

Should an activity of a local authority be deemed to breach the law, or in the event of dispute between the supervisory and supervised authority, the supervisory authority should appeal to courts to pass a ruling on the supervised local authority.

Administrative supervision of local authorities should be exercised in such a way as to ensure that the controlling authority's intervention is commensurate with the materiality of interests which it intended to protect.

Legal protection of local government

Pavets and *zemlyas* should have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local government as are enshrined in the Constitution or national legislation.

Administrative courts should be established to arbitrate disputes concerning the activity of local authorities and local representatives of central government. Administrative courts should arbitrate disputes between local authorities and the State, among local authorities, between local authorities and citizens, and between citizens and the State. The administrative court system should comprise the Supreme Administrative Court and four or five regional administrative courts.

Property claims involving a local authority and the State, or made between local authorities should be heard by commercial courts which should be arranged into a system similar to that of administrative courts.

Application of the ideal model to the legislative

by Viktor Charnau and Mikhail Pastukhou

A unicameral parliament (Sojm) would be the optimal legislature model for Belarus, a small country with a relatively homogenous population. The parliament should have 260 seats (as stipulated by the 1994 Constitution) taken in function

of the administrative division and the population of the country. The parliament should have the following functions within the system of governance:

- draft and pass laws;
- define foreign and domestic policy priorities;
- form the executive and oversee its activity;
- form the judiciary and safeguard its independence;
- call and supervise the conduct of elections and referenda.

To perform its functions the parliament should have powers to:

- pass and amend the Constitution;
- pass and enforce laws and resolutions;
- call presidential, parliamentary and local elections and referenda;
- nominate the prime minister;
- pass or reject a new government program;
- abolish or establish ministries on recommendation from the government;
- elect and dismiss the chair and members of the central electoral commission;
- elect and dismiss the chair and members of the Audit Chamber;
- elect the judges of the Constitutional Court, Supreme Court and Supreme Commercial Court, the prosecutor general and central bank governors;
- pass the national budget and hear the government's budget performance reports;
- ratify and denounce international treaties;
- sponsor and consider motions of no confidence vis-à-vis the government and elect a new prime minister if the former prime minister fails to pass the vote;
- sponsor and consider no confidence motions against members of the Cabinet;
- consider resignation of the president, impeach the president should he/she violate the Constitution and laws.

In the transition period, Belarus should adopt a mixed-member proportional voting system for parliamentary elections in the foreseeable future. Such

a system enables equal guarantees of national and local interests and representation of all major political parties and figures in parliament.

The parliament should be elected for five years, and its members should work on a full-time basis and be barred from holding government posts during their term.

The legislature should have sufficient financing, supplies and resources to perform its functions.

Election System

by Mikhas Pliska, Syarhei Alfer

The authorities' legitimacy is based on the will of people as expressed in free and democratic elections. Therefore, the electoral system and laws should guarantee the conduct of elections in line with the basic principles laid down in international legal acts. The principles include universal suffrage, equal, free, fair and open (transparent) election, and voting by secret ballot.

The recognition of elections by all opposing sides in the country and the international community is essential for the country's democratic development and for joining the Council of Europe and the European Union.

Below are proposals that may form the basis of Belarus' electoral legislation.

Voting System

To ensure that both national and regional interests are equally respected, and that political parties (alliances) and voters play key roles in an election process, and to give greater stability to political institutions in the country, Belarus should introduce a voting system based on mixed-member proportional representation in parliamentary elections. Half of the seats in a unicameral 260-member parliament are awarded along the lines of party lists, with the other half resulting from majority voting in single-member constituencies.

The single-member majority system is used for electing members of primary-level councils. And mixed proportional-majority system is used both for par-