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**TERRITORIAL PUBLIC SELF-GOVERNMENT  
BODIES IN BELARUS**  
An Analytical Summary

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## INTRODUCTION

Intensifying of citizen self-organization and participation in local self-government has been gaining relevance under the conditions in which the Belarusian society has been developing. Further improvement of the legal and organizational framework for local self-government is a fundamental factor in promoting the role of local self-government bodies in delivery of public services.

The Belarusian Constitution (Article 117) provides for territorial public self-government as a legal and organizational form of citizen involvement in local self-government. This form of engagement in local governance was first set forth in law and began to develop in Belarus in the October of 1989. However due to a number of causes, territorial public self-government has failed to develop on a large scale or realize its capabilities.

The aim of this study is to research the evolution, formation and functioning of territorial public self-government bodies (TPSGBs), identify problems and factors inhibiting the exercise of citizens' rights to self-government, and define a strategy for effective and sustainable development of local communities and territorial public self-government bodies they form.

### I. EVOLUTION OF TERRITORIAL PUBLIC SELF-GOVERNMENT BODIES IN BELARUS IN 1989-2010

By studying the history of TPSGB origination and evolution, one can identify several stages of this evolution (see Table 1), while tracing the improvement in the legal framework for public self-government, and demonstrating its peculiarities and issues relating to it.

As we analyze the correlation between local governance and self-government and demonstrate the content of local self-government, it must be emphasized that local self-government is essentially a form of democracy by political and legal nature.

Political and legal theory usually identifies two basic forms of democracy on both the national and local levels of governance: direct and representative democracy. In Belarus these forms of democracy on the national level are set forth in Article 3, and on the local level, in Article 117 of the Constitution.

It follows from an analysis of the latter article that the Belarusian government and self-government system can be shown to include the following elements:

- a) local councils as a representational form of local self-government;
- b) executive and administrative agencies. With regard to these bodies, it is not completely clear which of the two components of public authority they represent: administrative exercised through public administration, or municipal exercised through local self-government.
- c) territorial public self-government bodies (TPSGBs);
- d) direct forms of local self-government: local referenda, assemblies and other forms of direct citizen participation in state and public affairs.

As we can see, the Constitution provides for the TPSGB as a form of public involvement in local self-government, along with the most important element of self-government, the councils. We should agree that local self-government cannot be limited to electing and functioning of representative bodies, i.e. local councils. The concept is broader and as such must include local referenda, assemblies, the functioning of local self-government bodies and other forms of direct involvement in state and public affairs.

Unfortunately, we have to state that the forms of direct participation of communities in self-government through referenda, petitions, discussion of draft council resolutions or legislative initiatives are formal in nature, receiving minimal or no application. This is evidenced by the fact that no local referenda or public discussions of draft council or executive committee resolutions have been held in Belarus since the forms of direct democracy were incorporated into the country's laws. It can be noted that only territorial public self-government bodies are popularly associated with local self-government, and even these, only remotely, whereas local councils are viewed as a low-level local element of public authority.

Presidential Edict #21 of January 12, 2007, as well as the Council of the Republic Resolution of April 2, 2007, which provided the legal framework for the Local Self-Government Coordination Council, could have played a significant part in building self-government bodies' capacity to resolve local issues. The Board currently includes two representatives of territorial public self-government. However, the potential in these two legal acts remains unrealized.

A new bill on local governance and self-government was drafted in the June of 2007. Chapter 5 *Territorial Public Self-Government* regulated the TPSGB formation, registration and funding process in

detail. However, a completely different wording of that act was adopted due to a number of causes including a lack of public backing for the project.

The next stage in the evolution of local self-government in Belarus will follow the local election slated for April 25, 2010. The Local Governance and Self-Government Act of January 4, 2010, while providing certain opportunities for public self-organization, gives rise to many questions about sustainable development of local communities and efficient development of territorial public self-government in general.

## **II. ESTABLISHMENT PROCESS AND ACTIVITIES OF TERRITORIAL PUBLIC SELF-GOVERNMENT BODIES**

Belarus' Local Governance and Self-Government Act (number 108-Z) of January 4, 2010 (the Act) contains Chapter 3 composed of eight articles and dealing with territorial public self-government. The Act will enter into force on July 14, 2010.

The key points relating to the establishment and activities of territorial public self-government bodies can be divided into five groups for convenience:

### **1. Legal framework**

Articles 25-32 of the Act's Chapter 3 are the basis for further development and improvement of territorial public self-government law. A number of articles (Art.27 clauses 4 and 5, Art.30 clause 1.1) refer to a need for adopting the following regulatory acts:

1.1. A model statute of the unincorporated collective **territorial public self-government body (TPSGB)** (Art.27 clause 4). The model statute is to be adopted by the oblast council.

1.2. A statute of the one-man TPSGB (Art.27 clause 5). The statute is to be adopted by the appropriate council on the basis of the model statute adopted by the oblast council subject to the requirements of the Act.

1.3. The procedure of electing TPSGB members in a local assembly to be prescribed by the appropriate council subject to the provisions of the National and Local Assemblies Act of July 12, 2000 (see Belarusian National Register of Legal Acts 2000, #67, 2/168).

1.4. The application procedure to be prescribed by the oblast council (art.30 clause 1.1).

1.5. A procedure for the council to approve the election and discharge of the collective TPSGB's chair and deputy chair (Art.28 clauses 5 and 8.1).

1.6. The registration certificate of the collective TPSGB to be issued by the respective executive committee (Art.30 clause 2). The Act does not specify who is to approve the form of the registration certificate. It has been traditionally approved by councils along with the regulation.

### **Conclusions**

To create a TPSGB under the Local Governance and Self-Government Act, it is necessary for local councils to draw up and adopt certain regulatory acts such as listed under 1.1 and 1.2 above, and draw up and approve a number of procedures such as listed under 1.3 and 1.5 above.

### **Recommendations**

Under Article 66 enacted on **January 14, 2010 (!)** local councils have until July 14, 2010 to "bring their decisions into line with this Act (#108-Z of 1/4/2010) and take any other measures as may be necessary for implementation of the provisions of this act."

Local councils are recommended to step up their activities to draft up appropriate regulations (see 1.1 and 1.2 of this summary) and procedures.

### **2. TPSGB goal, objectives and activities**

The goal and objectives of territorial public self-government are set forth under Article 26 of the Act:

#### **"Article 26. Goal and Objectives of Territorial Public Self-Government**

1. The principal goal of territorial public self-government shall be to promote and implement citizen initiatives on issues of local significance within the appropriate part of the administrative division.

2. The principal objectives of territorial public self-government shall be:

2.1. assistance in the exercise of the rights, freedoms and legitimate interests of citizens;

- 2.2. assistance to executive and administrative bodies and Councils in their dialogue with citizens;
- 2.3. research, analysis and recording of public opinion on economic and social development issues, protection of the environment and rational use of natural resources;
- 2.4. engaging of citizens in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas;
- 2.5. participation in measures to provide social support to families and various categories in need of such support: children, youths, seniors, people with disabilities and others;
- 2.6. assistance in organizing recreation for citizens;
- 2.7. participation in counseling dysfunctional families;
- 2.8. support of charitable efforts;
- 2.9. assistance in revival and preservation of cultural values, national customs and traditions, and promotion of arts and engineering hobbies;
- 2.10. assistance to duly authorized bodies in prevention of wrongdoing;
- 2.11. assistance in exercise of legal initiative of citizens in matters of local significance;
- 2.12. assistance in resolving other issues of local significance.”

Under Article 26 clause 1, the main goal of territorial public self-government is to **promote and implement** citizen initiatives on local matters.

The meaning of “**promote**” is to help advance to a new state, from the simple to the complex, from the lower to the higher. In these terms, promotion of citizen initiatives on local matters can be viewed as a process aimed at encouraging:

- a) a new public attitude to involvement in local matters by encouraging participation, teaching forms and methods of self-organization, and fostering a sense of mutual responsibility and participation;
- b) new relationships between citizens and both representative and executive local government bodies.

**Implementation** of citizen initiatives on local matters under Article 25 of the Act is understood as voluntary activities of citizens within the neighborhood. Citizens personally implement their initiatives with the aim to resolve local matters by participating personally or through TPSGBs under Article 28 clause 1.5 & 2 of the Act.

The main objectives of territorial public self-government (art.26 clause 2) can be categorized under five areas:

**1) a dialog with citizens:**

Article 26 clause 2.2: “assistance to executive and administrative bodies and Councils in their dialogue with citizens;”

Article 26 clause 2.3: “study, analysis and recording of public opinion on economic and social development issues, protection of the environment and rational use of natural resources;”

Article 26 clause 2.4: “engaging citizens in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas;”

**2) legal:**

Article 26 clause 2.1: “assistance in the exercise of the rights, freedoms and legitimate interests of citizens;”

Article 26 clause 2.11: “assistance in exercise of legal initiative of citizens in matters of local significance;”

**3) social:**

Article 26 clause 2.5: “participation in measures to provide social support to families and various categories in need of such support: children, youths, seniors, people with disabilities and others;”

Article 26 clause 2.6: “assistance in organizing recreation for citizens;”

Article 26 clause 2.7: “participation in counseling dysfunctional families;”

Article 26 clause 2.8: “support of charitable efforts;”

Article 26 clause 2.10: “assistance to duly authorized bodies in prevention of wrongdoing;”

**4) culture:**

Article 26 clause 2.9: “assistance in revival and preservation of cultural values, national customs and traditions, and promotion of arts and engineering hobbies;”

**5) cooperation with civil society organizations:**

Closer relationships with professional associations, political parties, non-governmental organizations and movements, housing associations, business associations, charities and research institutions are an important factor in developing and increasing the effectiveness of TPSGBs, and involving citizens in local matters.

It is civil society organizations that represent the interests of various social groups and help resolve their problems, and inform councilors and heads of local authorities about existing problems.

Cooperation with civil society organizations helps improve the performance of TPSGBs and better gears their activities to the needs of local individuals.

Along with the above activities, TPSGBs must pay serious attention to publicizing their work through media and other outlets, such as information boards, websites, leaflets, etc.

### **3. Organizational aspects**

#### **3.1. Certain aspects of the TPSGB establishment and registration process**

Under Art.13, Art.16 p.1 and Art.29 p.8 & p.12 of the current Local Governance and Self-Government Act as amended on January 5, 2008 #317-3, any TPSGBs established under the Act will cease to exist on May 25, 2010 (April 25 being the local election date, plus one month for preparation and opening of newly elected Councils' new session) due to expiration of the term of their office and are subject to dissolution.

#### **New TPSGBs cannot be established earlier than July 15, 2010.**

Before this date, the newly elected Councils are to draft and approve appropriate regulatory documents (see 1.1 and 1.2 above) and settle a number of procedural issues (see 1.3-1.5 above). This appears unlikely since meeting the deadline would require them to complete any preparatory work before the April 25 election.

First, it is difficult to imagine any of the Councils tackling that work in the run-up to the election. Second, it is unlikely that the newly elected Councils will place the matter on the agenda in their very first session.

Therefore, in all probability, the necessary decisions will not be made by the Councils before than their second session. This means that in actuality, new TPSGBs, except for incorporated ones, cannot be established before the fall of 2010.

As for incorporated TPSGBs, these could be established immediately after July 14, 2010, as they do not depend on the Councils to approve model statutes under Art.27 clause 3.

There might, however, be certain complications related to settlement of procedural matters, such the procedure for the Council to elect and discharge the TPSGB chair and deputy chair, the procedure of applying for TPSGB registration, etc.

Under Art.28 clause 1.1 of the Act, the decision to establish or dissolve a TPSGB is made by the local assembly.

