

CENTRE OF EXPERTISE FOR MULTILEVEL GOVERNANCE

EXPERT ANALYSIS

on the “Local Self-Government Concept for a New Belarus”

7 December 2025
CEMG/EXA(2025)3

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The views expressed herein do not necessarily reflect the official position of the Congress of Local and Regional Authorities of the Council of Europe.

Summary

The expert analysis evaluates the “Local Self-Government Concept for a New Belarus” (hereinafter, the Concept) of 2023, primarily assessing its compliance with the European Charter of Local Self-Government (ETS No. 122),¹ while also considering European standards for local government reform and expert opinions. The analysis concludes that the Concept constitutes an ambitious and politically significant vision for the future democratic reconstruction of Belarus. The text addresses the fundamental challenges of excessive centralisation, weak local autonomy, and the absence of democratic legitimacy at the subnational level. The alignment of the Concept with European norms is evident in its recognition of subsidiarity, citizen participation, and financial independence as guiding principles.

Nevertheless, the Concept remains largely declaratory. The institutional design calls for more precise articulation of functional assignments, fiscal autonomy, administrative supervision, legal protection mechanisms, and citizen participation tools. The relationship between objectives, principles, and implementation stages is not sufficiently developed, and risks, sequencing, and operational responsibilities require further elaboration.

The analysis recommends several measures to strengthen the Concept, including a constitutional entrenchment of local self-government, the adoption of a comprehensive legal framework that defines competences and financial resources of local authorities, and establishes a robust and inclusive governance structure. The Concept has the potential to serve as a credible strategic foundation for the development of a democratic, resilient, and decentralised Belarusian state, provided it is complemented by a realistic roadmap and an inclusive consultation process.

I. Introduction

1. The “Local Self-Government Concept for a New Belarus” is a very important policy document in the context of the preparation for the democratisation of Belarus and its full integration into the European family. Its groundwork expresses the importance that the Belarusian opposition forces attach to local self-government as a key factor in the democratisation process, but also in the functioning of a democratic system where the concentration of power will be avoided through a system of vertical power sharing (with a mechanism of checks and balances) and through multilevel governance.

2. In addition, local self-government is seen as a key factor in the continuous revitalisation of democracy, by the legitimisation of its main political bodies through competitive elections, the promotion of citizen participation in decision making, and the response to political and social challenges by democratic bodies and administrative mechanisms that are as close as possible to the citizens.

¹ Available in English (<https://rm.coe.int/1680b0fbec>) and Belarusian (<https://rm.coe.int/1680b58bc3>).

3. The present report is based on the triangulation of multiple expert and documentary sources. While the main reference text is the Concept (2023), desk reviews prepared by two distinguished experts (2024)² offer complementary analytical prospects. Gabor Péteri focuses on policy coherence and implementation feasibility, while Tania Groppi assesses legal and conceptual compliance with European standards. Additional insights are derived from the three thematic workshops (October–November 2024) that explored the conceptual, institutional, and transitional dimensions of decentralisation. The Contemporary Commentary by the Congress on the explanatory report to the European Charter of Local Self-Government (hereinafter, the Contemporary Commentary)³ provides an interpretative framework for evaluating compliance. Supporting standards include the Council of Europe's recommendations and guidelines on several topics, and comparative guidance from other international documents⁴.

II. Overview of the concept

4. The Concept aims to establish a democratic, citizen-based system of local self-government in Belarus, replacing the inherited “*state-controlled local self-government*” model. It identifies excessive centralisation, weak local autonomy, and the absence of democratic accountability as main challenges (Concept, 11–14), while underlining the issues of the territorial administrative structure and civic development. In fact, capacity building in the field of local self-government is a key component of a successful democratisation process. The Concept raises, at first, some fundamental questions regarding the necessity of reforms and the desired goals, and mentions some challenges that need to be addressed. Furthermore, other issues are listed as well (need for legislative changes, lack of financial toolkit, democratic elections, capacity development, monitoring mechanisms, etc.).

