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**COMPARATIVE LEGAL ANALYSIS OF THE LEGISLATION
OF THE REPUBLIC OF BELARUS AND THE PROVISIONS OF
THE CONVENTION RELATING TO THE STATUS OF
STATELESS PERSONS OF 28 SEPTEMBER, 1954**

Research Paper

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SUMMARY

The comparative legal analysis of the legislation of the Republic of Belarus and the provisions of the Convention relating to the Status of Stateless Persons of 28 September, 1954 was made in accordance with Sub-Clause *c* of the Section 'Identification of Statelessness' of the Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons of the UNHCR ExCom¹ (hereinafter referred to as the UNHCR ExCom Conclusion No. 106 (LVII) – 2006) by the National Center for Legislation and Legal Research of the Republic of Belarus under agreement No. 09-31/8 of 19 August, 2008 with the UNHCR Representation in the Republic of Belarus.

The Convention relating to the Status of Stateless Persons of 28 September, 1954, was developed within the framework of the United Nations at the UN Conference of plenipotentiaries convened by the Economic and Social Council Resolution 526 (XVII) on 26 April, 1954. The goal of the Convention is to ensure stateless persons maximum possibilities to enjoy their basic rights and freedoms without any discrimination by fixing the main approaches to the scope of rights and privileges granted to them in a special international treaty.

The Convention establishes the following major approaches to the determination of the legal status of stateless persons:

- any stateless person in the territory of the country of his sojourn is granted – in relation to any rights – a legal status that is at least as favorable as the status granted to any foreign national in relation to the same rights and under the same circumstances;

- the legal status of stateless persons residing in the territory of a state for more than three years is made equal with legal status granted to foreign nationals on the basis of principle of reciprocity, without reciprocity (exemption of the reciprocity requirement);

- a stateless person legitimately residing in the territory of state is granted a legal status in that state, that is equal with the status of the nationals of that state in relation to the most important rights, such as the right to religion, access to courts, access to rations, access to education, medical treatment, good working conditions and social security;

- a state reserves the right to apply special measures, such as temporary measures and expulsion from its territory to stateless persons in extraordinary situations and for reasons of national security.

At present the Republic of Belarus is not party to this Convention.

¹ Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons (No. 106 (LVII) – 2006) // The UN Refugee Agency - 2008.

In the Republic of Belarus the issues of status of stateless persons are regulated by the Constitution of the Republic of Belarus of 15 March, 1994, the Law of the Republic of Belarus of 3 June, 1993 'On the Legal Status of Foreign National and Persons without Nationality in the Republic of Belarus: Law of the Republic of Belarus', as amended by the Law of the Republic of Belarus of 19 July, 2005 (hereinafter referred to as the Law on Foreigners), other legislative acts and international treaties of the Republic of Belarus that also apply to stateless persons.

According to the provisions of Article 11 of the Constitution of the Republic of Belarus, stateless persons in the territory of Belarus enjoy equal rights and freedoms and execute equal duties with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise.

The Belarusian legislation does not distinguish a separate legal mode for stateless persons. Legislative acts of the Republic of Belarus generally provide stateless persons with the same rights and duties as foreign nationals subject to the mode of their sojourn in the territory of the Republic of Belarus.

A detailed comparative analysis of the provisions of the legislation of the Republic of Belarus and of the Convention in question shows that in general, the legislation of the Republic of Belarus meets the prescriptions of the Convention and is aimed at providing stateless persons minimum the same rights and privileges as the rights and privileges granted to foreign nationals in the territory of the Republic of Belarus on the same conditions, and to stateless persons permanently residing in the territory of the Republic of Belarus - rights generally equal with those established for the nationals of the Republic of Belarus.

Several discrepancies between the provisions of the Belarusian legislation and the Convention are related to certain categories of stateless persons and certain rights including the right to purchase arms, the right to act as founders of international public associations, the right to receive public aid and some other rights.

It should be noted that the main problem of correlation of the provisions of the Convention and the Belarusian legislation is the difference in the use of terms specifying the mode of sojourn of relevant persons in the territory of the country. The norms of the Convention contain such terms as 'staying in the territory', 'legitimately staying in the territory', 'legitimately residing in the territory' and 'with a habitual residence'. The legislation of the Republic of Belarus distinguishes three modes of stay of stateless persons – temporary stay, temporary residence and permanent residence – while each of them is legitimate and is based on documents that are specially issued by government agencies of the Republic of Belarus.

However, the status of stateless persons, as established in the Convention, is to a large extent implemented in provisions of the Belarusian legislation regulating the legal status of stateless persons. This allows us to suggest accession of the Republic of Belarus to the Convention in the near future.

