

Republic of Belarus

(Рэспубліка Беларусь)



Capital: Minsk

Inhabitants: 9.689.800 (2008)

Area: 207.600 km km²

1. Introduction



The Republic of Belarus is a unitary state with presidential form of the Government. Its territory is 207 600 sq. km. Population totals 9 750 500 (January 1, 2006); this is 460,000 less in comparison to 1995. Ethnical groups: Belarusian (81,2%), Russian (11,4 %), Polish (3,9 %), other (3,5 %). Urban population slightly exceeds 72 %. About 53 % of working population are occupied at state enterprises and organizations. The capital of Belarus is Minsk.

The Constitution stipulates (art.9) that the Republic is divided into regions ("oblasti"), districts ("rayons"), cities and other administrative territorial units. Prior to the dissolution of the Soviet Union, all territorial units had their own elected councils ("soviets") of people's deputies, which had been forming their own executive and administrative organs. The

four-tier centralized system of representative and executive bodies (Supreme Soviet and national Government, regional soviets and their executive bodies, district and city soviets and executive bodies, soviets and executive bodies of settlements and villages) had been existing till 1994.

The Law dated October 6, 1994 had abolished more than 1 000 soviets of people's deputies at lower level - in cities, regions, settlements and villages. But later this Law was revoked.

On September 19, 1995 the President of the Republic enacted the Decree "On the Reform of Organs of Local Government and Local Self-government" which abolished city district soviets and their executive organs. In the territory of city districts local administrations possessing the rights of corporate persons were formed. For instance, in Minsk presently there are local administrations of 9 city districts. Soviets of city districts were also abolished in seven other cities of the Republic.

The fundamentals of the new system of local government combining elements of local self-government (local councils of deputies) and local state government (local executive and administrative bodies) were laid down by the Constitution which was ratified at the referendum on November



24, 1996. Local government is regulated by Law "On Local Government and Local Self-government in the Republic of Belarus" and by numerous decrees of the President.

According to Article 2 of the aforesaid Law, local self-government is defined as the form of organization and activities of citizens for independent solution (directly or through organs elected by them) of local social, economic, political and cultural matters, with account of interests of population and peculiarities of the development of administrative territorial units and their own material and financial resources and attracted means.

In 2007 local elections 1581 local councils of deputies were formed. 22 639 deputies were elected.

Local government and local self-government according to Article 117 of the Constitution are exercised by citizens through local councils of deputies, executive and administrative bodies, organs of territorial public self-government, local referendums and meetings and other forms of direct participation of citizens in state and public affairs.

The main principles of local self-government are the rule of the people and the rule of law, social justice, humanism, cooperation of local bodies, separation of powers between representative and executive bodies, unity and integrity of the system of local government and local self-government, independence, transparency, direct elections, combination of local and state interests and so on.

2. Territorial organization.

The territory of the Republic of Belarus comprises 207 urban settlements and 23,863 rural settlements.

The uniform system of local councils of deputies in the Republic of Belarus include rural, settlement, city, district and regional councils of deputies established in respective administrative territorial units. Unity of the system of local councils is ensured by common legal basis, principles of formation and activities and by common tasks of social and economic development of appropriate territories, which they have to decide in the interests of local population.

There are three levels of local councils: primary, basic and regional. This classification permits to define more clearly the powers of local councils:

- primary territorial level includes rural settlement and city (of district subordination) councils;
 - basic level embraces city (of regional subordination) and district councils;
 - regional level is formed by regional councils;
 - Minsk city council has the rights both of basic and regional councils.
- In terms of territorial administrative units; there are:
- regional level: 7 (6 regions and the city of Minsk);
 - 118 districts (rayon) and 23 cities of regional subordination;
 - 1,524 rural municipal units and cities of district subordination.

Local councils, according to Article 118 of the Constitution, are elected for a term of four years.

They independently form their organs, determine their structure and powers and expenditures for their maintenance in



accordance with Law and other normative acts of the Republic of Belarus.

