to the Secretary General of the Council of Europe. Such denunciation shall not affect the validity of the Charter in respect of the other Parties provided that at all times there are not less than four such Parties.

2. Any Party may, in accordance with the provisions set out in the preceding paragraph, denounce any paragraph of Part I of the Charter accepted by it provided that the Party remains bound by the number and type of paragraphs stipulated in Article 12, paragraph 1. Any Party which, upon denouncing a paragraph, no longer meets the requirements of Article 12, paragraph 1, shall be considered as also having denounced the Charter itself.

Article 18 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe of:

a. any signature;

b. the deposit of any instrument of ratification, acceptance or approval;

c. any date of entry into force of this Charter in accordance with Article 15;

d. any notification received in application of the provisions of Article 12, paragraphs 2 and 3;

e. any notification received in application of the provisions of Article 13;

f. any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 15th day of October 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.
BRIEF OUTLINE HISTORY AND ACTIVITIES
OF THE NON-GOVERNMENTAL ORGANIZATION
“THE LEV SAPIEHA FOUNDATION”

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Chairmen of NGO “Lev Sapieha Foundation” since foundation:
1992-1997 – Georgi Kunevich;
1997-2001 – Miroslav Kobasa;
2001-2005 – Aleksandr Zhukov;
Since 2005 – Miroslav Kobasa;

In 1991 the delegates of the local councils, specialists in the field of law, economics, political science and culture started forming the Foundation for Democratic Reforms Support named after Lev Sapieha (short name is the Lev Sapieha Foundation). It was registered by the Ministry of Justice on June 26, 1992 (Certificate № 398) as a public non-political non-profit organization. According to the President’s order it was re-registered by the Ministry of Justice on May 31, 1999 by №00072 and now it is called the non-governmental organization “The Lev Sapieha Foundation”. According to the changes of the Law about non-profit organizations it was re-registered by the Ministry of Justice on October 31, 2005 by № 01322.

Non-governmental organization “The Lev Sapieha Foundation” was given the rank of status of observers in the Congress of Local and Regional Authorities of the Council of Europe May 31, 2001.

Mission of the organization:
The main purpose of its activity is assisting to the process of gradual establishing and development of democratic reforms in the Republic of Belarus in the field of local government, economy, science, culture, ecology, democracy ideas propagating, human rights protection.

Principal goals of the organization:
1. Preparation and running the reform of local self-government.
2. Establishing and development of NGOs on the regional level.
3. Protection of human rights and freedoms in a local community.
4. Development and support for civic initiatives.

Structure of the Foundation:
Board;
Informational Educational Centre for Local Government Problems
Non-governmental organizations Bureau
Publishing Centre
Six departments in all regional centers of the Republic of Belarus
19 regional branches
Informational Educational Centre for Local Government Problems

The main goals of the Informational Educational Centre are the following:

- Spreading local government ideas;
- Study and analysis of the process of self-government transitions and reforms in the countries of Central and East Europe;
- Raising qualification for delegates and specialists of local authorities;
- Development of bills on local government.

Ways of the Center’s activities:

- Series of training seminars, regional meetings, round tables for people dealing with local government problems;
- Consulting the delegates and specialists of local authorities on all the aspects of municipal problems;
- Discussing the bills prepared by the experts of the Foundation with the delegates and specialists of local authorities and representatives of public organization and scientific institutions;
- Studying the experience of municipal reforms in the countries of Central and East Europe;
- Informational exchange between the municipalities and scientific organizations from the countries of Central and East Europe;
- Publishing methodical literature, reviews, programs and articles on the municipal problems.

The Centre has a staff of highly qualified experts in the field of constitutional and municipal law, economics and finances, sociology and political science.

For the first time in Belarus the European Charter of Local Government was spread by the Centre. Studying the legislation and practical experience of municipalities in the countries of Central and East Europe, Poland in particular, is paid much attention to. During the informational exchange with municipal, scientific and public organizations of Poland, Latvia, Lithuania, Ukraine, Hungary, Bulgaria and Russia the normative acts regulating the activity of representative and executive local authorities as well as materials from international conferences devoted to the problems of local government have been received.

