

**Belarusian Local Authorities
and Self-Government
vis-a-vis the European Union**

LOCAL COMMUNITIES AND LOCAL AUTHORITIES IN BELARUS' BORDER AREAS: EU-ORIENTED

Anatol Lysyuk, Maryna Sakalouskaya

Belarus' shared border with Poland is associated not only with frontier markers, border guards wearing green service caps and tight customs controls, but also with a division line between two political blocs (even two worlds) that are still in a state of military-political confrontation with each other. Nevertheless, many invisible lines connect border area residents in Belarus' Brest region with the neighbouring nations and states: historical stereotypes, real practices, people-to-people contacts, information flows, the economic routine, tourist routes, language similarities, joint activities within the Bug Euroregion project, etc. What do border area residents think about relations with their neighbours Poland and Ukraine, and with the European Union as a whole?

Public opinion on security issues in the border areas

The Border Area Community Research Centre at Pushkin State University in Brest conducted a series of opinion polls between late 2005 and early 2007 to examine the views of border area residents on security issues. It interviewed 375 residents living in border areas in the Brest region from a random sample, stratified according to demographics and occupation. The results have a margin of error of plus and minus five percentage points.

The survey focussed on security factors. Most respondents do not perceive Ukraine and Poland as a potential foreign policy threat. In particular, only five percent said that Ukraine constitutes a threat to Belarus and 13.6 percent said the same about Poland (see Table 1). Interestingly, asked to mark off types of threats associated with these countries, most respondents picked measures that restricted cross-border trade and made it more difficult for Belarusians to travel to the neighbouring countries, rather than military and political factors of security. In addition, a small number of respondents (about five percent) ticked off “support for activities of the Belarusian opposition from abroad” as a threat to Belarus coming from the border areas of the neighbouring countries.

Table 1. Does Poland (Ukraine) pose any threat to Belarus? %

Answer	Poland	Ukraine
Yes	13,6	5,0
No	70,4	88,1
Difficult to answer	16,0	6,9

So, why do most border area residents believe there are no tensions in the region? This perception may be attributable to the content and intensity of the information and communication flows in which they have been involved.

Three types of flows can be singled out. Above all, it is necessary to point out frequent visits by border area residents to neighbouring countries. First-hand impressions are more convincing than anything else. In the last few years, 60 percent of border area residents visited Poland and 89.1 percent made trips to Ukraine. Most of them indicated commerce, tourism, or a visit to friends and relatives as the purpose of the journey.

It should be noted that most border area residents in Belarus have access to Polish (to a lesser degree) and Ukrainian (to a greater degree) media: 20 percent listen to Polish radio stations and watch Polish TV, and 43.6 percent receive information from Ukrainian broadcast media. It has been observed that foreign broadcasters often cast their neighbours in a negative light.

In addition, Poland and Ukraine are often the subjects of conversation among border area residents in Belarus. They share their impressions of visits to these countries.

The surveyed border area residents are increasingly worried about three major issues: (1) cross-border smuggling, especially across the Belarusian-

Ukrainian border; (2) an inflow of criminals and migrants to the border areas; (3) a small number of border area residents fear that NATO may use neighbouring territories to launch an attack on Belarus.

On the other hand, in the perceptions of border area residents, the benefits of living close to the border considerably outweigh the drawbacks. The border offers a great opportunity to earn cash in addition to one's salary as it opens access to cheaper goods in Poland and Ukraine. Local residents are more involved in cultural ties with their neighbours than people living elsewhere in Belarus. Access to neighbours' information flows is also an advantage.

So, how do Belarusian border area residents perceive their neighbours and how do worries and concerns affect this perception? To answer this question, it is necessary to examine the images of Poland and Ukraine separately, due to a big difference in their perceptions.

Firstly, Poland is seen as a country in which residents live better than in Belarus, while Ukraine represents quite the opposite (see Table 2). In particular, 54.4 percent of respondents said that people are better off in Poland than in Belarus, while only 18.8 percent said the same about Ukraine.

Table 2. Assessments by respondents of living standards in Poland and Ukraine as compared to Belarus, %

Answer	Poland	Ukraine
Higher	57,6	15,8
Lower	7,9	61,4
Like in our country	25,6	11,8
Find it difficult to answer	8,9	11,0

Secondly, most residents of the Brest region border area say that Belarus has a better social security system and a lower crime rate than Poland and Ukraine.

Thirdly, most respondents consider Poland's governance system more effective than that of Belarus, but at the same time, border area residents are critical of governance in Ukraine.

Fourthly, the surveys suggest that despite political tensions between Belarus on one side, and Poland and Ukraine on the other, border area residents emphasise friendly relations, a blood relationship and a close bond between the peoples of Belarus, Ukraine and Poland. Based on empirical data, only 14.4 percent has a somewhat hostile attitude toward the Poles and four percent take the same attitude toward the Ukrainians (see Table 3).

Table 3. Answers to the question “How would you describe the current state of relations between people in Belarus and Poland?” %

Answer	Poland	Ukraine
Friendly	36,0	44,6
Rather friendly than neutral	29,6	40,6
Neutral	17,6	7,8
Rather hostile than neutral	14,4	4,0
Hostile	0	0
Find it difficult to answer	2,4	3,0

Fifthly, cross-border relationships can not be free of the influence of “big politics” i.e. Belarus’ interstate relations with Poland and Ukraine. The border area residents are considerably divided in their perceptions of the friendliness/hostility of relations between Belarus and Poland, and in the case of Ukraine a majority of border area residents share a positive opinion (see Table 4).

Table 4. Answers to the question, “How would you describe the current state of interstate relations between Belarus and Poland (Ukraine)?” %

Answer	Poland	Ukraine
Friendly	16,8	7,9
Rather friendly than neutral	24,8	50,5
Neutral	22,4	20,8
Rather hostile than neutral	21,6	12,7
Hostile	13,6	3,9
Find it difficult to answer	0,8	4,2

Sixthly, in the opinions of respondents, neighbouring countries have a limited influence on Belarus regardless of their foreign policy priorities — only 11.2 percent said that Poland has a strong or very strong impact on developments in Belarus, and 5.9 percent said the same about Ukraine.