Local self-government, as was mentioned above, is not limited to the election and activities of local councils. It is much broader and includes local referendums, meetings, bodies of territorial public self-government and other forms of direct participation.

The system of local organs of government include regional, district, city, settlement and village executive committees vested with the rights of corporate persons. According to Article 9 of the Law "On Local government and Local Self-government" these bodies act as organs of executive power at the local level.

Executive committees are composed of chairmen, deputy chairmen, managing officers (secretaries in rural, settlement and city (of regional subordination) councils) and other members of executive committees.

The distinguishing feature of local government in the Republic is the absence of parallel structures of state bodies and local self-government bodies.

The capital of Belarus has a special status established by Law dated July 12, 2000. With the aim to assist in the execution of the functions of the capital, the state budget annually provides for separate financing of Minsk. The capital receives subventions and subsidies; property is transferred to its communal ownership, the Government provides state guarantees for investments in Minsk. The capital has its Charter approved by the decision of Minsk City Council of Deputies on June 26, 2001. In the territory of the Republic there are six free economic zones.

Administrative territorial units may be united with account of the needs of

economic and social development by decrees of the President of the Republic. As a rule, such mergers involve cities and adjacent districts. Until now there were 104 such mergers.

3. Institutions of local self-government.

3.1 Local political systems.

In the elections majority electoral system is used. Candidates to regional, Minsk city, district and city (of regional subordination) councils are nominated by governing bodies of political parties of respective levels, provided they were registered prior to the appointment of the date of elections. Nomination of candidates to city (of district subordination), settlement and rural council is made by governing bodies or by conferences of territorial structures of political parties. Each political party may propose only one candidate for a place of a councilor.

The list of registered political parties is provided by the Ministry of Justice to the Central Election Commission of the Republic not later than 5 days after declaration of the date of elections.

Local elections are competitive. In average, 3 to 4 candidates compete for one position of a councilor.

The vast majority of deputies of local councils have no party affiliation. This is explained by the weakness of new political parties, which were formed after the dissolution of the Soviet Union (presently, 17 political parties are registered by the Ministry of Justice). Therefore, citizens are more interested not in party affiliation of candidates, but in the programs and personalities of candidates.



In the total, 23 397 deputies were working in local councils at the end of 2004. Out of this number 59 % had higher education, 29% - secondary professional and 12 % secondary basic education; 5 % were younger than 30 years, 65 % were 30 to 50 years old, 30 % were older than 60 years; 19 % represented state organizations, 9 % - industry, 32 % agriculture, 36 % - other groups, 4 % were unemployed. Women representation in local councils totals 44 %.

Chairmen of councils are elected from members of respective councils by secret ballot and exercise their powers until the opening of the first sessions of newly elected councils.

Chairmen of rural, settlement and city (of district subordination) councils at the same time fulfil the duties of chairmen of executive committees formed by their councils.

Candidates for posts of chairmen of regional (as well as Minsk city) councils are nominated by deputies of respective councils; meanwhile candidates for posts of chairmen of lower councils are nominated by deputies of these councils and chairmen of higher councils. The same procedure is used for their removal.

Chairmen are elected by majority of votes of elected members of councils. They are responsible to, and may be removed only by, their councils.

Two branches of power take part in formation of executive committees. So, chairmen of regional executive committees are appointed by the President of the Republic with consent of appropriate regional councils (Article 10 of the Law "On Local Government and Local Self-government"). In the event the candidate fails to receive the majority of votes of elected members of the council, the

President nominates another candidate. If the council rejects the new nominee of the President, the President appoints this or another person without consent of the council.

Appointments and removal of chairmen of regional councils are made by decrees of the President.

Deputy chairmen, managing officers and other members of the executive committees are appointed by chairmen of executive committees with prior consent of the President.