The experts of the Centre have made the Concept of the local government reform in the Republic of Belarus and 7 bills in its development in 1994:

2. Law "The Reform of Local Authorities in the Republic of Belarus";
3. Law “On Budget System in the Republic of Belarus”;
5. Law ‘On Election of Delegates to Local Councils”;
6. Law ‘On Local Taxes and Collecting in the Republic of Belarus”;
7. Law ‘On Administrative -Territorial Subdivision in the Republic of Belarus”.

For all the period of work our experts and coordinators have been actively cooperating with the Supreme Council of the Republic of Belarus. The delegates of the Supreme Council and local councils have been taking an active part in numerous seminars arranged by the Centre. In February 1996, after the beginning of work of the 13th Supreme Council, all municipal bills made by the Centre were transferred to all parliament fractions, to the commission on local government and state construction, to the Presidium of the Supreme Council. In March-April 1996 the meetings of the
Foundation’s leaders with the fractions of the Supreme Council took place where the prepared Conception and the bills on local government reform’s preparation were discussed.

At the session of the Supreme Council Commission on local government and state construction commission 25.07.96 the draft of the decision of the Supreme Council Presidium ‘On Legal Supply of Local Government Functioning in the Republic of Belarus” was approved. But a political crisis that began in autumn 1996 and a non-constitutional referendum did not allow implementing the proposed Decisions of the Supreme Council and its ideas.

The representatives of the Centre have a status of observers under the Permanent Commission on studying the experience of state construction and local government of Interparliamental Assembly of states - NIS participants.

Bureau on Non-governmental Organizations

The purposes of the Bureau are the following:
- Investigation of legal and socio-psychological aspects of establishing NGOs in Belarus and their activities.
- Initiating of new republican and regional NGOs establishing.
- Analysis of the current law on NGOs and the practice of its implementation in Belarus.
- Developing further directions of NGO activities.

The Bureau carries out its activities in the form of:
- Running training and consulting seminars, information schools, courses, conferences etc.
- Organizational and legal assisting to public organizations and initiating groups on regional NGOs establishing.
- Publishing information on NGO activities in mass media and in the Foundation’s publications.
- Publishing methodical textbooks for NGOs.

More than 50 NGO were organized in the different regions of Belarus with the support of the Foundation. Civil initiatives are supported on a local level.

Publishing Centre

For the period of work the following materials have been published and distributed:
- Periodical municipal informational bulletin of the Lev Sapieha Foundation (6 editions).
- Documents and materials of Associations of Local Authorities in Baltic countries (1995).
- Municipal reviews on the legislation and municipal systems in Bulgaria, Hungary, Denmark, Spain, Lithuania, Latvia, Poland and Russia (1995-1996).
- Review of the local government system in Germany (due to the materials of the seminars in the framework of TACIS Program, 1996).
Methodical textbook “Reviews of Laws on Local Authorities in the Countries of Central and East Europe”, (1996).

• Brochure “Municipal System of Denmark”, (1995)


• Methodical textbook “Let’s Study Democracy with Pleasure and without Bore” (part 1 and 2, 1996-1997).


• Textbook “Local Self-Government in Belarus and other countries (questions and answers)”, (2005).

• Booklet "Publicity and local authorities" (2006).

• Textbook "Local self-government in Belarus" (2007).

• Booklet "Deputies of Local Councils: about legal bases of local self-government in Belarus" (2007).

• Booklet "Local self-government: monitoring of the most important legal texts for 2006" (2007).


• Textbook "Lev Sapieha is the Big Chancellor of the Big Princedom" (2008).

• Booklet "Local self-government: monitoring of the most important legal texts for 2007" (2008).

The periodical materials are published in press.

**Departments and Regional Branches**

Departments and regional branches have a large experience in work. They plan and do their work according to regional specifics and social peculiarities of the regions. Regional NGOs are grouping around them. The departments are also the resources centers. They give their help and support to initiative groups of citizens. Cooperate with the delegates of local councils and NGO leaders. Thanks to regional seminars more than 5500 representatives of public organizations and local government participants raised their professional and educational level for 1996-2004.
**Soros Foundation**

“Support of Local Self-Government and Local Democracy Development in Belarus” (1994-1997). The Foundation’s and the Center’s activities in the framework of this Project was mentioned above.