As for the nature of neighbour states’ influence, many respondents describe it as positive with only 6.9 percent saying that Poland exerts a negative influence on Belarus and 45.5 saying that its influence is sometimes positive and sometimes negative.

In the case of Ukraine, these proportions are 3.9 percent and 38.6 percent, respectively, (see Table 5). On the whole, respondents have a positive perception of the influence of neighbours on Belarus, including its border areas.

Table 5. Answers to the question, “What influence does Poland (Ukraine) have on developments in Belarus?” %

Answer	Poland	Ukraine
Positive	16,8	21,7
Negative	6,9	3,9
Sometimes positive, sometimes negative	45,5	38,6
No influence	9,6	12,8
Find it difficult to answer	21,2	23,0

It should be noted that the pro-Euro-Atlantic policies of Poland and Ukraine do not considerably worry border area residents in the Brest region. A poll found 18.8 percent wary of Poland's decision to join NATO and the EU, while 56.8 percent said this is “the Poles' business.” Largely the same pattern applies to Ukraine. Just 10.9 percent are concerned about Ukraine's bid to enter NATO and the EU, while 20.8 percent said that Belarus should follow suit and 46.5 percent indicated that this is “the Ukrainians' business.” Quite predictably, only 15.5 percent are unhappy about the fact that Belarus now shares a border not only with Poland but also with the European Union.

There are three reasons for a predominantly positive perception of the European Union. Above all, many border area residents see their counterparts in the EU as similar people. Only 16 percent of those polled said that they are “absolutely different people” (see Table 6).

Table 6. Answers to the question, “Do you think nationals of European Union countries are like us, or they are absolutely different?” %

Answer	%
They are like us	32,4
They are absolutely different	16,0
They are somewhat similar and somewhat different	46,7
Find it difficult to answer	4,9

In addition, there is a widely held perception in the Brest region border areas that the EU is an effective economic and social commonwealth, membership of which guarantees the effective realisation of a broad spectrum of citizens' interests. As many as 76.8 percent of respondents said that Belarus' entry into the European Union would boost the living standards of its population.

Thirdly, 44.8 percent of respondents subscribed to the statement that “EU membership would make the Republic of Belarus more secure.” A considerably smaller proportion, 28.9 percent, noted that “Belarus’ entry into the EU would aggravate its relations with Russia.”

It should be noted also that the threats to Belarus’ security most commonly noted by respondents included “international isolation,” “poverty and backwardness” and “the loss of state sovereignty.” Obviously, Belarus’ efforts to improve ties with the EU, tentative as they are, may eventually make these threats unimportant.

However, two sociological facts speak, as they say, “not in favour of” the European Union. One is that about 30 percent of those polled fear that “Belarusians will be treated as secondary people in the EU.”

In addition, the poll found a high degree of uncertainty about the possible consequences of EU membership for Belarus. A high percentage of respondents ticked off “no opinion” or “find it difficult to answer.”

Table 7. Respondents’ agreement/disagreement with statements about effects of possible European Union membership on Belarus and Belarusians

Statement	Completely agree	Agree	No opinion	Disagree	Completely disagree	Find it difficult to answer
I think Belarusians will be treated as secondary people in the EU	8,4%	24,4%	15,1%	34,7%	6,4%	11,0%
Belarus’ membership of the EU would boost living standards of its population	29,7%	47,1%	12,4%	16,7%	2,6%	1,5%
Belarus’ entry into the EU would aggravate its relations with Russia	8,5%	20,4%	17,7%	35,5%	2,2%	15,7%
The EU will offer solid guarantees of the rights and dignity of Belarusians	8,0%	31,5%	20,4%	19,5%	3,1%	17,5%
Unemployment will rise after Belarus joins the EU	5,3%	18,2%	24,5%	33,8%	4,9%	3,3%
EU membership will make Belarus more secure	4,8%	40,0%	16,8%	18,2%	2,5%	17,7%

Incidentally, both Belarusian Eurosceptics and Eurooptimists (81.3 percent of all respondents) advocate closer ties with the European Union. Among the priority areas for cooperation, respondents singled out small and medium-sized business development (60.4 percent), border infrastructure improvement (49.5 percent), environment (43.2 percent), healthcare (37.8 percent) and education programmes (36.9 percent).

Taken together, these positive views overshadow possible threats and fears associated with the European Union in the mentality of border area residents. Despite persisting tensions between Belarus and the EU, and a tide of state media reports that portray the European Union as a political enemy, only 7.9 percent of Brest region border area residents see the EU this way. Predictably, many more border area residents consider the United States Belarus' Enemy Number One (see Table 8).

Taking a closer look at the problem, it is easy to see that Belarusians perceive the United States as a virtual phantom, while the EU countries are seen as a day-to-day reality that does not scare at all and as a partner with which this nation maintains close links. For instance, the EU accounts for about 44 percent of Belarusian exports. Besides, public opinion has been shaped by anti-American propaganda in the Belarusian and Russian media, and anti-American stereotypes ingrained since the Soviet era.

Table 8. Answers to the question, "What countries do you think pose a real threat to security of modern Belarus?"

Answer	%
USA	29,3
Islamic countries	11,1
EU countries	7,9
Russia	5,0
Israel	1,8
Ukraine	1,0
CIS countries	0,6
China	0,6
No one threatens Belarus	26,9
Other	1,5
Find it difficult to answer	2,2

Several conclusions may be drawn on the basis of the surveys. Firstly, the level of military and political fears is low in the perceptions of border area res-

idents. In addition, it is quite static. The European Union's eastward expansion and the Orange Revolution in Ukraine have not raised additional concerns among locals.

Secondly, among all potential sources of threat, more locals named the United States and Islamic countries that are a long distance away, not neighbours.

Thirdly, a positive perception of the neighbouring nations as very similar people ("they are like us") makes people less likely to view them a potential threat.

Fourthly, a good image of the European Union significantly contributes to a positive public perception in border areas.