The article-by-article analysis of the provisions of the Convention relating to the Status of Stateless Persons of 28 September, 1954, allows for evaluating the level of implementation of its standards in the Belarusian legislation and making ensuing conclusions on prospective accession of the Republic of Belarus to the Convention and the need of introduction of amendments and addenda to legislative acts of the Republic of Belarus regulating the issues of legal status of persons without nationality.

**ARTICLE-BY-ARTICLE ANALYSIS OF THE CONVENTION
RELATING TO THE STATUS OF STATELESS PERSONS OF 28
SEPTEMBER, 1954**

Chapter I. GENERAL PROVISIONS

Article 1. Definition of the Term 'Stateless Person'

1. For the purpose of this Convention, the term 'stateless person' means a person who is not considered as a national by any State under the operation of its law.

2. This Convention shall not apply:

(i) To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance;

(ii) To persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;

(iii) To persons with respect to whom there are serious reasons for considering that:

(a) They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;

(b) They have committed a serious non-political crime outside of the country of their residence prior to their admission to that country;

(c) They have been guilty of acts contrary to the purposes and principles of the United Nations.

The fundamental term of the Convention relating to the Status of Stateless Persons of 28 September, 1954 (hereinafter referred to as the 1954 Convention) – 'stateless person' - means **a person who is not considered as a national by any State under the operation of its law**. This definition has become classical and is used in the international law and national legislation of a number of countries with minor adjustments.

The key element of that definition is the reference to the lack of nationality from the perspective of the law of a certain country, which means a legal (*de jure*) statelessness regardless of the actual status of the person in that country. Besides, the negative construction implies the use of a kind of presumption of statelessness in absence of contrary information, i.e., without evidence of nationality. Therefore, according to the 1954 Convention, the

main characteristic of a stateless person is absence of any legally relevant evidence of the person's nationality.

Clause 2 of Article 1 of the 1954 Convention provides for limitations of its authority in relation to certain categories. The limitations of Sub-Clause *i* of this Clause currently apply only to the persons covered by the mandate of the UN Relief and Works Agency for Palestine Refugees (UNRWA)¹.

The limitation of Sub-Clause *ii* of Clause 2 of Article 1 of the 1954 Convention historically assumed one group of persons to whom it had been supposed to apply – ethnic Germans in Western Germany (FRG)² who did not have the nationality of that state. However, this interpretation has in fact lost its topicality by now. Now this provision is only taken into account if a person without nationality has been guaranteed legal residence in the country of his sojourn, and granted wider rights on a larger scale than those stipulated in the 1954 Convention, and that person is protected from extradition and deportation, and there is no need to apply the provisions of this Convention to the subject person who is, though, still considered stateless³.

The objective of the provisions of Sub-Clause *iii* of Clause 2 of Article 1 of the 1954 Convention is to ensure that the 1954 Convention is not abused by fugitives on serious charges and that extradition laws could be applied in relation to such persons.

The legislation of the Republic of Belarus lacks a definition of the term 'stateless person' and, therefore, the notion of 'stateless person' is missing. However, the Constitution of the Republic of Belarus and other legislative acts of the Republic of Belarus set forth the term 'person without nationality'. Thus, according to the provisions of Paragraph Ten of Article 1 of the Law of the Republic of Belarus of 3 June, 1993 'On Legal Status of Foreign Nationals and Persons without Nationality in the Republic of Belarus', as amended by the Law of the Republic of Belarus of 19 July, 2005 (hereinafter referred to as the Law 'On Foreigners'), a person without nationality means a person who is not a national of the Republic of Belarus and who does not possess evidence of the nationality of another country. An identical provision is stipulated in Part Two of Article 9 of the Law of the Republic of Belarus of 1 August, 2002 'On the Nationality of the Republic of Belarus'.

The above definition is more comprehensive in comparison with the definition of a 'stateless person' as defined in the 1954 Convention, since it applies to all persons who are not considered as nationals by any state, as well

¹Batchelor, Carol. The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonization. Refuge. Vol.22. No.2 January 2005 – p. 37

²Robinson, Nehemiah Convention relating to the Status of Stateless Persons, Its History and Interpretation: A Commentary by Nehemiah Robinson. Institute of Jewish Affairs, World Jewish Congress, 1955, Republished by the Division of International Protection of the United Nations High Commissioner for Refugees, 1997. – p. 20.

³Nationality and Statelessness: A Handbook for Parliamentarians. Inter-Parliamentary Union in cooperation with the UNHCR, Geneva, 2005 – p.23.

as other persons whose nationality is not confirmed. In accordance with the recommendation of the Final Act of the UN Conference on the Status of Stateless Persons, the provisions on the 1954 Convention may also apply to certain other person (*de facto* stateless persons).