#### **Under Art.11 pp.2, 3 &5 of the National and Local Assemblies Act:**

“Local assemblies shall be convened as need arises by local Deputy Councils, executive and administrative bodies or territorial public self-government bodies. Local assemblies can also be convened **when initiated by at least ten percent of the residents** of the territory in question.

The local Deputy Council, executive or administrative territorial bodies, public self-government bodies or citizens can establish an action group or form an organizing committee to prepare for the conduct of the local assembly.

...The decision with regard to convention of the local assembly, representation quotas and the procedure of selecting delegates to the local assembly shall be documented in the minutes of the action group or organizing committee meeting and brought to the notice of those residing in the appropriate territory not later than fifteen days prior to the local assembly, stating the time and place of the assembly, and the items to be discussed.”

Under Art.4 p.2 of the National and Local Assemblies Act, local assemblies are considered to be legitimate if they involving **at least twenty-five percent of adults** (aged eighteen or older) residing in the territory in question, or at least two-thirds of those authorized to participate in the local assembly.

Under Art.6 p.2 of the aforementioned act, “**...local assemblies shall be financed by those who initiated them.**”

Base- and primary-level executive committees are charged with **registering** collective TPSGBs and keeping record of one-man TPSGBs.

TPSGBs are registered within ten days of filing the necessary documents with the registering authority (Art.30 clause 1), namely the following:

1. an application executed in the manner prescribed by the oblast Council,
2. the statute of the collective territorial public self-government body,

3. the minutes of the local assembly containing the details of instituting the territorial public self-government body, adoption of its statute and election of its members;
4. a list of the local assembly participants stating their full names, year of birth, nationality and place of residence;
5. a list of the TPSGB members stating their full names, year of birth, nationality, place of residence, home and mobile telephone numbers, employer/school, work telephone number if employed, and position with the TPSGB.

The new law waived an earlier requirement for the action group or organizing committee wishing to register a collective TPSGB to provide a copy of their documented decision to hold the foundation meeting. At the same time, submission of a TPSGB member list is a new addition, where the requirement to state the employer appears unnecessary.

Records of incorporated one-man TPSGBs are to be kept by appropriate primary-level executive committees under Art.27 clause 5 of the Act.

As for incorporated collective TPSGBs, the Act does not expressly state that they must act by virtue of a model statute (art.27 clause 3).

Under Art. 48 of the Civil Code, an incorporated collective TPSGB can act by virtue of its charter of the general statute. Art.59 clause 5 of the Act contains an indirect reference to this: "...decisions by the TPSGB that do not conform to law, their **statutes/charters**, or decisions of the local assembly shall be repealed by the local assembly and the appropriate Council."

The rule that says a TPSGB is subject to dissolution due to the expiration of the Council's term of office will be repealed starting with July 15. According to a new rule (Art. 29 clause 3 of the Act), **the TPSGB members' term office cannot exceed that of the Council.**

As of the same date, executive committees and local authorities will **lose their right** to suspend the activity of TPSGBs.

A collective TPSGB can be abolished (Art. 32 of the Act) by:

- the local assembly,
- the Council, for systematic or gross violations of the law.

Unincorporated collective TPSGBs and one-man TPSGBs are established and act by virtue of a statute.

A TPSGB as a local self-government body is accountable for the legitimacy of decisions it makes (Art.64 clause 1).

Under Art.27 clause 6, a TPSGB is accountable to the local assembly and Council. The TPSGB's activities are to be monitored by the Council.

### **Conclusions:**

An analysis of the rules that regulate the establishment of TPSGBs enables us to make the following conclusions:

- a great number of formalities, the need to cover the costs of holding local assemblies and citizens' need to seek legal advice are a substantial impediment to forming of TPSGBs by **individuals**, making this sort of initiatives very unlikely;
- another problem is the requirement for citizens wishing to hold a local assembly to collect signatures from at least ten percent of the residents;
- any tangible growth in citizen initiative with respect to forming TPSGBs is unlikely without organization support from local governance and self-government bodies;
- Councils and executive committees based in towns under oblast jurisdiction, except for those towns divided into districts, have no authority to organize activities of TPSGBs, assist in implementation of their decisions, or reward TPSGBs for close participation in resolving local matters.

### **Recommendations**

It is recommended that collective TPSGBs be formed within the boundaries of a territory with 1000 to 1500 residents, so as to simplify organization procedures.

### **3.2. Types of TPSGB**

A TPSGB may be formed as a collective body or consist of one person (Art.27 clause 1).

Under Article 27 clause 2, a collective TPSGB can be incorporated or unincorporated.

1) Under Article 44 part 1 of the Civil Code, **an incorporated collective TPSGB** can be a holder of ownership, economic management or operational management rights to separate assets, bear independent liability for its obligations, acquire property and personal non-property rights in its own name and exercise these rights, perform obligations, and act as a plaintiff or defendant in a court of law, and must maintain its own balance sheet.

Under Article 27 part 3 of the Act, a collective TPSGB established as a corporation is a non-profit organization.

Under Article 46 part 3 of the Civil Code, non-profit organizations can be established with the purpose of achieving social, environmental, charitable, cultural, educational, scientific or managerial goals, protecting public health, promoting fitness and sports, meeting public spiritual or other non-material needs, protecting legitimate public or corporate rights and interests, resolving disputes or conflicts, or providing legal aid in conformity with the law, as well as for any other purposes that serve the public good.

Under Article 44 part 3 of the Civil Code, non-governmental or religious organizations/associations charitable or other foundations, associations of corporations and/or sole proprietors, and other non-profit organizations are classified as corporations with respect to which their shareholders/participants cannot have property rights.

Considering the above, and in accordance with Article 46 part 3 of the Civil Code, **non-profit organizations can engage in business only to the extent that such activity is necessary for the goals stated in their charter goals and is in line with their mission, or is required for delivering objectives of nationwide importance provided for in their foundation documents, conforms to these objectives and complies with the nature of their business.**

Hence the founders and members of nonprofit organizations including TPSGBs cannot share any income the organization receives from its business or lay claim to any property or other tangible assets owned by the organization.

Certain forms of nonprofit organizations wishing to engage in business may be subject to a statutory requirement to form, and/or participate in, for-profit organizations.

2) There are both positive and negative sides to **forming a collective TPSGB in the form of an unincorporated entity.**

**The positive side** is a simpler establishment procedure.

**The negative side** is that the lack of corporate status denies the TPSGB the following rights under the Civil Code:

1. to hold ownership, economic management or operational management rights to separate property;
2. to acquire property and personal non-property rights in its own name and exercise these rights, and perform obligations;
3. to maintain its own balance or cost sheet;
4. to bear independent liability or act as a plaintiff or defendant in a court of law

**An incorporated collective TPSGB:**

- 1) cannot be funded directly from local budgetary funds;
- 2) faces difficulty obtaining funds in the form of donations from individuals or organizations or grants under international projects.

Moreover, where an incorporated collective TPSGB is present in a certain part of the administrative division, public initiatives to establish an incorporated TPSGB are blocked.

A one-man TPSGB, such as an elder, is established and acts in compliance with the Local Governance and Self-Government Act and the statute adopted by the Council, which in turn is based on the model statute approved by the oblast-level Council (Art.27 clause 5).

**Conclusions:**

Corporate status gives TPSGBs added potential rights. However it requires certain managerial skills from their staff and extra administrative costs, such as registering an office, accounting, etc.

A collective TPSGB without corporate status is a simpler alternative in terms of forming and managing, but there are limited funding options and functioning restrictions.

**Recommendations:**

Executive committees and local authorities should consider the level of the TPSGB initiators' competence and providing them with guidelines on selecting a specific organization form.

### 3.3. The powers of local councils, executive committees and local authorities with respect to TPSGBs

The Act assigns certain powers to **local councils (Councils)**, executive committees and local authorities with respect to TPSGBs.

**Councils**, within the scope of their authority and in the manner prescribed by law:

- coordinate the activities of territorial public self-government bodies (Art.17 clause 1.12);
- decide on devolving certain powers to TPSGBs (Art.17 p.1.25). Councils have the right to delegate their powers to TPSGBs when requested or agreed to by the latter, with the exception of those powers exercised by Councils in session only (Art.61 clause 3.2). While transferring certain powers to TPSGBs, the Act does not stipulate transfer of resources necessary for exercising these powers, as it does, for instance, in case of councils exchanging certain powers (Art.61 clause 3.1);

- decide on abolishing a collective TPSGB for systematic or gross violations of statutory requirements (Art.32);

- oblast Councils adopt the model TPSGB statute (Art.18. p.6);

- city Councils (in towns subdivided into districts, Art.19 p.2):

- nominate candidates to collective TPSGBs;

- monitor the activities of TPSGBs;

- decide on abolishing a collective TPSGB for systematic or gross violations of statutory requirements.

**Council presidiums (Art. 15 p.3)**, within the scope of their authority and in the manner prescribed by law and the Council regulations:

- assist councilors in their activities, including personally receiving individuals and corporate officers, preparing reports to their constituencies, and provide them with any information they may require;

- establish cooperation with other Councils, executive and administrative bodies, and other organizations and territorial public self-government bodies;

- arrange public debates on the Council's decisions and other important local matters, ensure broad participation from organizations and individuals in the drafting, adoption and implementation of the Council's decisions on local matters;

- ensure that petitions filed with the Council by individuals and corporations are considered; if necessary, makes proposals on such petitions to Council sessions;

**Primary-level Councils (Art. 20):**

- nominate candidates to collective TPSGBs;

- adopt the one-man TPSGB statute;

- monitor the activities of TPSGBs;

- abolish the collective TPSGB.

Besides, the chair of the Council has the right to invite TPSGB representatives to Council sessions (Art.22 clause 2.7).

**Executive committees**, within the scope of their authority, and in the manner prescribed by law:

- register collective TPSGB within ten days of receiving the documents listed under Art.30 clause 1 (Art.30 clause 2 p.2);

- within five days of registering the collective TPSGB, provide written notice to the TPSGB chairs and issue them with a registration certificate (Art.30 clause 2 p.2);

- executive committees on the primary territorial level (Art.44):

- put a work process in place at TPSGBs,

- convene local assemblies,

- assist in implementing the decisions of the latter,

- nominate candidates to collective TPSGBs,

- give incentives to TPSGBs for their participation in resolving local matters,

- keep record of one-man TPSGBs (Art.27 p.5).

- local authorities (Art.45):

- put a work process in place at TPSGBs,

- convene local assemblies,

- assist in implementing the decisions of the latter,

- give incentives to TPSGBs for their participation in resolving local matters.

### Conclusions

1. An analysis of the powers of Councils, executive committees and local authorities shows that the Act entrusts Councils with regulatory support and administrative control of TPSGB activities, and executive committees, with organization support of their activities.

The Act notably makes no provision for nomination of candidates to collective and one-man TPSGBs by Councils at the base level, with the exception of Councils in towns subdivided into districts. For instance, the Baranovichi City Council or the Baranovichi District Council have no right to nominate candidates to collective or one-man TPSGBs.

At the same time, Councils at the base level have the right to coordinate the activities of TPSGBs (Art.17 clause 1.12) or abolish the collective TPSGB in the cases mentioned under Art.32.

2. The Act likewise fails to vest base-level executive committees with power.

3. The Belarus National and Local Assemblies Act of July 12, 2000 (Art. 11 p.2) grants Councils and executive committees the right to convene local assemblies.

### **Recommendations**

As the country's TPSGB law undergoes further improvements, it is recommended that base-level Councils be given authority to nominate candidates to TPSGBs, and base-level executive committees, authority to organize TPSGB work, assist in implementation of their decisions, and give TPSGBs incentives for close participation in resolving local matters.