Appointment and removal of chairmen of district (city) executive committees are exercised with consent of respective councils by chairmen of regional executive committees. They make final decision in the event the council rejects the nominee for the second time.

In city districts local administrations are formed. Heads of local administrations are appointed and removed from their posts by the President or in the procedure, as established by the President. Deputy heads of local administrations are appointed and removed by chairmen of executive committees of respective cities. Other members and employees of local administrations are appointed and removed by heads of local administrations. As mentioned above, majority electoral system is used. At the elections of regional (Minsk city) councils 40 to 60 election constituencies are formed, at the elections of district (city of regional subordination) councils – 25 to 40 constituencies, at the elections of city (of district subordination) councils 15 to 25, and at the election of settlement and rural councils – 11 to 15 constituencies are formed.

At the elections more than 50 % of registered electors ought to take part. If no candidate receives the majority of votes,



the second round of elections is held between two competing candidates who has received more votes in the first round of elections. Not less than 25 % of registered electors shall participate in the second round of elections. The candidate receiving the majority of votes wins the elections.

Uniform policy is carried out in Belarus, because it is a unitary state. Therefore, there is no marked specific attitude of citizens to local policy.

3.2. Participation of citizens.

In 2007 local elections participated about 60 % of registered voters.

The Constitution and the Electoral Code provide for local referendums but until now none was held (there have been four national referendums since 1991). Recalls of deputies occur very rarely. Different sociological services frequently conduct opinion polls in the population. The results of such studies are published. Television and other means of mass media reveal shortages in the work of local government, communal services, health care institutions and so on. The freedom of press plays significant role in local affairs and permits to react efficiently against bureaucracy, delays in dispatching official duties, disrespect of citizens.

In 1996, 2001, 2006 three All-Belarusian People's Meetings were held with the aim to discuss the Programs of economic and social development for forthcoming five-years plans and the results of preceding development of the country.

In 2006 in the work of the "All-Belarusian People' Meeting" 2.500 delegates took part (2 500 delegates in 2001 and 5 000 in 1996).

On September 29, 2000 the Congress of deputies of councils of the Republic was held with the aim to discuss the role of councils in the life of the Republic. 2 564 delegates were elected, out of which 2 488 took part in the work of the Congress.

There is a widespread practice of holding meetings of citizens at the place of their residence. Different issues of state and local policy are discussed there. According to Law "On Republican and Local Meetings" dated July 12, 2000 all citizens of the Republic older than 18 years and permanently residing in appropriate territories may take part in the meetings held in such territories. Persons acknowledged by courts as mentally incapable, imprisoned and detained persons are deprived of the right to participate in such meetings.

Local meetings may be held in the territories of administrative territorial units or in the parts of these units (in villages, settlements, city quarters and so on). They may adopt decisions, provided they are attended by 25 % of full-age residents residing in appropriate territories or by not less than two thirds of delegates empowered to take part in the meetings.

Local meetings may be convened by local councils, executive committees, territorial public self-government bodies. They may be also convened on the initiative of 10 % of citizens residing in the appropriate territories.

According to Law, local meetings have the right to discuss issues vested in organs of local government and local self-government and to make their proposals (pertaining, inter alia, to local taxes and payments); to discuss draft decisions of local councils, executive committees on local matters; to evaluate the activities of local government and local self-government bodies; to make proposals for



the agenda of local councils and meetings of executive committees; to discuss measures reinforcing (protecting) public order; to consider draft plans of the development of appropriate territories and the use of natural resources; to decide on establishment and dissolution of organs of territorial public self-government and so on.

Territorial voluntary self-government is the form of self-organization of citizens on a voluntary basis at the place of their residence within appropriate parts of administrative territorial units (territories of micro-districts, residence complexes, city quarters, streets, settlements, villages and so on) for independent and under their own responsibility implementation of their own initiatives in local matters directly by population or through their organs of territorial voluntary self-government (established in the form of eldersmen, councils, committees, etc.).