**European Commission and TACIS Program**

1. **Project “Bases of Communal System in Germany”, 1996.** Partners – International Educational Centre, Dortmund and the Lev Sapieha Foundation, Minsk. Direction – studying the system of local government in Germany for the delegates of local councils. There were 5 seminars involving German experts and 40 participants in Minsk and one seminar in Germany (12 participants).

2. **Project “School of Democracy and Local Government, 1996-1997.** Partners – the Szczecin Educational Centre for Local Democracy Development, Poland, and the Lev Sapieha Foundation. Due to this program the training studies for 6 groups including 18 people in Szczecin were run. The participants were the activists of the Belarusian NGOs (the civic society sector) and experts-teachers of legal and political science disciplines from universities of Belarus. A group of trainers (10 pers.) and leaders of public organizations from all the regions of Belarus passed through the training and preparation. The textbook in the Belarusian language called “Let’s Study Democracy with Pleasure and without Bore” in two parts was published.

3. **Project “Cooperation of NGOs with Local Administration in Democratic Countries”,1997, for NGO representatives.** Participants – the Lev Sapieha Foundation, the Educational Centre of Hannover, Germany, the International Centre for Teaching and Economic Development in Mielec, Poland, the “Ukraine-Europe” Foundation, Ukraine. The seminars for representatives of local authorities and public organizations were arranged, 2 seminars with 25 participants in Belarus and 2 ones with 20 participants in Poland and also 2 training studies with 4 participants in Germany.

4. **Project “Local Government – Real, Full and Effective”, 1997-1998 for the delegates of the local councils and representatives of local authorities.** The participants of the project are the Belostock Educational Centre of the Foundation for Local Democracy Development, Poland, the Lev Sapieha Foundation, Belarus, and High Administrative School of Kel, Germany. 14 trainers, 25 delegates and 25 local government officials passed through the training in Belostock Educational Centre.

5. **Project “Civic Society Structures Formation in Belarus”, 1998-2000.** Partners are the Szczecin Foundation for Local Democracy Development, Poland and the Lev Sapieha Foundation. 8 trainers and 18 coordinators were prepared for work at School of Civic Education in different regions of Belarus. The third part of the book for trainers and NGO activists called “To Democracy through Civic Society” was published.


7. **Program “ACSOBE: Acting Social rights in Belarus” with the support of ALDA (Association of Local Democracy Agencies), 2006-2008.** Project directed to implement of the social and cultural rights, strengthening civil society and for cooperation between the NGO`s and local authorities.
MATRA Program by the Government of the Netherlands.

Project “Assisting to Development of NGOs in the Republic of Belarus”, 1996 for Belarusian NGO leaders.

EURASIA Foundation (USA).


Project “Winter Political Science School for Journalists”, 1998, in the framework of which 25 journalists from independent mass media passed through the training.

Project “Development of NGOs in Belarus through Management and Project Implementation”, 1998-2000, in the framework of which 24 consultants from NGOs of different regions of Belarus passed through preparation.


National Foundation for Support of Democracy (NED, USA)


LODE Program by Council of Europe

Thanks to financial support by the Congress of Local and Regional Authorities of the Council of Europe a few projects on teaching of local government officials, lawyers and politologists in the countries of Europe (Hungary, 1994; Belgium, 1995; Spain, 1997) were implemented.

SIDA Program (Sweden)

Since autumn 1997 the cooperation of the Foundation with Swedish organizations such as SIDA, SALA, Forum Syd has been actively developed. At present the Foundation is the main partner of Forum Syd on the program of development and strengthening of cooperation between NGOs of Sweden and Belarus.

In March 1998 the Belarusian - Polish - Swedish program directed to studying the experience of local government reform in Poland and communal system in Sweden was fulfilled.

In the period of 1999-2002 with support of the Agency of International Development (SIDA, Sweden) together with the Swedish Association of Local Authorities (SALA) the following projects have been implemented:

“Elections to Local Authorities”, 1999;

OSCE Program

In the period of 2000-2001 the Lev Sapieha Foundation together with 5 Belarusian NGOs worked in the field of human rights and the problems of elections are participating in the project called “For Democracy and Free Elections” initiated by OSCE. The result was a making the system of public observation during the Parliament's election, 2000 and President's election, 2001 in Belarus. The preparation of 8 000 qualified public observers is supposed in the run of the Project.