### **3.4. Cooperation between TPSGBs, and Councils, executive committees and local authorities**

Chapter 3 of the Local Governance and Self-Government Act contains a number of rules that regulate cooperation between TPSGBs on the one hand, and local Councils and executive committees (local authorities), on the other. These are:

- the TPSGB is accountable to the local assembly and the appropriate Council. The activities of the TPSGB are monitored by the Council (Art.27 clause 6);
- the term of office of TPSGB members cannot exceed that of the Council in the same administrative division (Art.29 clause 3 p.2);
- the chair and deputy chair of the TPSGB, both being TPSGB members, are elected and discharged in a session of the collective TPSGB, subject to the approval of the Council (Art.29 clause 5);
- the chair of the collective TPSGB is accountable in all matters to the local assembly and the Council (Art.29 clause 6);
- the TPSGB may decide to dismiss the chair and/or deputy chair if suggested by the Council, members of the TPSGB, a local assembly or individual citizens, etc., for improper performance of their responsibilities (Art.29 clause 8.1);
- TPSGB decisions that violate the law, the statutes of those TPSGBs or decisions of a local assembly are subject to repeal by the local assembly or the Council (Art.59 clause 5);
- TPSGBs are accountable for the legitimacy of their decisions (Art.64 clause 1);
- Any damage caused to organizations or individuals through unlawful decisions or action/inaction of TPSGBs or TPSGB officers is to be compensated by the appropriate administrative division in the manner prescribed by civil law (Art.64 clause 2).

We can identify the following criteria for classifying the forms of cooperation between TPSGBs and government bodies:

- 1) purpose,
- 2) levels of administration,
- 3) mode of cooperation,
- 4) activity.

**In terms of the purpose**, cooperation between TPSGBs on the one hand, and Councils, executive committees and local authorities, on the other, can be classified as:

- *deliberative*, when discussing draft decisions by local authorities on local matters. Discussion may be initiated by TPSGBs, Councils, executive committees or local authorities;
- *advisory*, when establishing an expert committee on the environment, culture, etc. under the local Council or executive committee with participation from TPSGB members.
- *protest* – for instance, when picketing a park to prevent construction of housing or industrial facilities;

A local Council has the right to arrange a public examination of some of its decisions by sending draft copies of these to the TPSGB.

**In terms of the administration level**, TPSGBs cooperate with those Councils, executive committees or local authorities which have the power to decide on the issue at hand.

Given the existing three-tier system of Councils and executive committees and the numerous local authorities outside of the executive committee structure, even professionals, often find it difficult to tell who is responsible for what.

**In terms of mode**, cooperation between TPSGBs, executive committees and local authorities may take the following organizational and legal forms:

- a) cooperation via the Council session (appeals, TPSGB members as observers, etc.);
- b) cooperation through the Council presidium, within the scope of its authority (Art.15);
- c) via standing or interim Council committees (Art.16 clause 4);
- d) by working with groups of councilors;
- e) through officers of the executive committee or local authorities;
- f) by appealing to local government bodies.

Specific forms of cooperation may be set forth in the model statute or the internal regulations of Councils or executive committees.

**In terms of activity** we can identify such TPSGB activities as cleaning up/landscaping, recreation, revival and preservation of historic and cultural heritage, or aid to those in need.

This matter is dealt with in greater detail under section 5 of this summary (see below).

### **Conclusions**

The Act fails to authorize TPSGBs to enter local matters on the agendas of Councils, or meetings of executive committees or local authorities. There is thus no feedback from TPSGBs to local authorities, while the publicly perceived authority and appeal of TPSGBs are diminished.

### **Recommendations**

While elaborating and improving TPSGB laws (the model collective TPSGB statute, the one-man TPSGB statute, regulations of Councils and executive committees, etc.), it is advisable to ensure feedback from TPSGBs to local authorities by authorizing the former to observe Council sessions, and submit proposals on local matters to Councils and their bodies, and to the executive committee and the local authorities. These matters may include the operation, placement or business hours of retail stores, restaurants, consumer services, healthcare institutions, schools, culture or sports venues or other community facilities.

## **4. Citizen involvement in local matters**

The very concepts of local governance and territorial public self-government imply close participation from citizens in exercising public power locally.

At the same time, a lack of motivation for citizens to participate in self-government is a major problem.

Belarus is by far not the only country facing that problem.

What are the causes?

According to opinion surveys and experts, there are several principal causes.

**The first cause is social in nature**: local interests are not among many citizens' top values. A person entirely focused on their career, business, artistic work, family or other priorities is unlikely to spend their time on local democracy procedures.

**To be able to participate in public life, the individual needs spare time, which he or she is free to spend as they wish.**

By far not all residents consider the availability and quality of the amenities in the neighborhood to be an issue. Career, business or some other economic activity that provides their families with income is the top priority for many.

An individual has to be distracted from his or her private matters and immediate benefits to attend to community matters, but that is not something that can be often reckoned on.

### **Conclusions:**

Any theoretical models of individual participation in resolving local matters will remain unclaimed for use in practice unless the individual is interested.

### **Recommendations:**

Efforts to involve individuals in local matters must target the socially minded: members of NGOs, movements and political parties. As for age groups, the preferable category is **youths** with their energy, desire for self-realization and interest for acquiring managerial and leadership qualities, and **retirees**, with their experience, sufficient spare time, certain qualifications and a need for human contact.

**The second cause** of a passive public attitude to local self-government is **socio-economic** in nature. The actual role of local self-government today is to provide the community with the range of public services fixed and subsidized by the government, rather than promote self-organization or self-financing.

The current model of local self-government in Belarus has a distinct highly centralized budget planning and financial management system, which substantially diminishes economic incentives for self-government.

Local self-government bodies have little influence on funding of secondary education, healthcare, public transportation and other services. Funding is controlled by government policies and national authorities, and depends on allocations from the central government.

Citizens can see that and they are aware of it – not as a theoretical construct but from their own experience of talking to local officials.

Under such conditions, local self-government bodies (Councils, territorial public self-government bodies) and the many forms of direct democracy have been losing authority and meaning in the eyes of local residents, causing distrust of local self-government bodies and a lack of faith in the possibility of exerting any influence on decisions made by central authorities. That sentiment is confirmed by opinion polls and studies.

The data of a survey on TPSGB formation and functioning, conducted while this summary was being written, support the above opinion.

### **Conclusions:**

Local self-government and forms of direct democracy will be in demand again if communities or bodies elected by communities are able to resolve local issues in a legitimate manner, independently, at their own risk and in their own interest.

That said, the entire process of preparing and making decisions, and funding the local self-government body's activities must be transparent, and information about the activities of local authorities must be available to the public.

### **Recommendations:**

Decentralization of power is a necessity.

**The third cause** of a passive public attitude is **politico-legal in nature**. It is that local self-government bodies lack authority.

Under Art.17 of the Act, the scope of Council authority is set forth under the thirty-one sub-clauses of clause 1.

Sixteen of these (1.16 through 1.31) deal with internal administration of Councils and are unrelated to local matters.

As for the remaining fifteen sub-clauses, 1.11 (calling of local referenda) has never been used, 1.1 deals with functions of representation, while most of the other powers mentioned are strategic in nature (adoption of socio-economic programs and targets, local budgets, regional programs, management and administration of municipal property, local taxes, etc.). All these no doubt have certain importance in terms of community development.

However, the **Council is in fact not involved in the day-to-day needs of citizens**, which fall within the scope of executive committees' authority.

**Executive committees, within the scope of their authority, are neither controlled by, nor accountable to, Councils or citizens.** Councils have no real influence on decisions made by executive committees within the limits of laws and the scope of their competence. Neither individuals, nor Councils can influence executive committees' hiring or staffing decisions.

As for territorial public self-government bodies, these have no authority whatsoever. Under Article 41 clause 4 of the Act, individuals are free to decide whether to comply with decisions made by TPSGBs.

The Act does not authorize TPSGBs to submit local matters to Councils or executive committees (local authorities). Neither does the Act specify the sources of funding for TPSGB activities or public initiatives.

### **Conclusions:**

A lack of authority or levers to influence the quality of public services, as well being assigned tasks with no authority to perform them, deprives local self-government bodies of their appeal in the eyes of the people, causing a critical attitude and further alienating the public from local authorities.

### **Recommendations:**

**There is a need to create a local self-government system that has both the right and actual ability to perform administration and resolve, within the limits of the law and at its own risk, a significant portion of local matters in the interest of the local residents.** This certainly is a strategic goal requiring specific political decisions, significant change in public mentality, financial resources and time.

Going back to the TPSGB level and the limits of the current legal system, steps should be taken to go some way toward relieving the current state of things.

We suggest that both Councils and executive committees:

1. step up activity aimed at organizing citizens and promoting relations with the public to assist in the formation of TPSGBs, providing guidelines and technical support;
2. raise public awareness of other statutory forms of direct democracy: local referendum, local assembly, legislative initiative, public hearing, etc.;
3. prepare proposals on existing TPSGB model statutes aimed at promoting the role of TPSGBs, e.g. giving them the right to include items into executive committee/local authority agendas, regularly attend Council sessions, hold public hearings, etc.;
4. arrange regular reporting sessions by Council members, and public meetings with local executives and audit officers;
5. hold workshops and conferences with TPSGB members to discuss the current state of affairs and share experience;
6. allow TPSGBs to borrow equipment and use premises for free;
7. build TPSGB members' legal literacy in local self-government and individual areas of work: family law, the Civil Code, consumer rights, child rights, etc.;
8. help raise awareness of TPSGB activities by creating websites, publishing news in the press, etc.

**The fourth cause** of public reluctance to participate in local self-government is **legal** in nature.

The quality of laws and application practice play an important part in ensuring citizen involvement in local self-government and direct democracy.

Law can make a democratic procedure inadequately complex without providing proper guarantees of citizens' rights in the process, or imply substantial financial cost associated with the procedure.

It should be noted that existing forms of citizen participation in local self-government is flawed, with conditions for their application being insufficient, and available legal mechanism, excessively complex.

Hence the attractiveness of direct democracy for the public is substantially diminished.

These conclusions are partly supported by the fact that the closest cooperation with the local self-government bodies takes place at the level of small village councils, where legal procedures and mechanisms are simplified (one-man TPSGBs), direct personal contact is better developed, and there is a greater probability of mutual understanding and trust.

### **Conclusions:**

The legal form of citizen involvement in local self-government must be adapted as well as possible to the degree of citizens' capacity to perform that work.

### **Recommendations:**

Local authorities should step up educational activity to raise awareness of the forms and methods of citizen involvement in local matters, both among officials and other citizens.

## **5. Funding of TPSGB activities**

The act contains no provisions regarding the funding of TPSGB activities.

Article 44 is the exception containing a record that enables primary-level executive committees to give incentives to TPSGB for involvement in local matters.

However, quite obviously, **both material (funds and property) and human resources are necessary** to support the activities of TPSGBs, starting with the initiation of the TPSGB creation procedure.

We will now look at the possible sources of financing for TPSGB activities.

The issue has special relevance for incorporated collective TBSGBs. Funding is less of an issue for other types of TPSGB.

### **5.1. Budgetary funding**

TPSGBs, along with Councils, constitute the system of local self-government bodies (Art.1 clause 2).

The costs of maintaining and supporting the activities of Councils are to be included in the local budget. There is an apparent analogy. However, the Act contains no provisions on that matter. It would be hard to expect local authorities to cover one hundred percent of the costs of maintaining TPSGBs, **but at least partial funding ought to be discussed with the finance officials.**

Primary-level executive committees have been authorized to give incentives to TPSGBs for involvement in local matters.

Established practice shows that Councils, in cooperation with executive committees, have introduced provisions and directions on material and non-material incentives for village elders. Elders can receive extra incentives in the form of payments, bonuses or rewards. Cash payments are typically insignificant. For instance, in Vitebsk Oblast, such incentive payments range between 35 000 and 100 000 rubles, depending on the number of families residing in the rural community and the results achieved. The payments being small, elders can be said to do voluntary service.