5. However, this unfolding of components does not properly structure or guide the Concept. The introductory sections should outline an overall framework for the formulation of the Concept that will certainly underline the strategic importance of local self-government for democratisation and regional development, without, however, promoting the misleading illusion that decentralisation will solve all the social and economic problems (Péteri, 2024).

6. The Concept aptly points out the difficulties and the obstacles that will be encountered in introducing a democratic and efficient local self-government, starting with the necessity of conceptual clarification. Indeed, the relevant ambiguities are evident, since the Concept also

² Tania Groppi (2024), Desk Review of the Local Self-Government Concept for a New Belarus; Gábor Péteri (2024), Desk Review of the Local Self-Government Concept for a New Belarus.

³ Congress of Local and Regional Authorities of the Council of Europe, Report CG-FORUM(2020)02-05final of 7 December 2020, available in English (<https://rm.coe.int/1680a06149>) and Belarusian languages (<https://rm.coe.int/4880262db8>).

⁴ OECD (2019), Policy Highlights. Making Decentralisation Work. A Handbook for Policy-Makers; Boex, J. et al. (2022), Decentralization, Multilevel Governance and Intergovernmental Relations: A Primer, Local Public Sector Alliance, The World Bank.

refers to “independent” administrative units, whereas the relevant European terminology refers to local or regional “autonomies”.⁵

7. Quite rightly, the concept points out the existing weaknesses in terms of expert knowledge of democratic local governance. The lack of relevant experience within the public administration, as well as the absence of specially trained personnel for the design – and even more so for the implementation – of decentralisation and democratisation reforms, could also be noted.

8. The Concept correctly emphasises the creation of an appropriate regulatory framework for the development of local democracy, starting from the Constitution and the basic legislation on local self-government, by safeguarding the property, resources and assets of local and regional authorities, in combination with their democratic make-up and the explicit consolidation of fundamental principles such as subsidiarity, accountability, citizen participation, ensuring the provision of local public services, etc. The Belarusian democratic forces have already prepared appropriate drafts of a new constitution⁶ and a law on local self-government;⁷ it would be useful to integrate some of their key options into the Concept as reference and orientation texts for the relevant reform dialogue.

9. Regarding the proposed reform objectives, there has been criticism (Péteri, 2024) of an excessive focus on territorial-administrative configuration (Concept, 32) and the use of the “*territorial community*” concept in decentralisation (Concept, 28). An emphasis on territorial restructuring would overshadow the democratic and budgetary aspects that are central to the Charter.

10. Moving from the present hierarchical territorial-administrative structure to a two-tier sub-national territorial structure, complemented by the system of elders at the territorial community (*hramada*) level, is nevertheless a viable reform option. However, some of the conditionalities (e.g. accessibility in 30 minutes) will not be easy to meet (Péteri, 2024). The average population size of the proposed 160-200 new *hramadas* would be close to 40,000 in a not densely populated country by European standards and a rather fragmented urban system (with 23,208 settlements). This merged model of first-tier governance would require complementary forms of sub-municipal representation and administration.

11. The Concept highlights several reform principles (especially pp. 26-27): rule of law, subsidiarity, devolution of powers, accountability, state-local government partnership, sustainability, international benchmarking, citizen participation, and financial “independence”. However, as Groppi (2024) and Péteri (2024) both observe, these principles are often not properly defined, they are listed without operationalisation, and the interconnection between objectives, principles, and implementation stages remains weak.

⁵ One should notice that the Concept, nevertheless, makes a clear distinction between deconcentration and decentralisation (p. 68-69): “*Decentralisation is a transfer of power and resources between the autonomous administration systems (the state power body system and the local self-government body system), whereas deconcentration is about a transfer of powers downwards within the framework of the same administration system.*”

⁶ Available at <https://kanstytycja.online/index.php/text/en>

⁷ Available at https://kanstytycja.online/index.php/laws/962-zakon_ms_en

12. The allocation of public functions is not sufficiently justified, and it is not explained how the devolved functions will be managed within a system of multilevel governance (Péteri 2024). Nevertheless, some of the most important statements for the future implementation of the Concept can be found in the section discussing centralisation and decentralisation (Concept, 67-69)⁸ where the main strategic objectives are specified and a proper framework for identifying the dimensions (“vectors”)⁹ of devolution of powers and public services is formulated.