Nevertheless, most local residents still see Russia and international alliances built around it, such as the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organisation (CSTO), as the main defenders of Belarus from "external enemies."

Civic society in the border areas in the context of European integration

Non-governmental organisations (NGOs) have a definite influence on relations between Belarus and the European Union. An encouraging sociological fact is that respondents noted the growing role of local businesses and religious communities in addressing local issues. Of particular interest is the position of 29.3 percent of respondents who pointed out "a social contribution" of religious congregations, despite the fact that only 0.5 percent said that religious groups are responsible for tackling local issues (see Table 10). The high percentage is attributable to an increase in the number of Protestant communities, and a new interpretation by the Russian Orthodox and Roman Catholic Churches of their own social missions.

Regretfully, one should note the diminishing social contribution of NGOs to regional development, which is linked to the unfavourable socio-political environment and the public sector's domination in the system of human relations. Nevertheless, one can spot examples of effective cooperation in this social segment between Belarusian NGOs and associations in EU coun-

tries. For instance, an organisation called *Invalid i Sreda* has been working together with German partners to help people with disabilities to integrate into society through the arts. The Public Council for Agricultural and Ecological Tourism, which operates under the auspices of the Brest Region Business Association, has been working to promote agricultural tourism in the area, in cooperation with Germany's Green League and the Regional Development Foundation based in Biala Podlaska, Poland. The Business Women Club has been working together with European organisations for quite a long time to prevent human trafficking and help victims of trafficking. These are but a few examples.

One should note the weak pro-EU sentiments within religious communities despite a certain spike of social activity. The Russian Orthodox Church is known for its sceptical attitude to European values, and its position has been imparted to its parishioners in one form or another. Protestant communities, for their part, are suspicious of the EU because of its tolerant policy with regard to sexual minorities. The Roman Catholic Church has a great influence in the border areas of western Belarus, but it overtly distances itself from politics.

Local authorities in Belarus' border areas and the prospect of Europe

Recognising the importance of public opinion, one should realise that government elites, including local officials on the ground, have a greater influence on the political decision-making process in present-day Belarus. The residents of the Brest region border area are well aware of this, as 58.7 percent of respondents said that local authorities shoulder the responsibility for addressing local problems. They also noted the role of the president (33.3 percent) and the central government (26.6 percent). What is very important is that one in four respondents (25.8 percent) said that local residents are also responsible for handling local affairs. A small proportion said that non-governmental organisations (9.3 percent), local businesses (4.8 percent) and the media (four percent) share responsibility as well (see Table 9).

Table 9. Views on the degree of responsibility of various social institutions for addressing social, economic and environmental issues in the Brest region, %

Answer	%
Local authorities	58,7
President	33,3
Government	26,6
Local residents	25,8
National Assembly	17,7
Non-governmental organisations	9,3
Local businesses	4,8
Media	4,0
Religious organisations	0,5
Other	3,5
Find it difficult to answer	5,7

The poll found that 40.9 percent of respondents believe that the local authorities have played a greater role in tackling local problems in the last few years, while 9.7 percent said they have played a smaller role (see Table 10). This is an interesting fact, considering the shift to political Caesarism observed in the country. To a certain extent, this opinion was shaped by large-scale public works projects carried out in the city of Brest and border areas. The development is associated with local leaders, as well as with Pyotr Prakapovich, head of the National Bank of Belarus (NBB), who is also known for lobbying the special interests of the Brest region.

Table 10. Replies to the question, “Have local authorities, non-governmental organisations, businesses and religious organisations played an increasing or decreasing role in tackling local problems in recent years?” %

	Increasing role	Decreasing role	Similar role	Find it difficult to answer
Local authorities	40,9%	9,7%	37,7%	11,7%
Non-governmental organisations	16,9%	22,2%	40,5%	20,4%
Religious organisations	29,3%	11,6%	39,0%	20,1%
Businesses	32,2%	23,3%	20,4%	24,1%

Certainly, the specific political regime in Belarus and the restricted powers of local self-government bodies considerably limit opportunities for the local elite to play an independent political role and manage affairs in the region, in contrast with much the greater influence of the local authorities in Russia, Poland, Ukraine and all European Union countries. Obviously, the Belarusian local elites are politically and legally dependent on central government to a great extent. Its political loyalty to the president

is unquestionable because the Belarusian *nomenklatura* has historically been shaped as a social entity designed to follow and convey the political will of the state leader or the central government, without questioning or obstructing it. In general, the current local elite in Belarus' border areas has adapted itself to current socioeconomic and political conditions, and takes advantage of its political status to derive considerable profits, benefits and preferences. In this sense, it cannot pursue a policy independent from Minsk with regard to the European Union and other neighbours.

At the same time, it should be noted that it has a latent potential to play a relatively independent political role, in particular as far as west-directed policies are concerned.

Above all, it is necessary to point out a high degree of coalescence of the basic (*nomenklatura*) element of the state elite in the Brest region border areas, based on a common past and present, intertwined careers, connections, shared strategic interests and values. Up until now, few civil servants are known to have carved out a non-*nomenklatura* career, relying on protection from their more successful friends who are natives of the Brest region but have settled in Minsk.

Apart from that, the regional ruling elite, especially in the border areas, is wary of Belarus' isolation from the European community, including at the institutional level, because this blocks its integration into European economic and political bodies and prevents them from obtaining economic and other privileges in exchange for lobbying the interests of leading Western corporations and organisations.

It should also be noted that the local electoral process, just like the results of the recent parliamentary elections, exposed a distinctive trait of the local elite — its actions have not been motivated by an ideology. It has sought to distance itself from the communist ideas articulated by those representatives of the political class who used to publicise their adherence to the communist ideology, because this ideological position has lost its pragmatic origins and practical application.

Moreover, well-integrated into the local market environment as it is, the elite seems to be willing to spur market-oriented changes. The local government has been criticised for the widespread practice of giving protection to selected businesses and organisations. At the same time, economic entities are interested in fairer competition, and the local elite in Belarus' western regions has been making certain steps in that direction.