### **5.2. Self-taxation**

The Act contains Article 36 entitled, "Participation of Citizens in Funding and/or Compensation of Budgetary Expenditures for Such Purposes as They Designate."

Under Article 36 clause 1, "If decided by the local assembly or territorial public self-government body, collection of funds to finance, or compensate for, local budgetary expenditures for such purposes as may be designated by the local assembly or territorial public self-government body, shall be allowed in the territory of a town under district jurisdiction, urban-type settlement or village council."

Under Article 36 clause 2, the local assembly or TPSGB can designate funding of TPSGB activity as a permitted use of funds obtained through self-taxation.

It is worth noting that under Art.36 clause 1, **the activities of a TPSGB can be funded through self-taxation only if the organization is based on the territory of a town under district jurisdiction, urban-type settlement or village.**

### **5.3. Business income**

Under Article 46 part 3 of the Civil Code, incorporated collective TPSGBs can found businesses.

Any income from such business activity can be directed only toward achieving the goals and objectives declared in their charters.

### **5.4. International technical assistance**

This is primarily **programs offered by the European Union**. The bulk of international technical assistance between 2007 and 2013 is being provided to Belarus under the **European Neighbourhood Partnership Instrument**<sup>1</sup>.

ENPI comprises the following types of programs:

- **National programs** for each partner country,
- **Eastern Partnership** for Armenia, Azerbaijan, Georgia, Moldova and Ukraine,
- **Cross-border Cooperation programs:** the Baltic Sea Region Programme, Latvia-Lithuania-Belarus Programme, and Poland-Belarus-Ukraine Programme,
- **Inter-Regional programs:** Tempus, Erasmus Mundus and TAIEX,

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<sup>1</sup> Details of ENPI programs are available from the TACIS Coordinating Unit in Belarus or Delegation of the European Commission to Belarus.

• **Thematic programs:** investment in human resources, migration and asylum, the environment and sustainable management of natural resources (including energy), **the participation of non-state actors in the development process**, and food security.

Each of these programs has room for national government and administration bodies, local government and self-government bodies, and non-profit organizations to cooperate in the area of local self-government.

Thus, for instance, the National program provides for support of projects under the category **Democratic Development and Good Governance**. National programs mostly cover “big” projects that **require funding in excess of one million euro**. The content of projects under the National program is discussed with each participating country individually.

There is an opportunity for local governance and self-government bodies and non-profit organizations to participate in a thematic program on partnership for development between civil society and local governments.

### **5.5. International aid**

Under international cooperation programs, Councils and non-profit organizations can implement projects aimed, among other things, at developing territorial public self-government.

#### **Conclusions:**

Potential sources of funds for TPSGBs exist both within the country and internationally.

The activities of TPSGBs can be funded from the following sources:

- budgetary funds,
- public self-taxation,
- business income,
- international technical assistance,
- international aid,
- sponsorships,
- private donations.

To implement international projects, Councils and non-profit organizations need staff with expertise in specific areas such as partner search, preparation and administration of projects, etc.

#### **Recommendations:**

Collective TPSGBs are advised to draft annual plans and a budget estimate, obtain approval from Councils and potential donors, and adopt these documents in a local assembly.

Collective TPSGBs should seek several sources of funding.

TPSGBs on the primary territorial level, such as villages, settlements and towns under district jurisdiction, should specially focus on possibilities of funding through self-taxation by local residents.

## **6. General conclusions and recommendations**

These conclusions and recommendations draw on an analysis of the legal framework in Belarus, the experience of some other countries, and on the principals and rules of the European Charter of Local Self-Government (the Charter).

### **Conclusions**

1. Chapter 3 of the Belarus Local Governance and Self-Government Act of January 4, 2010 #108-Z contains eight articles which set forth the concept of territorial public self-government, its goals and objectives, TPSGB types, the powers of a local assembly, collective TPSGB membership terms, the TPSGB operation and administration procedure, and the registration and dissolution procedure.

2. Under Article 1 Part 2 of the Act, TPSGBs are included into the local self-government system and hence have the same status as local self-government bodies.

According to Article 3 Part 2 of the Charter, local self-government bodies are **bodies freely elected by secret ballot on the basis of direct, equal, universal suffrage, or formed by a representative body (Council)**, and vested with their own authority to resolve local issues.

The TPSGB formation procedure as set forth in the Act fails to provide for a direct and general election.

The Act neither vests TPSGBs with authority to administer public affairs, nor specifies the sources of funding for their activities, thus minimizing their actual capacity to resolve local matters.

The fact that TPSGBs are totally controlled by the Council, a representative government body, and to a significant extent depend on executive committees in terms of organization, deprives TPSGB of their meaning as a local self-government body.

Considering the above, TPSGBs cannot be viewed as local self-government bodies in the meaning of Article 3 part 2 of the Charter.

3. The newly adopted Act contains a number of positive innovations:

- the TPSGB registration time has been shortened from one month to ten days (Art.30 clause 2);
- the grounds for refusal to register collective TPSGBs have been specified (Art.30 clause 3);
- the requirement to submit a copy of the documented decision by an action group or organizing committee to hold a foundation meeting will be waived starting with July 14, 2010 (Art.30 clause 1);
- the rule that the TPSGB is subject to dissolution due to the expiration of the Council's term of office will be repealed as of the same date;
- executive committees and local authorities have lost their right to suspend the activities of TPSGBs.

4. Unfortunately, the Act also contains some negative innovations. TPSGBs were vested with certain rights under the previous version of the Act. In particular, a TPSGB had the right to submit proposals on any local issues to the Council, its bodies, the executive committee and the local authority.

The TPSGB also had the right to participate in debates on local issues when invited by government bodies, take over or use buildings, rooms, playgrounds or sports grounds, arts venues or other community facilities or historical or cultural values, when offered by Councils, executive committees or other corporations.

The Act deprived TPSGBs of those rights. The document **stipulates TPSGBs' objectives without granting them any rights**. That sort of interpretation of TPSGBs' role **will no doubt cause their appeal as a form of local self-government, already small, to diminish even further**.

5. Under Article 29 clause 5, **the chair and deputy chair of a collective TPSGB are members elected and discharged in a meeting of that organization subject to the approval of the Council**.

The need to get the Council's endorsement for the candidacies of the chair and deputy chair **limits local citizens' rights** with regard to resolving local issues independently (Art.1 clause 1 p.1).

6. The multiple complicated founding procedures, the need for citizens to pay the costs, and the need for legal advice are strong impediments to citizen initiative on forming TPSGBs which makes such initiatives very unlikely.

7. All TPSGBs established earlier are subject to dissolution as of May 25 as their term expires. **New TPSGBs cannot be created before July 14.**

8. The act does not specify the sources of funding for TPSGB activities.

9. A **major problem** that stands in the way of forming new TPSGB and functioning of existing ones is a passive public attitude. Surveys show and experts agree that the core factors in that attitude are:

- a lack of trust in Councils, executive committees (local authorities) and TPSGBs on the part of local residents, and doubt about the possibility to influence decisions being made;
- local governments' and TPSGBs' lack of material resources for supporting or promoting useful initiatives;
- excessive complexity of legal mechanisms and a lack of awareness of laws and experience on the part of citizens;

10. **There is no one to express the interests of citizens** under conditions where the state interferes with creation and development of a civil society (political parties, NGOs, voluntary associations, housing associations, business associations, national culture societies, professional associations, etc.). In a situation where development of local self-government can only be initiated by the central government, not at the grassroots level, real efficient local self-government or direct democracy in Belarus appears to be a very remote and vague prospect.

11. The Act contains no instruments for TPSGBs to influence decisions of local authorities, ensures no feedback and does not provide any guarantees of TPSGB functioning.

### **Recommendations**

1. Under Article 66 of the Act, which **entered into force as January 14**, local Councils have until July 14 to adopt the following regulatory documents:

1.1. for oblast Councils:

- the model statute of the collective TPSGB;
- a procedure of applying for TPSGB registration;

1.2. for base- and primary-level Councils:

- the statute of the one-man TPSGB based on the model statute approved by the oblast Council;
- a procedure of electing TPSGB members in a local assembly;
- a procedure for Councils to endorse the election and discharge of TPSGB chairs and deputy chairs;

1.3. for base- and primary-level executive committees:

- a TPSGB registration certificate form;

2. The following sections are suggested for inclusion into the model collective TPSGB statute:

- general provisions,
- legal status,
- goals, principles and objectives,
- a procedure of establishing TPSGBs,
- a procedure of selecting members, chair and deputy chair,
- administration and operating procedure,
- interaction with the community, the Council, the executive committee, the local authority and other domestic and foreign organizations,
  - the rights and responsibilities of the chair and deputy chair,
  - the sources and procedure of funding,
  - the audit commission,
  - records and reporting, documents,
  - dissolution procedure.

3. In order to improve TPSGBs' performance in resolving local issues, increase the awareness of local authorities and coordinate TPSGB activities, **the model statute suggests granting TPSGBs the following rights:**

- to submit to the Council, executive committee or local authority proposals on placement, functioning and business hours of retail stores, restaurants, consumer services, public transport, healthcare institutions, schools, arts venues, gyms and other public facilities, etc.;
- to have a deliberative vote on local issues that affect the rights and legitimate interests of citizens;
- to observe Council sessions.

4. The following are suggested for inclusion into the model one-man TPSGB statute:

- general provisions,
- goals and objectives,
- election and discharge procedure,
- rights and responsibilities,
- interaction with citizens, the Council, the executive committee and other organizations;
- sources of funding.

5. Councils and executive committees are recommended to draw up appropriate regulations and make appropriate decisions with respect to budgetary funding of TPSGBs and reference these in the model statute or appropriate directions.

6. Oblast councils are to adopt regional programs. Base-level councils are to adopt local programs as an extension to regional programs. Primary-level councils are to adopt action plans as an extension of local programs. These plans should be aimed at:

- supporting and promoting TPSGBs and citizen initiatives,
- involving of citizens in resolving local matters,
- disseminating of successful practices.

Regional programs enable formulation of a long-term strategy for developing territorial public self-government, its main directions and a package of measures necessary to implement and support it.

7. Base- and primary-level executive committees and local authorities are to:

- educate TPSGBs and citizens about the forms and methods of citizen involvement in local matters by publishing guidelines, and holding workshops and discussions;
- inform TPSGBs about decisions by the council, executive committee or local authority that affect the rights, freedoms or legitimate interests of citizens;

- arrange competitions for important community projects, and contests for the best district/town/village TPSGB.

8. TPSGBs are to employ the most efficient and up-to-date methods to promote and implement citizen initiatives and to deliver the organizations' main objectives. These methods include:

- creating websites to publish information about the work of the council, executive committee and local authority, the work of the TPSGB, public initiatives and successful implementations;
- hosting online surveys and forums on housing, amenities, crime prevention, recreation and other issues having local relevance;
- establishing youth centers to promote wide-ranging involvement of youths in local self-government;
- setting public reception offices to provide professional legal aid in local issues, and protection of rights, freedoms and legitimate interests of citizens.

This summary was prepared as part of a Belarusian-Swedish project entitled, "Supporting and Promoting Good Governance and Civil Society at the Local Level," with the purpose of providing an expert assessment of the laws on territorial public self-government and suggestions on improving and developing it.