13. However, the parameter of sectoral decentralisation is missing, although the specific characteristics of public services of local importance must be taken into account. Moreover, the last chapter of the Concept, which focuses on selected public services that are proposed to be transferred to local governments, does not meet this need.

14. It is more relevant to prepare the reforms by analysing all public services of local importance, without, of course, implying an exhaustive analysis of each component of the sectoral strategies (Péteri 2024, 4). This should be prioritised to summarise the arguments for decentralised service management and to identify only those requirements that are most relevant for autonomous local self-governments.

15. Furthermore, the incremental evolution of novel intergovernmental relations in domains such as policy planning, standard setting for service performance, supervisory mechanisms, organisational and working options, financial techniques, and so forth, gives rise to inquiries concerning the emerging roles of the national government. These roles should be cultivated in a manner that is congruent with the process of devolution of services (Péteri 2024, 4).

16. Concerning the relationship with the local community, the Concept does not directly address the necessity to establish executive bodies at the local level that are accountable to citizens and responsible to elected councils. There are some passing references to executive bodies, but the focus seems to be much more on powers than on democratic governance (Concept, 58) (Groppi 2024, 2).

17. Moreover, the implementation of civic participation mechanisms (e.g. local referendums, participatory budgeting, open data) should be concomitant with structural reform. Both the Additional Protocol to the Charter on the right to participate in the affairs of a local community (CETS No. 207) and the Contemporary Commentary¹⁰ emphasise that the efficacy of local democracy is contingent not only on adequate representation but also on the active involvement of citizens.

⁸ See footnote 3.

⁹ In page 68, the Concept refers to “five vectors of state power de-monopolisation”: **1. Political sphere:** the political and legal position of the local authorities in the state structures, the political influence force and weight of these authorities, available mechanisms to reach their goals, ability to defend their interests and the like. **2. The public function sphere:** the power and accountability scope of the local authorities, as well as the decision-making freedom extent in applying any legal or economic tools. **3. The sphere of property and local economy:** the scope of property owned by the local authorities and freedom of its use, scale of influence on the local economy, freedom of decision making on the directions of local development and the availability of support tools. **4. The public finance sphere:** the local finance and freedom of the financial economy. **5. The administrative sphere:** freedom to select methods to achieve own tasks, local administration structure, to recruit employees, own human resources policies and development.

¹⁰ Congress of Local and Regional Authorities (2020), A contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government, retrieved from: <https://rm.coe.int/contemporary-commentary-by-the-congress-on-the-explanatory-report-to-t/1680a06149>

18. Besides, the aforementioned experts have expressed their disapproval of the design of the reform procedures and management. Péteri (2024, 5) emphasises that the design of a complex decentralisation programme in a challenging environment should incorporate alternative scenarios to enable the adaptation of reform measures to the dynamic evolution of political, social, and economic conditions.

19. In response to the said critique, it is proposed that the formulation of “weighted” options be considered, contingent on the prevailing circumstances. These options could range from a 'limited' to a 'moderate' option, and, under optimal conditions, an 'ambitious' option. This would entail the utilisation of three fundamental variants of the reform agenda, to be employed on a case-by-case basis and depending on the context.

20. The sequencing of reforms should, in any case, even in a favourable and supportive political environment, take into account the specificities of each reform step. For example, the transformation of the territorial-administrative structure is the most politically sensitive issue because it affects the interests of a wide range of actors. On the other hand, deregulation and the reallocation of responsibilities for services can be done gradually, as it requires learning and adaptation both within the administration and on the part of the citizens who are the users of these services (Péteri 2024).

21. If there is strong political support, the starting point should be the constitutional and legal foundations of the reform (Péteri 2024, 5). In any case, the Concept itself must identify and describe the key actors, the most significant risks, and other aspects of contextual reality (Groppi 2024, 3). Furthermore, it is imperative that the principles of transparency and consultation, which are at the core of the Council of Europe’s guidelines on the consultation of local authorities by higher levels of government,¹¹ are institutionalised through the establishment of formal frameworks for dialogue between central and local levels.