Clearly, the local elite is, predominantly, extremely materialistic and profit-conscious in its motives. It takes a sceptical attitude to Western values. On the other hand, it is obvious that as state sovereignty strengthens, it slowly but consistently develops feelings of patriotism and pride in the state, the nation and its history. To a greater extent, these feelings manifest themselves in a willingness to restore historic and cultural sites connected with the territories' pre-Soviet and even pre-Russian

history. One of the decisions taken in this vein by the local elite in Brest was a plan to rebuild the old town, which had been located on the territory where the Brest Hero Fortress, a famous symbol of Soviet heroism and the Soviet era, sits at present. Under these circumstances, the restoration of the old town entails an encroachment on Soviet traditions, despite the limitations of the project. The local elite's decision to rebuild the old town may be indicative of a shift towards new values.

The value system of the local elite in the border areas has been closed to empirical examination. Nevertheless, there is a certain combination of facts that makes it possible to analyse to what extent the elite is interested in pursuing closer ties with the European Union. Certainly, its limited political powers and capabilities also should be taken into consideration.

Firstly, the local government is interested in increased cross-border cooperation in the framework of the Bug Euroregion. Empirical analysis suggests that contacts have intensified in the area.

Secondly, it is possible to measure the local ruling elite's involvement in the technical assistance programmes of the EU and its member countries. In the last few years, more applications have been filed for projects involving local authorities in the Brest region, which provide experts and institutional support. Importantly, local authorities did not only initiate projects and programmes, they were also actively involved in projects sponsored by Polish and German partners.

Thirdly, contacts have been more frequent between local authorities in the Brest region and Poland's Lublin Wojewódstwo. An increase has been observed in the number of joint sporting events, cultural and educational programmes, and economic projects.

Fourthly, information contacts and exchanges arranged primarily in the framework of the Bug Euroregion have been conducive to stronger cross-border ties. An illustrative example of such cooperation was the establishment of the cross-border information centre, TRIK Platform, at the Brest Regional Executive Committee with support from the European Union. The centre provides quality information to non-governmental and governmental organisations seeking to boost ties between authorities and people in the border areas of Belarus and Poland.

Conclusions

Evidently, the public, local communities and authorities in the border areas are quite friendly toward EU member states and organisations and willing to co-

operate with them closely. If the recent statements by the president and the head of his administration on the need for stronger ties with the EU are followed by the establishment of an appropriate institutional base, one may expect a rise in pro-EU sentiment in the border areas, and increased cooperation between non-governmental and political organisations and companies on both sides of the border, especially if Brussels makes the decision to lift (simplify) visa formalities for border area residents or ease travel restrictions on Belarus as a whole.

Border area residents working in both non-governmental and governmental organisations have similar views on cooperation with the EU, because of a traditionally friendly attitude to the “Western world” and a more critical attitude to the “Russian world”. This presents a marked difference from Belarus' eastern regions. Belarusian political analyst Leanid Zaika concluded, based on national surveys, that Western civilisation had less appeal among residents in the Homyel region than among people living elsewhere in Belarus, and the greatest appeal among Brest region residents.¹ The dissimilarities are attributable to historical factors, in particular the fact that the territories developed in different political and socio-cultural environments for centuries. It has been generally assumed that western Belarus is more receptive to Western civilisation values.

Apart from that, there is a direct link between Belarusians' sense of national identity and their political preferences — individuals more aware of their national identity are more likely to uphold democratic values. Belarusians who identify themselves as Soviet or Russian people usually lean toward leftist authoritarian ideologies. There is also a difference between regions in how people see their identity. Zaika noted that “Residents of the Brest region border area are characterised by the highest proportion of self-identification as Belarusians (...). The Vitsyebsk region is the least Belarusian.”² Clearly, this kind of mentality has an indirect effect on the local elite — the style of governance in the border areas of the Brest region is more moderate than in Belarus' eastern territories and at the national level.

In the long run, a European prospect for Belarus and its border areas will depend on the readiness of its political class to carry out profound socioeconomic changes, and make a clear and unequivocal choice in favour of a European identity.

¹Zajko, L, *Regiony Belarusi: Iskhodnye printsipy sravnitel'nogo analiza, Analiticheskij b'ulleten' Belorusskikh Fabrik mysli, 2000, No. 4 (9), pp4-5*

²ibid

READINESS AND OPPORTUNITIES FOR LOCAL SELF-GOVERNMENT REFORM IN THE REPUBLIC OF BELARUS

Alyaksandr Zhuchkou

Belarus' development as a democratic, socially-oriented and rule-of-law state calls for a more active realisation of national and local potential, public initiative and people's involvement in government and day-to-day matters of the community. An effective local government based on self-government principles is essential for the sustainable socioeconomic development of the country. Local self-government forms the basis of every individual's real constitutional status, and ensures the proper organisation and functioning of society and the state. Ultimately, any policy has an effect on local communities.

At present, people in our country are becoming increasingly interested in local government and issues and mechanisms of self-government. Both governmental and non-governmental organisations, as well as political groups, consider these matters to be of great importance.

In September 2000, delegates at a Congress of Local Council Deputies refrained from openly criticising the current local government system, but stressed the need for reform. In a final declaration, the delegates called for the development of a concept of local government and self-government reform in the Republic of Belarus, the drafting of a local government and self-government code, and the establishment of a special agency to coordinate local government bodies.

On the other hand, non-governmental organisations have been disseminating diverse theoretical and practical recommendations on how to boost the role of local councils and executive committees in tackling local issues and improve the local government and self-government system.

Central government should only establish an appropriate legal framework, monitor compliance and enforce laws and regulations. Local authorities should have powers to deal with the most immediate day-to-day problems and to do so in the most effective way in order to create comfortable conditions for living, work and rest.

Local self-government legislation before and after the collapse of the Soviet Union

Back in April 1990, changes in the Soviet Union prompted the government to pass the law “On the Basics of Local Self-Government and Local Economy in the USSR.” In general, the law was in line with the principles of the 1985 European Charter of Local Self-Government, on which all European countries based their national laws. It was a progressive but non-binding act. The Charter defines local self-government as “the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.”