# APPENDICES

## Appendix 1

### Survey Questionnaire Development of One-Man and Collective TPSG Bodies

1. Check any of the below forms of involvement that you as a citizen have ever used to take part in resolving local matters:

- |                                                                               | YES                      | NO                       |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|
| • local referendum                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
| • local assembly                                                              | <input type="checkbox"/> | <input type="checkbox"/> |
| • territorial public self-government body (TPSGB)                             | <input type="checkbox"/> | <input type="checkbox"/> |
| • legislative or civic initiative                                             | <input type="checkbox"/> | <input type="checkbox"/> |
| • petition to a government authority or other organizations or their officers | <input type="checkbox"/> | <input type="checkbox"/> |
| • other (please specify) _____                                                |                          |                          |

2. Are there any TPSGBs in your district/town/neighborhood/village?

- one person (e.g. an elder)  
 a collective TPSGB  
 I am not sure

3. Do you know anything about the activities of TPSGBs?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

*If replying "no," please complete only 5, 8, 9, 10 and 11 below.*

4. If yes:

- |                                                             | YES                      | NO                       |
|-------------------------------------------------------------|--------------------------|--------------------------|
| • do you consider the activities of these TPSGBs useful?    | <input type="checkbox"/> | <input type="checkbox"/> |
| • do you consider the activities of these TPSGBs effective? | <input type="checkbox"/> | <input type="checkbox"/> |

5. What area of TPSGB activity do you consider the most useful? Please check up to five items below.

- 1) assistance in the exercise of the rights, freedoms and interests of citizens
- 2) assistance to executive and administrative bodies and Councils in their dialogue with citizens
- 3) study, analysis and recording of public opinion on local matters
- 4) assistance in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas
- 5) social support of families and people in need
- 6) assistance in creating recreation opportunities
- 7) participation in counseling dysfunctional families
- 8) support of charitable efforts
- 9) assistance in preservation of cultural values and promotion of national traditions

- 10) assistance in crime prevention
- 11) assistance to public legislative initiatives
- 12) assistance in resolving other local matters.

**6. What do you think could improve the performance of TPSGBs?**

- deeper involvement of citizens in the work of TPSGBs
- stable funding
- continuous provision of information about the work of TPSGBs to citizens
- other (please specify) \_\_\_\_\_

**7. What do you think could encourage closer citizen involvement in TPSGB activities?**

- influence of citizens' opinions on decisions made by executive and representative government bodies
- successful examples of TPSGB work
- an advertising campaign
- material incentives
- other (please specify) \_\_\_\_\_

**8. Which type of TPSGB would you prefer?**

- one person (e.g. an elder)
- the unincorporated collective TPSGB
- the collective TPSGB in a the form of a corporation

**9. Which of the below, in your opinion, should be used as sources of funding for TPSGB activity?**

- budgetary funds
- funds collected by citizens
- volunteer service
- other (please specify) \_\_\_\_\_

**10. Whose interests should a TPSGB represent and advocate?**

- the state
- local councils
- executive committees
- citizens
- other (please specify) \_\_\_\_\_

**11. Which of the below do you see as causes impeding creating and functioning of TPSGBs?**

- complicated procedures of organizing and holding a local assembly
- a complicated registration procedure
- the opinions of citizens or TPSG bodies have no influence on decisions made by local authorities (council,

- executive committee)
- indifference and a passive attitude on the part of the citizens
- a lack of funds
- other (please specify)\_\_\_\_\_

## Survey Questionnaire Summary

### Development of One-Man and Collective TPSG Bodies

**1. Check any of the below forms of involvement that you as a citizen have ever used to take part in resolving local matters:**

	YES	NO
• local referendum	<b>5</b>	
• local assembly	<b>12</b>	
• territorial public self-government body (TPSGB)	<b>6</b>	
• legislative or civic initiative	<b>7</b>	
• petition to a government authority or other organizations or their officers	<b>18</b>	
• other (please specify) _____		

**2. Are there any TPSGBs in your district/town/neighborhood/village?**

- 5** one person (e.g. an elder)  
**23** one person (e.g. an elder)  
**50** I am not sure.

**3. Do you know anything about the activities of TPSGBs?**

YES	NO
<b>42</b>	<b>36</b>

*If replying "no," please complete only 5, 8, 9, 10 and 11 below.*

**4. If yes:**

	YES	NO
• do you consider the activities of these TPSGBs useful?	<b>45</b>	<b>---</b>
• do you consider the activities of these TPSGBs effective?	<b>10</b>	<b>31</b>

**5. What area of TPSGB activity do you consider the most useful? Please check up to five items below.**

- 47** 1) assistance in the exercise of the rights, freedoms and interests of citizens  
**15** 2) assistance to executive and administrative bodies and councils in their dialogue with citizens  
**46** 3) study, analysis and recording of public opinion on local matters  
**43** 4) assistance in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas  
**47** 5) social support of families and people in need  
**18** 6) assistance in creating recreation opportunities  
**30** 7) participation in counseling dysfunctional families  
**12** 8) support of charitable efforts  
**30** 9) assistance in preservation of cultural values and promotion of national traditions

- 20) 10) assistance in crime prevention
- 25) 11) assistance to public legislative initiatives
- 21) 12) assistance in resolving other local matters.

**6. What do you think could improve the performance of TPSGBs?**

- 36) deeper involvement of citizens in the work of TPSGBs
- 36) stable funding
- 33) continuous provision of information about the work of TPSGBs to citizens
- 4) other (please specify) \_\_\_\_\_

**7. What do you think could encourage closer citizen involvement in TPSGB activities?**

- 25) influence of citizens' opinions on decisions made by executive and representative government bodies
- 28) successful examples of TPSGB work
- 26) an advertising campaign
- 24) material incentives
- 2) other (please specify) \_\_\_\_\_

**8. Which type of TPSGB would you prefer?**

- 2) one person (e.g. an elder)
- 25) the unincorporated collective TPSGB
- 51) the collective TPSGB in the form of a corporation.

**9. Which of the below, in your opinion, should be used as sources of funding for TPSGB activity?**

- 53) budgetary funds
- 21) funds collected by citizens
- 10) volunteer service
- 8) other (please specify) \_\_\_\_\_

**10. Whose interests should a TPSGB represent and advocate?**

- 3) the state
- 4) local councils
- ) executive committees
- 75) citizens
- 1) other (please specify) \_\_\_\_\_

**11. Which of the below do you see as causes impeding creating and functioning of TPSGBs?**

- 13) complicated procedures of organizing and holding a local assembly
- 15) a complicated registration procedure
- 29) the opinions of citizens or TPSG bodies have no influence on decisions made by local authorities

- (council, executive committee)
- 46 indifference and a passive attitude on the part of the citizens
- 19 a lack of funds
- 1 other (please specify) \_\_\_\_\_

## AN ANALYSIS OF THE SURVEY DATA

While this summary was being prepared, we polled the members of the Nadezhda territorial self-government committee and members of apartment building and street residents' committees in Baranovichi, Brest Oblast (eighteen people in all), as well as sixty students of the Belarusian State University's law school.

The questionnaire used in the survey contained eleven questions with multiple choices available (see Appendix 1). Some of the questions implied several possible answers, therefore the numbers of the responses to different questions may not exceed the number of the interviewees.

An analysis of the survey data suggests the following conclusions:

1. Forty-eight of the 78 interviewees said they had been involved in resolving of local matters in some form or other:

- local referendum – 5
- local assembly – 12
- territorial public self-government body – 6
- legislative or civic initiative – 7
- petition to a government authority or other organizations or their officers – 18

**48 replies total**

As shown by the data, most of the interviewees (18) had opted for petitioning a government authority.

2. When the interviewees were asked about any TPSGBs in their district/town/neighborhood/village, the response pattern looked as follows:

- one person (e.g. an elder) – 5
- a collective TPSGB – 23
- I am not sure – 50

**78 replies total**

The data suggests poor public awareness of TPSGBs.

3. When asked if they knew anything about the activities of TPSGBs,

- 42 interviewees gave an affirmative reply,
- 36 interviewees gave a negative reply.

**78 replies total**

4. Forty-five interviewees gave a positive assessment of TPSGBs' work, but only ten said it was effective.

5. The TPSGB activities that received the highest numbers of positive assessment were:

- assistance in the exercise of the rights, freedoms and interests of citizens – 47
- social support of families and people in need – 47
- study, analysis and recording of public opinion on local matters – 46
- assistance in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas – 43

The lowest numbers of positive assessments went to:

- support of charitable efforts – 12
- assistance to executive and administrative bodies and Councils in their dialogue with citizens –

6. When asked what in their opinion could improve the performance of TPSGBs, the interviewees responded as follows:

- deeper involvement of citizens in the work of TPSGBs – 36
- stable funding – 36
- continuous provision of information about the work of TPSGBs to citizens – 33
- other – 4

**109 replies total**

As shown by the data, the interviewees placed equal importance on the three suggested replies.

Other replies included broadening the scope TPSGB authority (two replies), a leader (one reply) and one suggestion that the interviewee failed to elaborate on.

7. When the interviewees were asked what in their opinion could encourage closer citizen involvement in TPSGB activities, the number of times each item checked were roughly the same:

• influence of citizens' opinions on decisions made by executive and representative government bodies – 25

- successful examples of TPSGB work – 28
- an advertising campaign – 26
- material incentives – 20

Two interviewees checked "other:"

- take into consideration proposals coming from citizens
- inform citizens about the activities of TPSGBs.

**101 replies total**

8. When asked which type of TPSGB they would prefer, the interviewees responded as follows:

- one person (e.g. an elder) – 2
- the unincorporated collective TPSGB – 25
- the collective TPSGB in the form of a corporation – 51

**78 replies total**

As shown by the data, preference was clearly given to the incorporated collective TPSGB.

9. When asked to name the sources of funding for TPSGB activities, the interviewees replied as follows:

- budgetary funds – 53
- funds collected by citizens – 20
- volunteer service – 10
- other – 8

**91 replies total**

Most of the interviewees said the activities of TPSGBs should be financed from budgetary funds. The interviewees who mentioned "other" sources could not specify which.

10. When asked whose interests TPSGBs should represent, the interviewees responded as follows:

- the state – 3
- local councils – 4
- executive committees – 0
- citizens – 75
- other – 1

**83 replies total**

The interviewees were nearly unanimous in stating that TPSGBs should represent and advocate the interests of citizens (75 responses).

11. When asked about factors that impeded creating and functioning of TPSGBs, the interviewees responded as follows:

- complicated procedures of organizing and holding a local assembly – 13
- a complicated registration procedure – 16
- the opinions of citizens or TPSG bodies have no influence on decisions made by local authorities (council, executive committee) – 29
- indifference and a passive attitude on the part of the citizens – 46
- a lack of funds – 19
- other – 1

**124 replies total**

According to the interviewees' responses, the main impediment to creating and functioning of TPSGBs was indifference and a passive attitude on the part of citizens (46 responses) and a lack of influence on decisions made by local authorities.

The relatively small number of interviewees and the unrepresentative social groups covered by the questionnaire, as well as many other reasons, would certainly prevent us from presenting this survey as a full-fledged public opinion poll. Never the less, the findings of this survey coincide to a great extent with the data from other opinion polls.

## **THE CURRENT SITUATION OF TPSGB FORMATION AND FUNCTIONING IN BARANOVICHI, BREST OBLAST**

We conducted a month-long study of the situation in Baranovichi, Brest region with respect to functioning of territorial public self-government bodies there.

In the course of the study we met with Vladimir Stakhnov, chairman of the Baranovichi city council, and Viktor Dichkovsky, head of the city executive committee, as well as members of the Nadezhda territorial self-government committee and leaders of apartment building residents' committees established under the local housing maintenance and operation utility.