22. Since decentralisation reform takes time, it is not enough for one ministry to assume responsibility, as proposed by the Concept (p. 38) for the Ministry of Community and Territory Development. It is advisable to establish a stable managerial and governing structure that follows a model from international experience, transcends political circles, and accommodates competing political and social forces (Péteri 2024, 5). This could enable the necessary degree of reform consensus to be built and, above all, maintained. Of course, all this should be included in a roadmap, with a level of detail that should be agreed upon from the outset. Therein, a timeline and the main steps and actions to be adopted could be included (Groppi 2024, 3).

III. Assessment by Charter principles and provisions

23. In the following section, an attempt is made to measure the alignment of the Concept with each article of the Charter and with the principles and provisions contained therein.

¹¹ Congress of Local and Regional Authorities of the Council of Europe, Resolution 437(2018) on the consultation of local authorities by higher levels of government, available at <https://rm.coe.int/16808d3c72>

Article 2: Constitutional and legal foundation

24. The Charter requires that local self-government be recognised in domestic law, preferably in the Constitution. The Concept acknowledges the need for a legal framework but does not explicitly require constitutional entrenchment. Péteri (2024) notes that a comprehensive framework linking constitutional, political, and fiscal aspects is missing.

25. In a relevant workshop organised by the Congress in 2024, it was agreed upon that the ongoing constitutional drafting process should explicitly recognise the right to local self-government as a guarantee of democratic governance (Contemporary Commentary, Article 2). This is, in fact, done in the current version of the Draft Constitution of Belarus, which incorporates, in Article 3, the principle of local self-government as part of the checks and balances system of the Republic.

26. The draft Constitution incorporates a special Chapter (8) for Local Self-Government (Articles 108-118), while it also provides (Art. 164, para. 3 on Previous Legislation) that the “*Soim [Parliament] shall adopt the laws to be enacted on the occasion of the entry into force of this Constitution within the following terms, as from the date of entry into force of this Constitution: [...] fundamentals of local self-government - 2 years.*” This should be explicitly mentioned in the Concept.

Article 3: Concept of local self-government

27. Article 3 of the Charter defines local self-government as the legal right and the factual ability of democratically constituted local authorities to regulate and manage under the law a substantial share of public affairs under their own responsibility and in the interests of the local population. In short, this article clarifies the essence of local self-government.

28. Democratic governance at the local level goes hand in hand with the decentralisation of responsibilities. A substantial part of the Concept should cover the issue of democratic governance and the tools for people’s participation. Unfortunately, the Additional Protocol to the Charter is not mentioned in the report; it would be a useful reference (Groppi 2024, p.2). The Concept should explicitly and clearly provide for directly or indirectly elected local executives accountable to local councils, thereby fulfilling the democratic requirements of Article 3.2 and the Additional Protocol on citizen participation.

29. Groppi (2024) states that the Concept does not directly address the necessity to establish at the local level executive bodies that are accountable to citizens and responsible to the elected councils.¹² There are some passing references to the executive bodies, but the focus of the reports seems to be much more on competencies rather than on democratic governance (Concept, 58) (Groppi 2024, 2).

30. It should be noted, on the other hand, that the draft Constitution incorporates extensive provisions on local elections and citizen participation at the local level. For instance, Article 33 on Suffrage, Article 32 on the right to participate in the administration of social and state affairs,

¹² See Contemporary Commentary, op. cit., paragraphs 42-47.

Article 54 on universal suffrage, Article 65 on principles of holding referendums, Article 108 on *hramadas*, Article 111 on the formation of local self-government bodies, and Article 112 on the representative body of local self-government. Some of the core choices incorporated in these draft constitutional provisions could be mentioned in the Concept to promote relevant discourse.

31. Regarding the existing Council of Europe soft law on local democracy, Recommendation CM/Rec(2022)2 of the Committee of Ministers of the Council of Europe on democratic accountability serves to provide further clarification regarding the necessity of mechanisms that allow for scrutiny, reporting, and remedies for misconduct.¹³ CM/Rec(2018)4 on the participation of citizens in local public life¹⁴ encourages participatory budgeting and consultative mechanisms. It is evident that, in combination, these two pieces of soft law establish the framework for a policy infrastructure to establish a resilient, responsive, and accountable system of local democracy.