Territorial voluntary self-government bodies may have the rights of non-commercial corporate persons, they are responsible both to the meetings which have established or elected them and to local councils.

Local meetings adopt charters of territorial voluntary self-government, establish their organs and elect members to these organs by open voting or secret ballot. Territorial voluntary self-government bodies may be composed of persons who have achieved 18 years and permanently reside in appropriate territories. Candidates are nominated by citizens of territories and by representative or executive bodies of administrative territorial units.

The charters of territorial voluntary self-government specify names, goals, tasks and fields of activities of these bodies, their territorial boundaries, forms and procedures of participation of citizens in

the work of organs of territorial voluntary self-government, the procedure of formation and terms of powers of such bodies (such terms may not exceed terms of local councils of the respective units), sources and the ways for obtaining property of territorial voluntary self-government, the procedure for the use and disposal of such property, and other information, as stipulated by legislation of the Republic.

Bodies of territorial voluntary self-government are registered by respective executive committees (or local administrations).

Territorial voluntary self-government bodies have the right to make proposals on local matters for consideration by local councils and executive committees (local administrations); to participate upon invitation of state organs in consideration of local matters; convene local meetings for consideration of local matters; to accumulate in the procedure as established by law financial resources, voluntary payments and donations of citizens and corporate persons and to use them for the development of social infrastructure of the territory, for carrying out educational, cultural and sanitation programs; to receive from local councils, executive committees, other corporate persons buildings, premises, sport and playgrounds, clubs and other social-cultural objects and historic-cultural values; to make proposals to local councils, executive committees and local administrations on organization and location of enterprises of trade, public nutrition, culture, sport, other objects of social sphere and on regime of their work. Local councils may delegate to territorial voluntary self-government certain powers pertaining to local self-government, with the exception of the powers referred to exclusive competence of local councils.



On the whole, in the Republic there are 43 758 bodies of territorial voluntary self-government.

About 29 000 eldersmen were elected in villages.

The lower administrative territorial units are rural councils and settlements. In rural councils (these administrative territorial units group several villages) reside, as a rule, 1 000 to 2 000 people. In settlements (which have not obtained the status of cities) reside up to 6 000 people. These units have their own elected local councils and executive organs.

3.3. The staff of local government.

At the end of 2005 about 22,000 state employees were working in local organs (out of them more than a half in district bodies and about 4,000 in organs of lower level, in particular, in rural councils).

The state conducts tough struggle against corruption: appropriate laws have been enacted, courts frequently consider cases pertaining to corruption. The Criminal Law Convention on Corruption was ratified in 2003, the Civil Law Convention on Corruption in 2005, the United Nations Convention against Corruption in 2005.

4. Relations between central and local organs.

4.1. General issues.

The Constitution provides, that local councils have exclusive powers to adopt programs of economic and social development, local budgets and reports on their execution; to establish in accordance with law local taxes and duties; to decide within the frames as stipulated by law the procedure for management and disposal of communal property; to appoint local referendums.

The Constitution determines the procedure and grounds for revocation and suspension of acts of local bodies and proclaims the right of citizens to file complaints against decisions of such bodies.

Normative acts regulating activities of bodies of local government and local self-government are adopted by the President, Parliament and appropriate organs of local government and local self-government.

The Council of the Republic (upper chamber of the Parliament) is the chamber of territorial representation. It has established the standing commission on regional policy.

According to the Constitution, the Council of the Republic has the right to revoke decisions of local councils which are not consistent with legislation and to dissolve local councils in the event they systematically and rudely violate laws.

The lower chamber of the Parliament – the Chamber of Representatives - has a standing commission on state construction, local self-government and standing rules of the Chamber.

The aforesaid commissions are the main parliamentary instruments for elaborating legislation on local government and local self-government.

Significant powers are vested in the Administration of the President of the Republic. The President as the head of the state has the right to enact decisions on administrative territorial division, on changes in the system of local power, on formation of local government bodies.