It follows from our meetings and conversations and the documents we studied that Baranovichi currently has no fully legitimate incorporated territorial public self-government committees. However, the Nadezhda Territorial Self-Government Committee (TPSGC), registered with the Baranovichi City Executive Committee on September 30, 2009, is still functional. The TPSGC was established within part of the area served by the housing maintenance and operation utility under number five. The boundaries of the area are formed by Parkovaya Street, Masharov Avenue and Tsiolkovsky Street. According to the requirements under Article 29 of the current Local Governance and Self-Government Act, a TPSGB is formed for the same period as the local Council and is subject to dissolution upon the expiration of the Council's term of office. Nadezhda, which translates from Russian as "hope," should have been dissolved back in January 2007 and then re-formed and registered again.

Besides Nadezhda, Baranovichi has committees formed by the residents of apartment buildings under housing maintenance and operation utility operated by the city executive committee. No charters or records of local governance bodies regarding registration of these committees could be found. A study of documents on evolution of street, neighborhood and apartment building committees in other towns including Zaslavl, Soligorsk and Molodechno suggests that those public structures are a form of engaging the population in management of the residential premises but not a type of TPSGB.

Apartment building, street and neighborhood committees appeared in Belarus back in the Soviet era. Council of Ministers Resolution #883 of July 16, 1953, and later Supreme Soviet Presidium Decree of September 1, 1989 (see BSSR Code of Laws 1989 #25 p.373), served as the legal foundation for their creation.

We did not discuss these committees' self-perceived identity while meeting with their members in Baranovichi, although they indirectly referred to themselves as public self-government activists.

A discussion with Nadezhda members did not provide any clear indication as to what problems they were facing and how much of a hindrance those were to further functioning of the TPSGC. Most of the problems named boiled down to external factors.

At the same time, Nadezhda's experience is a positive example of how public self-government ideas can be implemented and a showcase for possibilities of a multilateral partnership between local authorities, a TPSGC and donors.

The authorities as represented by councilors and executives did not have the desire or organizational resources to share Nadezhda's positive experience with other interested groups of city or oblast residents.

## CHARTER OF THE NADEZHDA TERRITORIAL PUBLIC SELF-GOVERNMENT COMMITTEE

### 1. GENERAL PROVISIONS

1.1. The Nadezhda Territorial Public Self-Government Committee (TPSGC) is a territorial public self-government body acting in accordance with laws of the Republic of Belarus. The mission of the TPSGC shall be to realize the initiatives of citizens in an independent manner and at its own risk.

1.2. Name of the TPSGC:

Full name in Russian: **Комитет territorial public self-government «Надежда».**

Short name in Russian: **TPSGC «Надежда».**

Full name in Belarusian: **Камітэт тэрытарыяльнага грамадскага самакіравання «Надзея».**

Short name in Belarusian: **КТГС «Надзея».**

1.3. **Registered office of the TPSGC:** Apt. 0, 57 Parkovaya Street, 225320 Baranovichi.

1.4. The area of the TPSGC activity shall cover the multi-storied residential development bounded by Parkovaya St., Masherov Ave. and Tsiolkovsky St., including buildings number 42 and 46 through 60 on Parkovaya St.

### 2. REGISTERED OFFICE

2.1. The TPSGC shall acquire the status of a corporation as of the time of its registration with the Baranovichi City Executive Committee. The TPSGC shall have an independent balance sheet, a seal and letterhead stating its full name, a checking account, a foreign currency account and other bank accounts.

2.2. The TPSGC is not a for-profit organization and is accountable for its activities to the assembly (conference) which founded it and the Baranovichi City Deputy Council.

2.3. The TPSGC shall be formed for the period of the Baranovichi City Deputy Council's term of office.

2.4. The TPSGC shall be liable for its obligations with all of its property.

2.5. The Baranovichi City Deputy Council, the Baranovichi City Executive Committee and the members of the TPSGC shall not be liable for the obligations of TPSGC.

### 3. THE GOALS, PRINCIPLES AND OBJECTIVES OF THE TPSGC

3.1. The principal goal of the TPSGC shall be to unite the residents of the appropriate area with the purpose of resolving local matters in an independent manner and in compliance with the laws of the Republic of Belarus.

3.2. The TPSGC shall observe the following principles:

3.2.1. the will of the residents of the appropriate area,

3.2.2. election and control by the population,

3.2.3. transparency and responsiveness to public opinion,

3.2.4. protection of the rights and legitimate interests of citizens,

3.2.5. responsibility for resolving local matters within the limits of the authority with which the TPSGC was vested,

3.2.6. harmonization of local and national interests.

3.3. The principal objectives of the TPSGC shall be:

3.3.1. to research, analyze and record public opinion on economic and social development of the appropriate area;

3.3.2. to advocate the legitimate interests of the residents of the appropriate area and assist in resolving issues of local significance;

3.3.3. to promote initiative and engage citizens in improving the condition, use, maintenance and amenities of residential buildings and adjacent areas;

3.3.4. to provide community care for elderly and lonely people, war veterans and people with disabilities, while engaging school and college students and other social groups;

3.3.5. to assist in provision of public recreation;

3.3.6. to participate in counseling of dysfunctional families, and problem children and teenagers;

3.3.7. to realize the legislative initiative of the population;

3.3.8. to assist charitable efforts and the charities;

3.3.9. to assist executive bodies and councilors in their dialogue with the population;

3.3.10. to assist in promoting the national culture and language, arts and engineering hobbies;

3.3.11. to assist law enforcement agencies in maintaining order and preventing wrongdoing.

- 3.4. The TPSGC shall have the right to:
- 3.4.1. submit proposals on any local issues to the Baranovichi City Deputy Council or its bodies, or the Baranovichi City Executive Committee;
  - 3.4.2. duly convene meetings of citizens to discuss local matters;
  - 3.4.3. accumulate donations from citizens, companies, institutions, foundations, non-governmental organizations аккумулялировать, and other citizen associations, for developing the community facilities in the area, hold cultural, educational, sports or health events, or for any other objectives under the TPSGC Charter;
  - 3.4.4. accept residential premises, playgrounds and sports grounds, arts venues, amenities and other facilities, from the Baranovichi City Executive Committee, companies, associations, organizations and institutions for public safe-keeping;
  - 3.4.5. form structural subdivisions when necessary;
  - 3.4.6. pursue production and business activity aimed at delivering the goals and objectives under its Charter;
  - 3.4.7. freely obtain and disseminate, to the extent permitted by law, any information about its activities.

#### **4. TPSGC PROPERTY SOURCES AND FORMATION PROCEDURE**

- 4.1. The sources of TPSGC property shall be:
- 4.1.1. property or cash transferred to the TPSGC,
  - 4.1.2. funds allocated under the local budget,
  - 4.1.3. property acquired by the TPSGC on other grounds, to the extent permitted by applicable Belarusian laws.
- 4.2. The TPSGC shall own, use and administer its property in conformity with its goals and objectives and in the manner prescribed by laws of the Republic of Belarus and this Charter.
- 4.3. The TPSGC cannot be able to serve as a guarantor or surety under any loans issued by banks to corporations or individuals.
- 4.4. TPSGC funds or property cannot be redistributed among its members and shall be used for achieving the goals and objectives under the Charter.
- 4.5. Funds allocated under the budget shall be directed toward goals and objectives specified under the Charter as detailed in the duly approved cost sheet.

#### **5. TPSGC ADMINISTRATION AND CONTROL**

- 5.1. The TPSGC shall be administered by the chair of the TPSGC.
- 5.2. The activity of the TPSGC shall be controlled by the audit commission.

#### **6. THE ASSEMBLY OF PROXIES (DELEGATES) NOMINATED BY THE TENANTS TO THE TPSGC FOUNDATION CONFERENCE**

- 6.1. The assembly of proxies (delegates) nominated by the tenants to the TPSGC foundation conference (the Assembly) shall be the supreme governing body of the TPSGC.
- 6.2. The terms of office of the proxies (delegates) nominated by the tenants to the TPSGC foundation conference shall be fixed as the term of office of the Baranovichi City Deputy Council.
- 6.3. The scope of exclusive authority of the Assembly shall include:
- 6.3.1. adopting of the TPSGC charter and approving any amendments thereto subject to approval of the Baranovichi City Deputy Council;
  - 6.3.2. electing TPSGC members;
  - 6.3.3. electing the members of the TPSGC audit commission;
  - 6.3.4. dissolving or reorganizing the TPSGC;
  - 6.3.5. determining the organization structure of the TPSGC;
  - 6.3.6. any other matters such as the laws of the Republic of Belarus places within the scope of competence of the TPSGC supreme governing body.
- 6.4. The Assembly shall have the right to repeal a decision made by the TPSGC if such decisions violates the laws of the Republic of Belarus, decisions of the Baranovichi City Deputy Council, Baranovichi City Executive Committee, this Charter or decisions of the Assembly.
- 6.5. The Assembly shall meet as necessary. Extraordinary meetings of the Assembly can be convened on the initiative of the TPSGC, the Baranovichi City Deputy Council, the Baranovichi City Executive Committee, one-third of the proxies (delegates) or ten percent of the residents of the neighborhood.
- The Assembly shall elect a presiding officer and a secretary. The Assembly shall be considered as being fully legitimate on condition that at least two-thirds of its members are attending.

6.6. The procedure of meeting of the proxies (delegates) and the mode of representation in the TPSGC foundation conference are subject to approval by the Baranovichi City Deputy Council, which shall consider the opinion of the action group.

6.7. Attendance and participation in Assembly meetings shall be open to representatives of the Baranovichi City Deputy Council, the Baranovichi City Executive Committee, and the employees of companies involved in the development of, and provision of services to the residents of, the appropriate area.

6.8. Decisions made by the Assembly shall be documented by means of minutes. A decision shall be considered as passed if voted for a simple majority of members present at the meeting. The presiding officer shall have the decisive vote in case of a tied vote.

6.9. Minutes of Assembly meetings shall be signed by the presiding officer and secretary.

6.10. Decisions of the Assembly and any other information about the activities of the TPSGC shall be brought to the notice of the members of the Assembly and the TPSGC, as well as other interested parties, by means of mailing printed materials within ten days of the Assembly meeting.

6.11. A proxy (delegate) can be recalled by a meeting of the tenants who elected the proxy (delegate) or can resign.

### **7. CHAIR (DEPUTY CHAIR) OF THE TPSGC**

7.1. The day-to-day activities of the TPSGC shall be managed by the chair of the TPSGC, or by the deputy chair of the TPSGC in the absence of the Chair, both elected from the members of the TPSGC at a TPSGC meeting, subject to approval of the Baranovichi City Deputy Council and its bodies.

The Baranovichi City Deputy Council shall have the right to submit proposals on early discharge of the chair or deputy chair of the TPSGC for violations of the requirements of laws and this Charter.

7.2. The chair (deputy chair) of the TPSGC shall be accountable to the TPSGC and the Baranovichi City Deputy Council for any matters pertaining to his or her activities.

7.3. The chair (deputy chair) shall perform day-to-day management of TPSGC activities, ensure that decisions of the Assembly are executed and bear responsibility for TPSGC activities.

### **8. TPSGC AUDIT COMMISSION**

8.1. The audit commission consisting of three to five members shall be elected by the Assembly.

8.2. The chair of the audit commission shall be elected in the first meeting of the commission.

8.3. A meeting of the audit commission shall be considered as being fully legitimate on condition that at least half of the members are attending. The audit commission shall pass its decisions by a simple majority of votes of those present at the meeting.

8.4. The minutes of audit commission meetings shall be signed by the members attending the meeting. A member who disagrees with the decision that was passed must sign the minutes and attach his or her personal opinion in writing.

8.5. The audit commission shall:

8.5.1. verify compliance by the TPSGC with applicable laws, decisions of the Baranovichi City Deputy Council and the Baranovichi City Executive Committee in all financial and business matters;

8.5.2. hold routine audits of the financial and business activity of the TPSGC at least once per year, and at any other time if ordered by the Assembly or at its own discretion;

8.5.3. verify compliance by the TPSGC members with requirements to the maximum times allowed for considering petitions from citizens.