32. Both recommendations serve to reinforce the notion that local democratic processes must incorporate both direct and representative mechanisms. The Concept's reference to participation could be further expanded through structured consultations, participatory budgeting, local referenda, and advisory councils for youth, minorities, and neighbourhoods. The institutionalisation of these forms of participation has the potential to foster trust and democratic culture at the local level.

33. In addition, the integration of the Council of Europe's 12 Principles of Good Democratic Governance¹⁵ into the Concept would provide an ethical and operational compass for reform. These principles emphasise efficiency, responsiveness, accountability, transparency, the rule of law, and sound financial management. Their integration within the Concept would serve to align future legislation and policies with the Council of Europe's standards.¹⁶ These 12 Principles of Good Democratic Governance represent a comprehensive framework that operationalises the values articulated within the Charter. They can also serve as guiding criteria for institutional design and performance monitoring. The present Concept partially

¹³ Council of Europe, Recommendation CM/Rec(2022)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level, retrieved from: <https://rm.coe.int/0900001680a57739>.

¹⁴ Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, retrieved from: <https://rm.coe.int/16807954c3>

¹⁵ These principles were adopted in 2008 as part of the Council of Europe Strategy on Innovation and Good Governance at Local Level (see the documents available at <https://rm.coe.int/12-principles-brochure-final/1680741931> and <https://rm.coe.int/1680746f16>), and then updated by relevant Recommendation CM/Rec(2023) 5 (available at <https://search.coe.int/cm?i=0900001680abeb87>) which organised these 12 principles around four axes:

A. The respect for, and protection and promotion of, democracy, human rights, and the rule of law – Principle 1: Democratic Participation. Pr. 2: Human Rights. Pr. 3: Rule of Law.

B. The observance of the highest standards of public ethics and integrity in the exercise of power and public responsibilities – Pr. 4: Public Ethics. Pr. 5: Accountability. Pr. 6: Openness and Transparency.

C. The practice of good administration – Pr. 7: Efficient, effective and sound administration. Pr. 8 Leadership, capability and capacity. Pr. 9: Responsiveness.

D. The provision of high-quality public services and economic, social and environmental well-being – Pr. 10: Sound financial and economic management. Pr. 11: Sustainability and long-term orientation. Pr. 12: Openness to change and innovation.

¹⁶ See the relevant Explanatory Memorandum: CM(2023)96-addfinal - [1473/2.4a] European Committee on Democracy and Governance (CDDG) - Explanatory Memorandum to Recommendation CM/Rec(2023)5 of the Committee of Ministers to member States on the principles of good democratic governance, available at <https://search.coe.int/cm?i=0900001680ac77e4>.

reflects these values but lacks mechanisms for systematic evaluation, ethical oversight, and citizen feedback loops.

Article 4: Scope of local self-government

34. The Charter requires clarity and legal certainty for the regulation of the “basic powers and responsibilities” of local government bodies, but in exceptional cases it allows the assignment of specific tasks not already included in the national legal framework (Art. 4.1). The Charter guarantees the right of local authorities to exercise their initiative on matters not explicitly excluded from their competence by law (Art. 4.2), emphasises subsidiarity (Art. 4.3) and the full and exclusive powers of local authorities (Art. 4.4), and provides for discretion when local authorities exercise delegated tasks (Art. 4.5) and appropriate consultation before central planning and/or decision making (Art. 4.6).

35. The Concept identifies “power sharing” but does not clearly define responsibilities or ensure exclusive functions. Péteri (2024) finds that the functional allocation between levels remains vague, while discussions in the second workshop of 2024 underlined the need for a clear delineation of state and municipal powers. In the absence of this, local authorities risk remaining subordinate administrative extensions rather than autonomous decision makers. Furthermore, the delineation of powers within a system of multilevel democratic governance is necessary to avoid overlaps and conflicts. The initiation of functional decentralisation should commence with high-impact sectors such as education, healthcare, and public utilities. It is imperative to ensure that local governments are equipped to manage service delivery.