4.2. Control over local government.

Control over local organs may be exercised by Parliament, Administration of the President, Council of Ministers, Committee



of State Control, Prosecutor's office, Constitutional Court and other organs.

For instance, the Ministry of Finances, the Ministry of Taxation may check financial activities of local bodies upon errands of the Government or in accordance with their own statutes. The Committee of State Control supervises the execution of the republican budget and the use of state property (which includes beside republican communal property).

Procurator's office exercises control over strict and uniform execution of laws. In 2005 prosecutors issued 846 protests against acts of local organs, 837 of them were satisfied (During the first three months of 2006 out of 224 protests 223 were satisfied).

The Constitutional Court has the right to check the conformity to the Constitution of normative acts of local organs. In 2005 it enacted 11 decisions pertaining to acts of local government and local self-government (13 acts were reviewed). In 2004 it enacted 11 decisions (16 acts were reviewed), in 2003 - 12 decisions (16 acts were reviewed).

Decisions of local councils violating laws may be revoked by higher representative organs (including the Council of the Republic). Decisions of local executive organs inconsistent with legislation may be revoked by respective local councils, higher executive bodies and by the President. The President also has the right to suspend local acts (the terms of such suspension are not specified by the Constitution and laws).

The powers of local councils may be terminated ahead of time if they violate laws systematically and rudely; if they fail to convene their sessions three times in succession due to unreasonable absence of deputies; if they fail to form their organs

within two months from the date of their first sessions; if electors vote for non-confidence at the referendum; if they vote for self-dissolution; if administrative territorial division is changed in the procedure as provided by law.

4.3. Protection of the right to local self-government

Acts of local councils and executive organs are obligatory to all physical and corporate persons located in respective territories. Violation of these acts entails liability in accordance with law.

Councils and executive committees of regional and local levels may debar heads of state enterprises who fail to execute local acts from the execution of their functions and may address appropriate bodies with the request to remove them from their posts.

Enterprises, organizations and citizens are liable for damages caused by non-execution of local acts to population, local economy, environment and so on.

Property and other disputes with participation of bodies of local government and local self-government are considered by courts of general jurisdiction and by economic courts.

5. Functions of local organs

Functions of local bodies include: managing communal property and local finance; ensuring the development of their territory; satisfying needs of population and providing other services; providing participation of population in local affairs; protecting public order and ensuring legality in appropriate territories.

Main functions of local government are: planning, education, social services, health



services, water supply, energy supply, public transport and support to economic development. These functions are mainly carried out at the basic level.

On November 11, 1999 the Law "On State Minimal Social Standards" was enacted. The state minimal social standards embrace the fields of wages, social security, education, health care, culture, residence-communal services, social aid and social services. Branch ministries, regional executive committees and Minsk city executive committee supervise the execution of state social standards established for the provision of social services to population.

6. Local finances

In 2004, general public expenditure was equal to 48% of GDP, and local government expenditure was equal to 19.3% GDP and 40.1% of the general public expenditure. Local public expenditure is concentrated at the basic level (districts and cities of regional subordination). Local budget revenues are mainly tax shares or assigned tax revenues and budgetary transfers; local taxes and duties represent a very small part and in practice only at the basic level.

Annual laws on state budget specify the list of local taxes and duties which may be established by local councils.

The share of local taxes and duties in revenues totals (2006): budgets of basic level – 2,1 %; budgets of districts – 2,1 %; budgets of cities of district subordination – 0,1 %.

The share of assignments from republican taxes and payments: budgets of basic level – 14,3 %, district budgets – 14,8%.

The share of transfers in revenues: budgets of basic level – 45,6 %, district budgets – 45,6 %, budgets of cities of district subordination – 19,8 %, settlement budgets – 58 %, budgets of rural councils – 46,6%.

Taking into account the shortage of economic basis of bodies of local government and local self-government, in particular of primary level, the state is planning to enlarge their revenues and to improve inter-budgetary relations.

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