8.6. The audit commission shall submit the findings of its audits to the Assembly.

8.7. The audit commission is obliged to convene a meeting of the Assembly; the Assembly shall be the only body authorized to act on the findings of the audit commission.

8.8. The TPSGC must provide the audit commission upon request any documents on TPSGC activity or explanations with regard to TPSGC activity within the time stipulated in the request.

8.9. A member of the audit commission can be discharged by the Assembly or can resign.

### **9. RIGHTS AND REPOSNIBILITIES OF TPSGC MEMBERS**

9.1. Any resident of the TPSGC area aged eighteen or older can be a member of the TPSGC.

9.2. TPSGC shall have the right to:

9.2.1. participate in the administration of TPSGC affairs in the manner prescribed by laws and this Charter;

9.2.2. obtain information about the activity of the TPSGC.

9.3. Members of the TPSGC shall be obliged to:

9.3.1. comply with the requirements of this Charter and decisions of the elective bodies;

9.3.2. perform any obligation he or she assumed.

9.4. Membership in the TPSGC can be discontinued:

- 9.4.1. by choice, with a letter of resignation,
- 9.4.2. by the Assembly, for systematic failure to perform obligations assumed by the member, without a reasonable excuse.

#### **10. RECORDS, REPORTING AND DOCUMENTS OF THE TPSGC, INFORMATION ABOUT THE TPSGC**

- 10.1. The TPSGC shall maintain accounts and submit financial reports in the manner prescribed by the laws of the Republic of Belarus.
- 10.2. The chair of the TPSGC shall be responsible for the accounting process, the state and accuracy of the accounts, and timely reporting to appropriate authorities, as well as information about the activities of the TPSGC to be provided to its members, the Assembly, creditors and the media.
- 10.3. The TPSGC shall keep the following documents at its address:
  - 10.3.1. the decision to register the TPSGC,
  - 10.3.2. the TPSGC Charter and any amendments thereto,
  - 10.3.3. documentary proof of TPSGC's right to the property entered in its books,
  - 10.3.4. internal documents of the TPSGC,
  - 10.3.5. minutes of the Assembly and the audit commission,
  - 10.3.6. accounting documents and statistical reports,
  - 10.3.7. findings of the audit commission and state control bodies,
  - 10.3.8. any other documents required under the laws of the Republic of Belarus, this Charter, internal documents of the TPSGC and decisions of its governing bodies.

#### **11. SUSPENSION AND DISSOLUTION OF THE TPSGC**

- 11.1. The TPSGC can be suspended by the Baranovichi City Executive Committee for any irregularities during registration or for systematic violations of the laws of the Republic of Belarus.
- 11.2. The TPSGC can be dissolved:
  - 11.2.1. upon the expiry of its term,
  - 11.2.2. by the Assembly,
  - 11.2.3. by the Baranovichi City Deputy Council,
  - 11.2.4. for any other reasons stipulated by the laws of the Republic of Belarus.
- 11.3. The TPSGC shall be dissolved by the liquidation committee formed by the Baranovichi City Deputy Council.
- 11.4. Any property as may be left after the dissolution of the TPSGC and satisfaction of creditor claims shall become the municipal property of Baranovichi.

REPUBLIC OF BELARUS

LAW

4 January 2010, № 108-3

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

Passed by the House of Representatives on December 11, 2009

Endorsed by the Council of the Republic on December 17, 2009

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). Regional-level Councils are superior with respect to the Councils of basic and territorial levels.

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). Basic-level Councils are superior with respect to the Councils of primary territorial level.

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

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).

## **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, if not indicated otherwise).

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). Regional-level executive committees are superior with respect to executive and regulatory organs of basic and territorial levels.

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). Basic-level executive committees are superior with respect to executive and regulatory organs of primary territorial level.

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

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), and local administrations.

## **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 in the respective territory 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 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, including international agreements of the Republic of Belarus.

**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 support.

**Article 7. Associations of Councils. National Association of Local Councils**

1. In order to exercise their authority effectively, protect common interests and provide mutual assistance in resolving local issues, Councils shall be entitled to establishing associations of Councils. Associations of Councils and Minsk City Council can establish National Association of Local Councils.

State registration of associations indicated in the previous paragraph shall be carried out in accordance with procedures applied to associations of non-profit organizations.

2. Associations indicated in Paragraph 1 of Part 1 of this Article are legal entities whose property is composed of membership fees and comes from other sources in accordance with the law.

Financing of the above-mentioned associations is done through their financial resources as well as from other resources, including those obtained from for-profit activities, gratuitous (sponsor) aid and from other sources which are not forbidden by the law.

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

## **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. In their activities Councils shall be accountable to citizens, responsible before them.
4. Councils shall be legal entities.

### **Article 10. Council Election. Council Term of Office**

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 in the form of sessions and through the activities of 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 .
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:
  - 3.1 At the initiative of at least one third of all elected 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;
  - 3.2 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.
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.
5. Proposals concerning the question to be considered 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.

### **Article 13. Council Decisions**

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.

### **Article 14. Formation of Council Organs**

Councils shall form their organs not later than two months after the first session, 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. Presidiums shall be established in regional and basic-level Councils. Presidium shall include the Council's chair, vice chair (vice chairs), and chairs of the Council's standing commissions. Presidium may also include other deputies, if decided so by the Council.
2. Presidium meetings shall be convened as often as necessary but at least once in three months. Presidium meetings shall be convened and led by the Council's chair or vice chair if the chair is absent. A presidium meeting shall be legally qualified if it is attended by at least two thirds of its full composition. Presidium decisions shall be taken by a simple majority of all its members by secret or open ballot, including roll call vote, 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 other Councils, 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 inquiries 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 who are in 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 regional programs and concepts (primary-level Councils endorse action plans) concerning housing construction, provision of public amenities, road construction, communal, consumer and social services, social support of children, young people, veterans, disabled people and the elderly, 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 and exercise supervision over their use;

- 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, 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 authority;
  - 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 authority;
  - 1.22. Decide on the participation in the establishment of associations indicated in Paragraph 1 Part 1 of Article 7 of this Law, as well as on joining associations and cancellation of their membership;
  - 1.23. Consider inquiries of Council deputies and make decisions thereupon;
  - 1.24. 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;
  - 1.25. 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;
  - 1.26. 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;
  - 1.27. Abolish orders of the Council's chair and chair of the executive committee, decisions of the respective executive committee, decisions of a lower-level Council and decisions of its chair, if they are not in line with legislation;
  - 1.28. Act as founders of local media;
  - 1.29. Take decisions on voluntary dissolution;
  - 1.30. Carry out international cooperation;
  - 1.31. 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, 1.16-1.30 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:

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 debt of organs of local government and self-government for the coming financial year;  
Identify measures of social support of children, young people, veterans, disabled people and the elderly;  
Endorse a model regulation on organs of territorial public self-government;  
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**

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

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

1.2. Endorse the maximum level of debt of organs of local government and self-government for the coming financial year;

1.3. 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;

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

2. City councils (of cities divided into districts), apart from the authorities indicated in Part 1 of this Article, shall be entitled to the following:

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

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

2.3. In cases provided in Paragraph 3 of Article 32 of this Law, make decisions concerning the abolition of the collegial organ of territorial public self-government.

#### **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 decisions concerning the abolition of the collegial organ of territorial public self-government;

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

#### **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 authority of the Council Chair shall be terminated early on the grounds and in accordance with procedures established by laws of the Republic of Belarus, dated March 27, 1992, "On the Status of the Deputy of the Local Council" (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1992, #13, p. 217; National Register of Legal Acts of the Republic of Belarus, 2006, #6, 2/1181), and dated June 14, 2003, "On Civil Service in the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 2003, #70, 2/953), and on other grounds in accordance with the law.

## **Article 22. Authority of Council Chair**

1. The Council Chair in his activities shall be guided 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, resolutions of the Council of Ministers of the Republic of Belarus, legal acts of national government organs and decisions of upper-level Councils, instructions of their chairs, decisions of the respective Council and other government organs adopted within the limits of their competence.

2. Within his authority and in accordance with procedures established by law, Council chair shall be entitled to the following:

2.1. Head the Council, lead its work, and ensure cooperation with the respective executive committee;

2.2. Represent the Council in all relations with other state organs, other organizations and citizens;

2.3. Endorse the organizational chart of the respective Council;

2.4. Convene Council sessions, organize preparations for the sessions and preside over them;

2.5. Organize supervision over the fulfillment of Council decisions;

2.6. 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;

2.7. Invite representatives of other Councils, executive and regulatory organs, other organizations, organs of territorial public self-government and citizens for Council sessions;

2.8. Submit draft Council decisions to standing commissions for their opinion and give instructions to chairs of standing commissions;

2.9. Sign decisions, protocols of Council sessions and issue orders;

2.10. Make sure inquiries of Council deputies are given consideration;

2.11. 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;

2.12. Personally receive citizens and representatives of legal entities;

2.13. 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;

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

3. In addition to the authority indicated in Paragraph 1 of this Article, regional- and basic-level Council chairs shall be entitled to the following:

3.1. 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;

3.2. Head the Council presidium, organize preparations for its meetings, lead these meetings, sign decisions and minutes of presidium meetings;

3.3. Submit to Council sessions reports about the activities of the presidium as often as necessary but at least once a year.

4. 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 at a session of the respective 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 defined in the rules of procedure of the Council, 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:

1.1 Systematic (more than twice) or flagrant violation of the legislation by the Council;

1.2 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;

1.3 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:

2.1 By the decision of the same Council (self-dissolution);

2.2 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.

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.

#### **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 others);

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 without the formation of a legal entity or as 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 be established and 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. Sole organs of territorial public self-government shall be accounted for by the respective executive and regulatory organs of the primary level.

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:

1.1 Make decisions to set up and terminate organs of territorial public self-government;

1.2 Endorse regulations governing the respective organ of territorial public self-government and amend them as necessary;

1.3 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 of Legal Acts of the Republic of Belarus, 2000, №67, 2/186);

1.4 Determine the organizational structure of organs of territorial public self-government;

1.5 Consider issues related to the authority of organs of territorial public self-government and put forward proposals to these organs of territorial public self-government.

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 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 by city Councils (in cities divided into districts and in cities of district subordination),

town and village Councils, and executive and regulatory organs of the primary level.

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. The term of office of the members of collegial organs of territorial public self-government cannot exceed the term of office of the Council in the respective administrative-territorial unit.

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:

8.1 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 who have permanent 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;

8.2 At their own request – on the basis of their written resignation note;

8.3 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:

9.1 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;

9.2 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:

11.1 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;

11.2 At the own request of the member – on the basis of his written resignation note;

11.3 In case of the expiry of the mandate as a member of the organ of territorial public self-government;

11.4 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;

11.5 In case if in accordance with the relevant procedures, the organ of territorial public self-government is declared incapable of fulfilling its duties;

11.6 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:

1.1 An application made in the form approved by the regional-level Council;

1.2 Regulations on the collegial organ of territorial public self-government;

1.3 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;

1.4 A list of local assembly participants with their first names, patronymics, last names, years of birth, citizenship and place of residence;

1.5 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:

3.1 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;

3.2 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 organs of territorial public self-government as defined by Article 26 of this Law;

3.3 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 have permanent 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 cities of district subordination, towns or villages.

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 primary level’s 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.