36. Regarding the configuration of decentralisation reform policies, the Congress Resolution 437(2018) on the consultation of local authorities by higher levels of government requires institutionalised, timely and efficient dialogue between national and sub-national local self-government levels. On the other hand, the OECD’s 10 Guidelines for Effective Decentralisation (2019)¹⁷ underline, inter alia, that decentralisation is a dynamic process, which requires balanced political, administrative, and fiscal reforms unfolding in parallel. The OECD guidelines recommend clarity of responsibilities, adequate funding, and periodic review. A new democratic Belarus should apply these OECD principles to ensure realistic sequencing and sustainability of reform, avoiding over-centralisation and unfunded mandates.

¹⁷ OECD/LPS Alliance, Ten Guidelines for Effective Decentralisation Conducive to Regional Development, 2019, retrieved from: <https://decentralization.net/2019/06/making-decentralization-work/>. The relevant Guidelines are the following: Clarify responsibilities: 1. Clearly define the roles and responsibilities for each level of government to avoid confusion. 2. Ensure sufficient funding: Make sure that the responsibilities assigned to subnational governments are backed by adequate financial resources. 3. Strengthen subnational fiscal autonomy: Grant subnational governments more control over their budgets to enhance accountability and local ownership. 4. Support subnational capacity building: Invest in training and development for subnational officials and staff to improve their skills and ability to manage their new responsibilities. 5. Build coordination mechanisms: Establish robust mechanisms for cooperation and coordination between different levels of government to ensure consistent policy implementation. 6. Promote cross-jurisdictional cooperation: Encourage and support cooperation between different subnational governments, as this can lead to greater efficiency and effectiveness. 7. Strengthen citizen engagement: Promote innovative and experimental governance, and actively involve citizens in decision-making processes to increase responsiveness to local needs. 8. Allow for asymmetric decentralization: Recognize that different regions may have different needs and capabilities, and be open to asymmetric arrangements that tailor decentralization to specific contexts. 9. Improve transparency and performance monitoring: Enhance transparency through better data collection, and implement strong performance monitoring systems to track progress and ensure accountability. 10. Strengthen national regional development policies: Develop strong national policies that guide regional development and include effective equalization systems to ensure fair resource distribution.

Article 5: Protection of local authority boundaries

37. According to the Charter, changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute. The Concept (p. 7) refers to voluntary amalgamation; it would be more realistic, however, to consider contingencies where obligatory measures cannot be avoided.

Articles 6 and 7: Administrative structures and conditions of office

38. The Charter states that local authorities have discretion to determine their own internal administrative structures or organisation. The power to organise their own affairs is accordingly a part of the autonomy enjoyed by local entities (Contemporary Commentary on Art. 6.1). A full implementation of the Charter requires that local authorities enjoy autonomy in the field of human resources, have discretion to decide on the remuneration of their staff according to the principles set out by regional or national governments, and can establish a sound and efficient staff policy (Contemporary Commentary on Art. 6.1).

39. The Concept recognises the importance of capable local administration and civil service continuity. It proposes re-training and retaining most of the 18,000 current officials, which is pragmatic (Concept, 21, 62, 92). However, it lacks reference to merit-based recruitment, professional development, and protection against arbitrary dismissal, which are elements essential to Article 6 of the Charter.

40. Conditions of office for elected representatives (Article 7 of the Charter) must safeguard free mandate, adequate compensation and targeted incompatibilities, which are aspects not elaborated on in the Concept. The Charter seeks to ensure that citizens are free to serve as elected representatives and are not prevented from holding political office owing to financial or material considerations (Art. 7.1. and 7.2.). The “free exercise” of the functions of local elected representatives may be affected by other features of social or political life. For instance, local elected representatives should be protected by law against threats from social media or against infringements of their privacy (Contemporary Commentary on Art. 7.1). Finally, Art. 7.3. seems to encourage signatory parties to prevent the simultaneous holding of more than one elected office (Contemporary Commentary on Art. 7.3).