The Soviet Union’s law was in fact a model act to be used by the republics for developing national legislation. The first, relatively democratic local elections held the same year gave rise to a new generation of local and regional politicians willing and able to press for drastic changes at the local level.

In February 1991, the Belarusian government passed the law “On Local Self-Government and Local Economy”, which outlined the principles of public involvement in local affairs and provided for the independence of local self-government bodies within the limits of their responsibility and the separation of the powers and functions of the legislative, executive and judiciary branches. The law defined local (territorial) self-government as the right of citizens to manage social, economic, political and cultural affairs directly or through elected bodies in the interests of the local population.

The law introduced self-government in all administrative and territorial entities — villages, settlements, towns, districts and regions. It classified local self-government bodies into three tiers: primary, basic and *Oblast*. The primary tier included village councils, town-like settlements, towns (not subdivided into districts) and districts within towns. The basic level covered towns sub-

divided into districts and regions, while the *Oblast* level represented Oblasts. The Belarusian capital, Minsk, had the status of a regional self-governing entity. To a certain point, the authorities in Minsk and regional cities functioned as coordinating centres for self-government bodies of lower tiers.

The law stipulated local self-government guarantees, such as the independence of local self-government bodies within the limits of their responsibility. In addition, the approval of local councils was required for the construction of production and other facilities in the territory under their jurisdiction, as well as to use local natural resources or change the borders of the territory.

Thus, the 1991 act included a number of progressive provisions. But it failed to create conditions for the development of a real and effective local self-government system in the country.

On the one hand, it declared the independence of local self-government bodies, but in reality they functioned as part of the centralised government system.

The law failed to draw clear boundaries, based on the principle of subsidiarity, which provides that any problem should be resolved by the level of government closest to the citizens concerned. Under this principle, higher authorities perform only those tasks which cannot be performed effectively at a more immediate or local level.

The law failed to specify tiers — primary, basic or *Oblast* -- directly responsible for general secondary education, specialised healthcare services, the operation of cultural establishments and public transport. Special laws governing these sectors also gave no answers to these questions, stating the functions of local authorities in general without detailing responsibilities of specific tiers of self-government.

Traditional terms like “local community” or “municipality” were not used in the law. On the contrary, locally elected bodies were defined as national (state) government bodies.

Communal property was regarded as part of state property, and could be seized and turned over to third party control by decision of a higher authority. Indeed, this did often occur in practice. Land and other natural resources were classified as state property.

All of these drawbacks have been responsible for a lack of progress in the development of local self-government and local democracy, and a trend toward centralisation. The Constitution adopted by the Supreme Soviet of Belarus in March 1994 intensified the trend.

The Constitution included Chapter V, entitled “Local Government and Self-Government.” Amended as a result of the 1996 referendum, the Constitution details the powers of the central and local, executive and elected authorities.

Under the Constitution, citizens exercise their right to local government and self-government through locally elected councils, executive bodies, territorial public bodies of self-government, local referenda, assemblies and other forms of direct involvement in national and public affairs.

After the Constitution was adopted, changes were introduced to the local self-government legislation. The new law was entitled “On Local Government and Self-Government in the Republic of Belarus.” Even the title makes it clear what takes precedence.

The current version of the law came into effect on 10 January 2000, and changes introduced earlier were considerably at variance with the European Charter of Local Self-Government. In the first place, amendments affected relations between locally elected and executive authorities. The elected councils were stripped of the right to form executive bodies and participate in the formation and distribution of local budgets.

Elected local self-government bodies

Under the Electoral Code enacted in February 2000, local councils are elected on the basis of universal and equal suffrage by direct vote in one-member districts for a term of four years.

Locally elected councils have the status of state elected bodies. However, this status does not give them authority, but rather undermines it. The state body status has enabled the central government, starting from 1991, to trim their powers in favour of local and central executive authorities.

There are many facts to prove this. Under the law, councils have the status of a legal entity, but in practice this means that they have an official stamp and a small staff whose size is determined by presidential edict, not by the council based on its actual requirements. The council does not have a bank account, no executive bodies under its control and no real powers to effectively manage local affairs. It is financially and administratively dependent on the local executive committee.

The exclusive responsibilities of elected councils include: passing local development programmes, budgets and taxes; laying down local property management rules; calling referenda; handling territorial matters; issuing local bonds; and sorting out organisational matters.

However, the councils' involvement in deliberating and passing decisions in these matters is limited to rubberstamping proposals prepared and submitted by local executive authorities that are directly accountable to the central government. Most elected officials are employed in the state sector and are unable to effectively resist financial and administrative pressure from the executive authorities.

The new version of the law "On Local Government and Self-Government" empowers the chairpersons of higher councils to pick the chairpersons of basic- and primary-level councils. The same procedure applies to proposals on the dismissal of local council chairpersons.

Under the law, the local self-government system (the local democracy system) includes the local elected councils, the public territorial self-government bodies that may be established in *microrayons*, neighbourhoods, apartment blocks and villages, and various forms of direct democracy such as local referenda, assemblies of residents etc.

In practice, local public self-government bodies have no decision-making powers whatsoever. As a rule, they can only participate in the decision-making process within the local government bodies, in particular discussing and making non-binding recommendations concerning the allotment of land plots, planned construction projects, office lease contracts and the location of retail kiosks. In some instances, they can recommend sites for parking lots, bus stops and pedestrian road crossings. They are eligible to assume responsibility for maintaining and managing social, cultural and sports facilities, and historic and cultural properties.

On rare occasions, local authorities conduct opinion polls, public hearings and investigations involving experts proposed by the public. Not a single local referendum has ever taken place in Belarus.

In general, one may draw the conclusion that a tradition of group public activity, in the framework of a constructive dialogue between people and local authorities, has not been established during all these years.

Local executive authorities

Local executive committees are no longer accountable to local self-government bodies and function as part of the executive branch and “local government”. The law provides that local government bodies perform local tasks, prioritising national interests.