## CHAPTER 5 EXECUTIVE AND REGULATORY ORGANS

### **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 –
  - 9.1 National government organs – when it comes to structural units of regional-level executive committees;
  - 9.2 Structural units of regional executive committees – when it comes to structural units of basic-level executive committees;
  - 9.3 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 written 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 regional 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, social support of children, young people, veterans, disabled people and elderly people, support to business development, healthcare, education, physical culture, sports, environmental protection and rational use of natural resources, improvement of labor safety, radiation safety, 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;

Put together local budget estimates and prepare budget execution reports;

Ensure the execution of the local budget, collection of planned revenues and use of budgetary resources in accordance with their intended purposes;

Provide concessions on taxes and duties fully paid to local budgets in accordance with procedures established by the President of the Republic of Belarus and the respective laws, when instructed by Councils;

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

Manage natural resources in cases and in accordance with procedures as provided for by environmental legislation;

Take decisions on establishing, re-organizing and closing organizations whose property is owned communally;

Endorse operational schedules for organizations whose property is owned communally and provide their opinion on the operations of other organizations, sole proprietors active in the respective territory, if law does not provide otherwise;

Submit to respective Councils and their organs proposals related to local issues and take part in the consideration of these proposals by the Councils;

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

Inform citizens and organizations about the state of affairs in the respective territory with regard to issues of local significance;

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;

Make sure the availability of natural gas, electricity, heat and water supply, sewage services, access to drinking water and provision of fuel to citizens;

Keep stockpiles of goods for administrative-territorial units in order to ensure uninterrupted trade;

Take measures for the development of industrial and agricultural production, services sector, small- and medium-scale business and private farm households;

Take decisions to 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 non-governmental 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 supervision in the fields of housing construction, territorial improvement, road construction, communal and social services, social support of children, young people, veterans, disable people and elderly people, support to business development, healthcare, education, physical culture, sports, environmental protection and rational use of natural resources, improvement of labor safety, radiation safety, protection of historical and cultural heritage and other issues of local significance;

Take measures aimed at the protection of consumer rights, including consumers of housing maintenance services;

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

Conduct crime prevention activities;

Take part in the fight against corruption and 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 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 co-founders of organizations whose property is privately owned;  
Act as founders of local media;  
Deal with issues related to labor safety;  
Take part in international cooperation;  
Exercise other activities as provided for by this Law and other legislative acts.

#### **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;  
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;  
Issue licenses for certain types of activities;  
Ensure the examination of business plans of investment projects to be implemented in the territory of the respective administrative-territorial unit;  
Set prices (tariffs) and mark-ups (discounts) for goods, works and services;  
Together with the Ministry of Justice of the Republic of Belarus, provide methodological guidance for the offices doing the registration of instruments of civil status in district and city executive committees and local administrations, for the Houses (Palaces) of Civil Registration under city executive committees, and similar offices in town and village executive committees, and exercise supervision over the registration of instruments of civil status;  
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 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, 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, 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-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.

#### **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 or 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, 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- or 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 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, 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 district 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 district 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 non-governmental 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;

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 local administrations, 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 local administrations, 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.

In case the position of the primary-level executive committee chair is vacant, the chair of the respective basic-level executive committee shall appoint a person to temporarily act as the chair of the primary-level executive committee until the chair of the respective Council is elected in accordance with the established procedures. The above-mentioned person shall be entitled to keep his previous job and to be paid at the level of the chair of the respective Council but not less than the average pay at the previous job.

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 executive committees, Council and other government bodies 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 complains 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 of the executive committee, 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 of the executive committee;

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 written 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, 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;

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;

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. 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;

2.6. Suspend the operation of organizations and construction of any objects in case there are

violations of legislation until the violations are properly addressed;

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

2.8. Cancel orders of lower-level executive committee chairs (or instructions of district 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;

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

2.10. 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, heads of city and district departments for the management of emergency situations 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 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- or 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. 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 in the respective district or region;

Nominated candidates for the positions of heads of companies which are located in the respective territory and whose shares are owned communally, and also give approval for the extension or termination of labor contracts with these persons;

Conclusion (extension, termination) of labor contracts with heads of agricultural cooperatives which are located in the territory covered by the respective village council after their election (dismissal) by a general assembly or by other authorized organs of these organizations;

2.2. Submit for consideration to the executive committee and in case of approval to the basic-level executive committee proposals on the dismissal of heads of organizations which are located in the respective territory and whose property is not owned communally by this administrative-territorial unit if they fail to fulfill decisions of regional-, basic- or 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;

2.3. Submit for consideration to the executive committee and, in case of approval, to the basic-level 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 regional-, basic- or primary-level Councils and executive committees which have been taken within the limits of their authority or their failure to fulfill other legislative acts;

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

#### **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, respective local administration and other government bodies 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;

2.4. 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 written 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 alienate 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:

2.1 Conclude contracts to sell or purchase products with foreign citizens, stateless persons, and foreign and international legal entities (organizations which are not legal entities);

2.2 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;

2.3 Take part, on a profit basis, in the conduct of international fairs, exhibitions and other events as well as in advertising activities.

2.4 Organize trade activities in pre-border areas;

2.5 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 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 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.

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.

7. Councils are entitled to go to court in accordance with established procedures to seek protection of the violated or contested rights or legitimate interests in order to make sure they freely exercise their authorities stipulated by this Law and other legal acts.

#### **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.

State power authority cannot be delegated by executive and regulatory organs to the organizations which have been established by them.

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 unless stipulated otherwise by legal acts:

3.1 When mutually agreed, Councils of different territorial levels can delegate authority to each other along with the resources required for the exercise of this authority;

3.2 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. The authorities of executive and regulatory organs and Councils shall be delegated by a decision of the relevant executive and regulatory organs and Councils which indicates which government body (or other organization, official, organ of territorial public self-government) and for which period of time is delegated the authority and which also indicates the content of the authority.

#### **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 to the respective administrative-territorial unit 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:

1. Law of the Republic of Belarus dated March 28, 1985 “On the Endorsement of the Edict of the Presidium of the Supreme Council of the Republic of Belarus ‘On the Endorsement of Regulations Regarding the Procedure of Establishing and Awarding the Title of the Honorable Citizen of the City or District in the Republic of Belarus’” (Compilation of Laws of the Byelorussian SSR, Edicts of the Presidium of the Supreme Soviet of the Byelorussian SSR, Regulations of the Council of Ministers of the Byelorussian SSR, 1985, №10, p. 148).
2. Law of the Republic of Belarus dated February 20, 1991 “On Local Government and Self-Government in the Republic of Belarus” (Official Gazette of the Supreme Soviet of the Byelorussian SSR, 1991, №11 (13), p. 122; Official Gazette of the Supreme Soviet of the Republic of Belarus, 1995, №15-16, p. 169).
3. Chapter IV of the Law of the Republic of Belarus dated June 11, 1993 “On Amendments and Addenda to Some Legislative Acts of the Republic of Belarus” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1993, №26, p. 317).
4. Law of the Republic of Belarus dated June 17, 1993 “On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1993, №26, p. 324).
5. Paragraph 7 of Section “B” of the Law of the Republic of Belarus dated December 10, 1993 “On Amendments and Addenda to Legislative Acts of the Republic of Belarus on Taxation Issues” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1994, №3, p. 24).
6. Law of the Republic of Belarus dated February 24, 1994 “On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1994, №11, p. 150).
7. Law of the Republic of Belarus dated March 30, 1994 “On Amendments and Addenda to Article 10 of the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1994, №14, p. 188).
8. Law of the Republic of Belarus dated October 6, 1994 “On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1994, №30, p. 511).
9. Law of the Republic of Belarus dated February 9, 1995 “On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1995, №15-16, p. 167).
10. Law of the Republic of Belarus dated March 20, 1995 “On Addenda to the Law of the Republic of Belarus ‘On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of

Belarus, 1995, №15-16, p. 170).

11. Law of the Republic of Belarus dated April 13, 1995 “On Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1995, №22-23, p. 306).

12. Law of the Republic of Belarus dated February 22, 1996 года “On Amendments to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1996, №7, p. 85).

13. Law of the Republic of Belarus dated May 12, 1997 “On Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the National Assembly of the Republic of Belarus, 1997, №15, p. 261).

14. Law of the Republic of Belarus dated December 28, 1998 “On Amendments to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (Official Gazette of the National Assembly of the Republic of Belarus, 1999, №3, p. 34).

15. Law of the Republic of Belarus dated January 10, 2000 “On Amendments and Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (National Register of Legal Acts of the Republic of Belarus, 2000, №8, 2/137).

16. Law of the Republic of Belarus dated June 16, 2000 “On Addenda to the Law of the Republic of Belarus ‘On Local Government and Self-Government in the Republic of Belarus’” (National Register of Legal Acts of the Republic of Belarus, 2000, №59, 2/174).

17. Article 4 of the Law of the Republic of Belarus dated October 9, 2000 “On Amendments and Addenda to Some Legislative Acts of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2000, №100, 2/203).

18. Law of the Republic of Belarus dated May 16, 2001 “On Amendments in and Invalidation of Some Legislative Acts of the Republic of Belarus Following the Adoption of the Law of the Republic of Belarus ‘On National and Local Assemblies’” (National Register of Legal Acts of the Republic of Belarus, 2001, №50, 2/765).

19. Article 1 of the Law of the Republic of Belarus dated January 5, 2004 “On Amendments to Some Legislative Acts of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2004, №4, 2/1012).

20. Article 2 of the Law of the Republic of Belarus dated November 1, 2004 “On Amendments and Addenda to Some Laws of the Republic of Belarus Regarding the Treatment of Citizen Complaints” (National Register of Legal Acts of the Republic of Belarus, 2004, №189, 2/1089).

21. Point 68 of Article 1 of the Law of the Republic of Belarus dated November 27, 2006 “On Invalidation of Several Legal Acts of the Republic of Belarus and Several Provisions of Legal Acts of the Republic of Belarus Due to the Formation of the Corpus of Laws of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2006, № 202, 2/1279)

22. Article 1 of the Law of the Republic of Belarus dated May 7, 2007 “On Amendments and Addenda to Some Laws of the Republic of Belarus and Invalidation of the Resolution of the Presidium of the Supreme Council of the Republic of Belarus ‘On the Reorganization of the Protection of Historical and Cultural Heritage in the Republic of Belarus’” (National Register of Legal Acts of the Republic of Belarus, 2007, № 118, 2/1309).

23. Article 1 of the Law of the Republic of Belarus dated May 18, 2007 “On Amendments and Addenda to Some Laws of the Republic of Belarus Following the Improvements in the Regulation of Business Activities” (National Register of Legal Acts of the Republic of Belarus, 2007, №132, 2/1330).

24. Article 1 of the Law of the Republic of Belarus dated January 5, 2008 “On Amendments and Addenda to Some Laws of the Republic of Belarus and Invalidation of Some Legislative Acts and Several Provisions of Legislative Acts of the Republic of Belarus Regarding Administrative Responsibility” (National Register of Legal Acts of the Republic of Belarus, 2008, №14, 2/1414).

25. Resolution of the Supreme Council of the Republic of Belarus dated February 22, 1991 “On the Procedure of the Enactment of the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Byelorussian SSR, 1991, №11 (13), p. 123).

26. Resolution of the Supreme Council of the Republic of Belarus dated June 17, 1993 года “On Amendments and Addenda to the Resolution of the Supreme Council of the Republic of Belarus ‘On the Procedure of the Enactment of the Law of the Republic of Belarus ‘On Local Government and Local Economy in the Republic of Belarus’” (Official Gazette of the Supreme Soviet of the Republic of Belarus, 1993, №26, p. 330).

27. Edict of the Presidium of the Supreme Soviet of the Republic of Belarus dated December 10, 1984 “On the Endorsement of the Resolution Regarding the Procedure of Establishing and Awarding the Title of the Honorable Citizen of the City or District in the Republic of Belarus” (Compilation of Laws of the Byelorussian SSR, Edicts of the Presidium of the Supreme Soviet of the Byelorussian SSR, Regulations of the Council of Ministers of the Byelorussian SSR, 1984, №35, p. 513).

**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

A. Lukashenko