Article 8 – Administrative supervision

41. Administrative supervision should contribute to safeguarding the rule of law at the local level, particularly by ensuring respect for human rights, facilitating the implementation of court decisions by local authorities, and combating maladministration and corruption. The essential aim is “*to ensure the effectiveness of local self-government and the efficient management of public resources*”, as stated in the Recommendation CM/Rec(2019)3 of the Committee of Ministers of the Council of Europe on supervision of local authorities’ activities.¹⁸

¹⁸ Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, retrieved from: <https://rm.coe.int/090000168093d066>

42. As provided for in Article 8.2 of the Charter, the control of expediency has been confined to delegated functions performed by local authorities in the implementation of public policies for which higher-level authorities maintain the key decision-making powers on norms, strategies, and funding. Regarding competencies for local affairs, the Charter permits only a review of legality.

43. The Concept refers to “state supervision and monitoring mechanism”. It underlines (p. 67) *“that supervision over the decentralised subjects from the state is limited and relates to observance of the reign of law, when completing any tasks”* and refers to the principle of proportionality for state supervision over local authorities (p. 84). It also underlines that *“the state power authorities are not entitled to monitor the expediency of any activities the local self-government bodies pursue within the framework of exercising their own powers”* (p. 78). As regards delegated competencies, it makes clear that *“the state power authorities are entitled to interfere with the activities by local self-government bodies in case the latter violate the rules provided for exercise of individual powers delegated by the state”* (ibid). However, it is not clear how administrative supervision should be operationalised and whether specialised authorities should overtake this task, which appears to be distributed across different authorities (including the prosecutor's office).

44. The draft Constitution refers to the institution of administrative supervision (Articles 107 and 116), seeming to accept the perspective of fragmented (across different sectors and authorities) administrative supervision, by contrast to the so-called “prefect model” (unitary, in principle, administrative supervision over local authorities) which prevails in many European states. The issue of the concrete configuration of the supervision system does not necessarily have to be resolved in detail in the Concept. However, a systematic presentation of core principles and major dilemmas would be helpful for the future reform process and is not difficult to elaborate within the framework of the Concept.

Article 9 – Financial resources

45. The Concept refers to financial decentralisation (pp. 61-62) as *“a pivotal tool to establish the local self-government bodies as independent and financially viable entities in the country's economy”* and at the same time acknowledges that *“reforming the local finance system is a complicated process in any nation”*. It highlights that *“the objective of the local self-government reform is, primarily, to guarantee its ability to address all the local agenda issues independently at the expense of own resources.”* Moreover, the Concept points out that one of the major tasks to be met within the framework of financial decentralisation is *“expanding the financial base of the local self-government bodies”*.

46. Nevertheless, both Groppi and Péteri (2024) highlight the Concept's weakness concerning fiscal decentralisation. The Concept mentions funding mechanisms (pp. 41-42) but does not provide concrete revenue assignments or outline the main features of a fiscal equalisation scheme (it merely mentions the need to improve it: Concept, p. 42). Political, administrative, and fiscal decentralisation must progress jointly to be sustainable.¹⁹

¹⁹ Boex, J. et al. (2022), Decentralization, Multilevel Governance and Intergovernmental Relations: A Primer, Local Public Sector Alliance, The World Bank.

47. To comply with Article 9 of the Charter, a democratic Belarus should guarantee local authorities concrete and adequate own resources, proportionate to responsibilities, with a fair share of national revenue and autonomy to set local taxes. In addition, a properly designed mechanism should be elaborated to ensure timely, appropriate, and efficient consultation on fiscal matters, especially regarding the redistribution of allocated resources, and incorporated into the Concept. It should be mentioned that, in its current version, the draft Constitution is rather vague in this respect, except for the principle of commensurate funding for delegated tasks (enshrined in Art. 9.2 of the Charter), which is guaranteed in Art. 113.3, and the principle of adequate financial resources (Art. 9.1 of the Charter), which is guaranteed in Art. 154.4 of the draft Constitution.