The local government system consists of regional, district, city, town and village executive committees and city district administrations. The law authorises the central executive “vertical” to appoint the heads and officials of local executive committees and gives them sweeping powers to govern territories under their jurisdiction.

The law “On the Council of Ministers of the Republic of Belarus” empowers the cabinet to issue binding directives to local executive authorities. The president has powers to annul any decision taken by a local executive committee if it is deemed to contravene the law. In addition, the principle of independence does not apply to executive bodies.

The functions of executive committees include drafting local budgets, economic and social development plans and programmes for the territory, as well as managing communal property. Executive committees have broad organisational and administrative powers. They distribute budgetary funds, monitor the proper use of public money, and they decide on the issue of local bonds and the organisation of auctions.

Executive committees manage the assets and financial resources of the territory under their jurisdiction, make the decisions to set up, reorganise or shut down communal property enterprises, establishments and organisations, and sign leases and other business contracts with legal entities and real persons.

Given such broad powers, it is disappointing that executive committees are answerable neither to elected councils nor to the public, because officials are not elected by local residents but appointed by the higher executive body or the president.

Executive committee chairpersons play the key role in governing territories. The chairpersons of the regional executive committees and the city of Minsk are named by the president and their nomination must be confirmed by the respective regional (city) elected councils. The regional executive committees pick the chairpersons of district and city executive committees, but nominations must be approved by the president and the respective elected councils.

If a candidate is rejected by the elected council, another person is proposed for approval. If elected officials reject the other nominee, the president or the regional executive committee chairperson makes a final decision. Chairpersons remain in office until they are promoted or replaced by the higher executive committee.

Executive committee chairpersons have a broad range of organisational, administrative and supervisory functions. They are responsible for cooperation between the executive committee and local council, decide on the committee's organisation and staffing levels and supervise enterprises, establishments and organisations operating under the committee's authority.

Not a single legal act specifies the responsibilities of executive committee chairpersons to the people.

The law does not clearly delineate the functions and responsibilities of local authorities of various tiers. The central government's aggressive policy of intervention in local affairs, pursued over the last ten years, makes such a separation of functions unnecessary.

An illustrative example of the strong trend toward centralisation is the law "On the Budget System of the Republic of Belarus and State Off-Budgetary Funds" dated 15 July 1998. Unlike the 1993 law on the Budget System, it uses the terms "lower," "higher" and "consolidated" budget. Under the law, regional elected councils set the upper deficit limit for district consolidated budgets, which are formed of primary-level budgets in a particular district. The deficit limits for regional budgets are specified in annual national budget laws. District executive committees decide on the deficit limits for village and town budgets.

The administrative and territorial division of the Republic of Belarus

Because of the centralised nature of the Belarusian government, the country has quite a distinctive mechanism of administrative and territorial division. Back in 1994, the central government made attempts to abolish primary-tier self-government bodies in villages and small towns under the jurisdiction of district governments.

The Constitutional Court declared the move unconstitutional. That and other controversial steps prompted lawmakers to launch impeachment proceedings against the president.

Nonetheless, pursuant to Presidential Edict No. 434 “On the Unification of Administrative and Territorial Units of the Same Name with One Administrative Centre” dated 20 October 1995, more than 80 locations and small towns that had the status of district centres were stripped of the right to have elected councils and separate budgets.

In June 1996, the Presidium of the Supreme Soviet discussed a report on the merger of elected councils in the Brest region. The report said that only in three of eleven instances had elected council mergers received approval from district and town elected councils, as required by the law. Town councils were disbanded and their functions were transferred to the appropriate district councils. Later, the central government disbanded elected city councils in most regional centres, transferring their functions to regional councils. In the last few years, city councils were dissolved in a number of big cities such as Barysau, Kobryn, Slonim, Zhlobin and others. There are more than 200 towns and town-like settlements in Belarus, but only 28 towns and 78 town-like settlements have elected councils.

Edict No. 383, entitled “On Reform of Local Government and Self-Government Bodies”, dated 19 September 1995, abolished 25 district councils in seven cities divided into districts. Instead, the government established district administrations directly accountable to the city executive committees. The law of the Republic of Belarus “On Administrative and Territorial Division and the Procedure of Making Decisions Concerning the Administrative and Territorial Division of the Republic of Belarus”, dated 5 May 1998, lists regions, districts, villages, towns and town-like settlements as administrative and territorial units that have elected councils and their own budgets.

The term “territorial units” was introduced into the legislation a few years ago. Territorial units are areas (reserves, national parks and natural sites etc.) that are managed differently from normal territories, as well as town-like settlements without elected councils and executive and administrative bodies governed by subsidiaries of higher-level local government bodies. Districts within cities are categorised as territorial units because they do not have elected councils and budgets, and are governed by local administrations established by the city’s executive committee. The local administrations’ powers and functions are set out in the law “On Local Government and Self-Government.”

Thus, under the law, regional and district towns and town-like settlements can have the status of “administrative and territorial units” and “territorial units,” while all districts within city boundaries fall within the “territorial unit” category.

Restrictions imposed by the government on the rights of lower-level territorial units contravene the constitutional principle of democracy.

Towns and town-like settlements, real municipal units that exist in time and space, must have the same rights as “administrative and territorial units,” i.e. they must have elected councils.

Lawmakers will have to revisit the matter in the future. They could restore the rights to towns and town-like settlements step by step. The first step would be to set up administrations in towns and town-like settlements which are similar to bodies governing districts within boundaries of cities. The second phase would be to elect councils in towns and town-like settlement.

Prospect of local self-government reform

The need for radical changes to Belarus’ local government and self-government system is growing more urgent. Both academics and practitioners realise this. Many see the need for a consistent effort to improve the legal, economic and organisational basics of local government.

Starting from 1993, lawyers and experts have drafted and proposed several plans of local government reform based on the experiences of East and Central European countries in the area.

But the government ignored the proposals because the country leaders at the time did not quite understand the importance of local self-government and its role for bringing about democratic change and making it irreversible.

The elaboration and adoption of a reform concept has the following objectives:

- 1) designing a legal model for local self-government and state government at a local level;
- 2) initiating a process of reform in Belarus;
- 3) codifying in the national legislation the principles set out in the European Charter of Local Self-Government;

4) drafting and enacting a package of laws on local self-government aimed at putting into effect the principle of decentralisation.

In the early stages of reform, it is necessary to separate the system of state government from the system of elected authorities on the ground. It is necessary to take the following steps:

- to draw a clear line between powers of state government bodies and local self-government bodies;
- to separate the functions of various tiers of local self-government so that they will not overlap and local self-government bodies will be truly independent and have meaningful powers;
- to create a financial and economic basis for the operation of local self-government bodies by allowing them to have their own budgets, manage property and land, and giving them more rights with regard to local taxes and charges.

The responsibilities of state bodies and local self-government bodies should be separated, based on the following principles:

- the system of public government should be organised in a way that enables it to perform its task effectively in accordance with the law, at the lowest possible cost of maintaining public governmental bodies;
- every tier of the system and every agency performs functions relevant to their tasks within the system of state agencies and local self-government bodies;
- state administration agencies should handle only those tasks that cannot be performed by local self-government bodies (the subsidiarity principle);
- state administration agencies may delegate some of their powers to local self-government bodies;
- local self-government bodies cannot delegate their proper responsibilities to state government agencies;
- local self-government bodies can work together with state administrations only in the interests of the local population and in the framework of the law.

Later, the following steps should be taken to improve the local government system:

- a system of guarantees and judicial protection for local self-government rights should be established;
- the right for elected councils to form their own accountable executive bodies should be restored;

- a system should be established for training and re-training the staff involved in all stages of the reform;

- a financial distribution mechanism should be introduced for maintaining minimum standards.

In parallel, based on the results of monitoring and a comprehensive analysis, it is necessary to make scientifically-substantiated preparations for the next reform phases that are likely to change the administrative and territorial division of the Republic of Belarus and its regions, and lead to a further shift of responsibilities from central to local government. In addition, new democratic procedures may be introduced to offer additional guarantees to the local-self-government system and ensure the accountability of local authorities to the people.

Reform efforts should be planned taking into account economic, social, demographic, environmental and other factors that have an effect on regional development.

Experts believe, based on other countries' experiences, that a special national agency (a ministry, committee or department) should be established to prepare and carry out the reform. However, the agency should not be authorised to issue directives to local self-government bodies, in order to ensure their independence in local decision-making.

The reform should lead to the establishment of a local state administration system and a multi-functional system of locally elected government councils, or in fact, local self-government bodies. A scientific study and discussions involving all parties concerned, including experts and public representatives, should be organised to determine how many tiers and local self-government councils the country needs. It is difficult to say how fast these changes can be carried out.

For instance, local self-government reform was very effective in Poland. It began at one moment after long preparations and included several phases that were launched after a series of trials and a thorough analysis.

There are several ideas on the possible timing of the reform. It could be carried out in the period between the last (2007) and next (2011) local elections. The intermission could be used to ensure a high pace of reform and the shifting of responsibilities to elected officials. The launch of the reform would make it possible to bring new people, capable of putting ideas into practice, to local government agencies. However, the government has shown no sign of willingness to work in this direction, therefore the moment is likely to be lost.

Another question to consider is the tier that should function as the basic element of local self-government. District and city elected councils (in cities divided into districts) play this role at present. They accumulate major resources and powers. However, experts suggest changing that approach and, based on the principle of subsidiarity, shifting authority to the smallest or lowest tier of the system, closer to the local population. Thus, authority and resources should be concentrated in the primary tier, while higher authorities should perform only those tasks which cannot be performed effectively at a more immediate or local level.

Among the international acts on local self-government, the most important ones are the European Charter of Local Self-Government and decisions by the Congress of Local and Regional Authorities of the Council of Europe.

The ratification of the European Charter of Local Self-Government and the harmonisation of national laws with the Charter is one of the conditions for Belarus' entry into the Council of Europe. Ratification would guarantee some degree of independence to local self-government bodies, because the Charter's provisions would take precedence over the national Constitution and laws. Considering the fact that the central government relies heavily on sub-laws, it is necessary to specify the basic powers and responsibilities of local self-government bodies in the Constitution and the law, as prescribed in Item 1, Article 4 of the Charter.

Incidentally, Article 97 of the Constitution of the Republic of Belarus provides that the House of Representatives of the Belarusian National Assembly, the parliament, shall consider draft laws, including those concerning local self-government.

In this connection, it may be necessary to rewrite Section V of the Constitution entitled "Local Government and Self-Government."

Clearly, given the Belarusian government's traditional approach to local democracy issues, and taking into account the economic and political situation, one cannot expect a speedy transition to the new model based on the principles set forth in the European Charter. Most likely, measures should be taken at an early stage to strengthen the financial powers of grassroots elected councils in villages, town-like settlements and small towns, and limit the powers of regional authorities to distribute funds. The government does not appear to have the political will to carry out a drastic reform because it would significantly change the existing governmental system.

Phases of local self-government reform in Belarus

To fundamentally change the current situation and establish an effective system of local self-government, the central government should draw up and approve a concept or a national programme of reforming local self-government and state government at the local level in the Republic of Belarus. The concept or the programme should be based on provisions of the 1985 European Charter of Local Self-Government and the 1998 CIS model law entitled “On Common Local Self-Government Organisation Principles.”

The concept should be complemented by a package of bills that would establish a broad legal framework to govern the activities of local authorities. Legislative changes should address the following fundamental issues:

1. The significance and role of local self-government. It would not be enough to make provisions in the Constitution and laws which simply mention the fact of the existence of local self-government, as Section 5 of the current Constitution does. It is necessary to stipulate in Section I of the constitution, entitled “The Basics of the Constitutional System”, that citizens are entitled to take part in local decision-making in both state government agencies and local self-government agencies. This would make local self-government one of the basic institutions of the constitutional system, as important as the parliament, the Council of Ministers, the president and the judiciary.

2. Specify the object of local self-government. It is necessary to include a clause to explain that the objects of local self-government are not official establishments like elected or appointed bodies, but local citizen-led communities empowered to exercise their rights both directly and through local bodies that they form for the purpose.