Article 10: Right to association and co-operation

48. The Concept envisages “*setting up the Belarusian Hramada and Regional Council Association*”, without making clear whether this should be a unitary association for both tiers with two chambers or two different national associations, one for each tier of territorial self-government (local tier, regional tier). National associations of local and regional authorities should also play a cardinal role within the framework of institutionalised consultation regarding planning, public policy, and financial decisions at the national level, according to Resolution 437(2018) of the Congress on the consultation of local authorities by higher levels of government.

49. Concerning intermunicipal co-operation, the Concept merely refers to the implementation of joint programmes and the efficiency increase with respect to the provision of public services to residents of adjacent territorial communities (*hramadas*), or to the development of co-operation mechanisms in general (Concept, pp. 36 and 41). It should be taken into consideration, however, that if the envisaged amalgamations will be promoted voluntarily, there will certainly be some cases where intermunicipal co-operation will eventually prevail as an alternative for a considerable number of local authorities. In addition, even amalgamated communities will need mechanisms of intermunicipal co-operation to tackle environmental issues, for instance. Therefore, the Concept should further elaborate on tools and options of intermunicipal co-operation.

Article 11: Legal protection

50. In the Concept, there is a descriptive reference (p. 84) to administrative courts, which should be entitled, inter alia, to settling administrative disputes between state and local authorities. There is no provision in the Concept about a future legal framework and a judicial system that would offer fully-fledged judicial protection to local autonomy. By contrast, the draft Constitution provides for such a protection (Art. 117), including an appeal at the Constitutional Court (Art. 128). The Concept should include a part about the issue of creating a consolidated system of judicial protection for local autonomies.

IV. Conclusions and recommendations

51. The Local Self-Government Concept for a New Belarus is a significant political achievement, representing a pivotal shift away from the authoritarian model of administrative subordination. The document is unambiguous in its expression of commitment to the principles of decentralisation, subsidiarity, and democratic legitimacy. It acknowledges the fundamental role of local self-government in the reconstruction of a democratic Belarus, recognising it as a central tenet of democratic transition. In this regard, the Concept aligns well with the Charter and reflects a growing understanding within the Belarusian democratic forces of the institutional changes required for European convergence.

52. Nevertheless, the current formulation requires further development into a more comprehensive, legally enforceable, and operational framework for reform. Several elements stipulated by the Charter could be further elaborated. These include a comprehensive legal framework of local autonomy, the establishment of democratically accountable local executives, precise allocation of functional responsibilities, merit-based administrative capacity, supportive state supervision, predictable financial autonomy that includes own-resource revenues and equalisation, the right to intermunicipal co-operation and to form associations of local authorities, and access to judicial protection of local autonomy.

53. The Concept could further elaborate on the legal entrenchment of local self-government and articulate a clear division of exclusive, shared, and delegated competences based on subsidiarity. It could be considered to further set out a comprehensive fiscal strategy capable of ensuring adequate, predictable, and autonomous financial resources for local authorities, with safeguards against unfunded mandates. The reform should be decisively supported by a robust institutional and legal framework that guarantees transparency and proportionality in state supervision and establishes full judicial protection for local governments in cases of unlawful interference. The institutionalisation of democratic participation at the local level is imperative and could be facilitated through procedures such as public consultations, participatory budgeting, and accessible local referenda. These procedures could be supported by data transparency and performance monitoring to facilitate accountability.

54. The success of the reform in its entirety is contingent upon the implementation of a governance framework that is conducive to the effective sequencing of the strategy. The concept under discussion could be complemented by a clearly defined roadmap. Such a roadmap would establish reform milestones, allocate responsibilities, secure capacity building, assess risks, and formalise a structured dialogue with civil society, professional associations, and emerging associations of local authorities. The anchoring of the reform in a stable programme management framework would assist in ensuring continuity and accountability throughout the transition period.

55. All in all, the Concept has the potential to serve as a reliable and thorough foundation for the establishment of a contemporary, democratic, and robust system of local self-government in Belarus. The implementation of such a system would not only ensure the alignment of the nation with European standards and practices but would also contribute to enhanced public trust, more effective service delivery, and strengthened community resilience. These elements are all considered to be essential components of a successful democratic transition.