3. Independence of local self-government bodies. The Constitution and laws should not treat local self-government as part of the state government system. This would help to end the dependency of locally elected authorities on the central government. This could be achieved by adding a provision to Section I of the Constitution, declaring the independence of local self-government bodies and their separation from the state government system. It should be noted in the same paragraph that the principle of the separation of powers of the legislative, executive and judiciary branches, in the case of local self-government, shall be interpreted as the principle of separation of powers of various tiers of local self-government.

4. Economic basics of local self-government. The Constitution and laws must distinguish not only between state and private forms of ownership but also between state, private and municipal, or communal, property. Categorising municipal (communal) property as a separate type would lay the economic foundation for the operation of local self-government bodies. The economic foundation of each tier of local self-government should be proportional to its functions and responsibilities.

5. The separation of powers of local self-government bodies and the central government. It is necessary to make provisions providing for the separation of powers of the central government and local-self government bodies in exercising public authority within the boundaries of the same territory. Local self-government bodies should be responsible for handling local matters concerning the territory, while administrations established by the central government should be responsible for dealing with national matters on the same territory.

6. The basic element of local self-government. It is necessary to write down in the law that the lowest or least centralised competent authority constitutes the basic element of local self-government. In the case of Belarus, this may lead to the unification of the primary and basic tiers of local self-government. Based on the principle of subsidiarity, the basic element should have more powers and financial resources than other tiers for exercising its authority.

7. The separation of terms of reference of various tiers of local self-government. It is necessary to draw a clear line between the responsibilities of various tiers of local self-government by specifying the terms of reference of each tier. Matters that are not listed among responsibilities of any tier should be referred to the basic tier of local self-government. This would help avoid disputes in relations between various tiers and eliminate the hierarchical structure of local self-government.

8. Improvements to the voting system applicable to local elections. Changes should be introduced into the Electoral Code to replace a single-member plurality voting system with a proportional or mixed single-member/proportional system. Voters should have the opportunity to indicate their order of preference within the party list. This would ensure a closer match between the percentage of votes that groups of candidates win in elections and the percentage of seats they receive on elected councils. In addition,

this would make the work of local authorities more transparent and effective. Other changes to the Electoral Code aimed to prevent election fraud should alter procedures for forming electoral commissions and give more rights to public election observers.

9. The formation of executive bodies by elected local government bodies. The elected local government councils should be entitled to form local executive bodies and oversee their work — not only to ensure that its activities comply with the laws, but also to make sure that its decisions are justified, effectively carried out and that competent people are employed to carry out these decisions. The local executive body should not have exclusive competence that infringes on the rights of the locally elected self-government body. It should be accountable to the local community, an object of local self-government.

10. Financial independence of local self-government bodies. Separating local self-government bodies from the state government system, building economic foundations for local self-government by putting them in charge of municipal (communal) property, and separating the terms of reference for various tiers of self-government and state government bodies, should guarantee financial independence and full autonomy for local self-government bodies. In addition, changes should be made to current laws to give local self-government bodies new sources of income, expand their authority to levy local taxes, use municipal property and national resources, prohibit the central government from taking money out of local budgets, and establish an income distribution mechanism.

11. The right to set up local self-government unions and associations. Legislation should entitle local authorities at all levels to set up local self-government unions and associations based on their jurisdictional territory and functions. In addition, local government bodies should be given the right to join international unions and associations. Such a practice would enable local self-government bodies to manage local affairs more effectively and defend self-government rights vis-à-vis state government bodies.

The central government should be required to discuss with the National Self-Government Association (Union) all draft decisions by the parliament, the president or the Council of Ministers concerning the authority and other interests of local self-government bodies.

Associations (unions) should represent and advance local self-government interests in relations with the state agencies, help local self-government bod-

ies to coordinate their efforts with the parliament, the Council of Ministers and other state agencies and officials, and offer methodological, informational and advisory support to local self-government bodies.

12. Guarantees and continuity of local self-government. Changes should be made to the national legislation, calling for the adoption and registration of special documents — statutes outlining formation and operation procedures for every self-government entity. The document should detail the rights and duties of citizens and authorities within a specific territory. It should be a document designed to coalesce the local community of citizens.

13. The out-of-court settlement of disputes between local self-government bodies and state administrations. Changes should be introduced to the Constitution and laws to limit and later eliminate opportunities for intervention by the central government in disputes involving local self-government bodies. It is necessary to establish a special judicial institution for handling disputes and defending the rights of citizens, legal entities, local communities and local government agencies if the central government or its local administrations make decisions that infringe on their rights.

14. Municipal service. The local self-government law should be amended to make provisions for municipal service. Municipal service should be defined as a type of public activity concerned with the consideration of local issues, decision-making and the implementation of decisions, and aimed at addressing people's needs that have nothing to do with the governmental civil service.

15. Reform of the administrative and territorial division of Belarus. Changes should be made in the administrative and territorial division of Belarus. It is necessary to define principles that entitle local communities to govern themselves and to establish economically subsistent local self-government entities and regions on the basis of a new administrative and territorial division. The changes should ensure the rapid development of locally governed territories and streamline relations between central and local authorities.

On the one hand, the model of real and effective self-government in the Republic of Belarus should take into account the national historical experience of our people that spans centuries, while on the other it should meet modern European requirements for local self-government, set out in the European Charter of Local self-Government.

Based on the assumption that, in any free county, all political power is inherent in the people and people exercise their right to participate in government decision-making both through state government agencies and local self-government bodies, it should be written down in the law and acknowledged in practice that a self-governed local community of citizens, with their specific interests that differ from state interests, is an object of local self-government.

The ideal model of local government, in our view, represents a multi-tier system of public municipal bodies which are functionally and organisationally independent of the central government.

Close cooperation in this area with EU neighbours and the organisations of the EU and Council of Europe would make it possible for Belarus to use their expertise and experience of local self-government reform, to avoid or reduce the number of mistakes and also shorten the period needed to implement the reform.