This allows making a conclusion that legislative acts of the Republic of Belarus define a 'person without nationality' with consideration to the provisions of Clause One of Article 1 of the 1954 Convention.

It should be noted that the legal status of stateless persons, as established in the 1954 Convention, was founded on the legal status of refugees established in the Convention relating to the Status of Refugees of 28 July, 1951¹. However, the same person may be a refugee and a stateless person at the same time. In such case, since the provisions of the Convention relating to the Status of Refugees are more favorable, they will regulate the legal status of such a person.

It should also be mentioned that a particular level of legal protection is provided for persons without nationality applying for refugee status, complementary protection or asylum in the Republic of Belarus, as well as persons without nationality who have been granted refugee status, complementary or temporary protection, or asylum in the Republic of Belarus, by special legislative acts of the Republic of Belarus – the Law of the Republic of Belarus of 23 June, 2008 'On Conferment of the Refugee Status, Complementary and Temporary Protection of the Republic of Belarus to Foreign Nationals and Persons without Nationality'² and the Regulation 'On Conferment of Asylum in the Republic of Belarus to Foreign Nationals and Persons without Nationality, Loss and Deprivation thereof', that were approved by the Edict of the President of the Republic of Belarus No. 204 of 5 April, 2006. Such categories of persons without nationality are not examined in this study.

The English text of the 1954 Convention representing the authentic version has the term 'stateless person', which literally means 'person without a state (nationality)'. Therefore, the term '*stateless person*' used in the Convention appears to be synonymous to the term 'person without nationality' used in the Belarusian legislation. In this study we shall use the term 'stateless person' for analysis of the provisions of the 1954 Convention, and the term 'person without nationality' – at review of the norms of the Belarusian legislation.

¹ Effective for the Republic of Belarus since 21 November, 2001.

² Will come into effect on 3 July, 2009. Till then, the Republic of Belarus will be governed by the Law of the Republic of Belarus of 22 February, 1995 'On Refugees', as amended by the Law of the Republic of Belarus of 4 January, 2003, providing for recognition of a person without nationality as a refugee in the Republic of Belarus.

In addition to defining the term 'stateless person', the above article of the 1954 Convention sets forth a range of persons covered by the provisions of that Convention. The legislation of the Republic of Belarus does not provide any distinctions in the legal status (special restrictions or benefits) for persons without nationality (except for persons recognized as refugees in the Republic of Belarus) for their relation to the categories listed in Clause 2 of Article 1 of the 1954 Convention. If the Republic of Belarus documents its accession to the 1954 Convention, the legal status of persons without nationality who are covered by the 1954 Convention will meet the level of legal protection stipulated in the above Convention, while the legal status of other persons without nationality will be regulated by the national legislation of the Republic of Belarus regardless of the provisions of the 1954 Convention.

In this respect we may make a conclusion that the national legislation of the Republic of Belarus fully complies with the provisions of Article 1 of the 1954 Convention.

Article 2. General Obligations

Every stateless person has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

This provision confirms the authority of a State in relation to any persons staying within its territory. The fact that a person is stateless, does not establish grounds for such a person to evade observance of the laws of the country of his sojourn.

From the perspective of the international law, the authority of a country's laws and the mandatory abidance of them by all persons in its territory constitute an integral element of a national sovereignty. The sovereign right of a country to shape and independently develop its political, economic, social and cultural system, is protected by the binding provisions of the international law, specifically, the principle of non-interference in matters within the domestic jurisdiction of any State and the principle of sovereign equality of States. These principles were promulgated, in particular, in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the Organization of United Nations, adopted by the UN General Assembly on 24 October, 1974, and the Declaration on Principles Guiding Relations between Participating States of the Final Act of the Conference on Security and Cooperation in Europe of 1 August, 1975.

According to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the

Belarusian territory shall enjoy the rights and freedoms and fulfill their obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise.

Part One of Article 4 of the Law 'On Foreigners' also provides that foreign nationals and persons without nationality in the territory of the Republic of Belarus shall enjoy the rights and freedoms and fulfill their obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise.

In relation to the obligations of persons without nationality staying in the territory of the Republic of Belarus, it should be mentioned that in accordance with Article 52 of the Constitution of the Republic of Belarus, everyone staying in the territory of the Republic of Belarus, should follow its Constitution, laws and appreciate its national traditions. An identical provision in relation to persons without nationality is stipulated in Article 21 of the Law 'On Foreigners'. This is a common rule applying to all persons without nationality without exception, irrelevant of the fact of legality of their sojourn in the territory of the Republic of Belarus, as well as the mode of their sojourn.

Therefore, the provisions of Article 2 of the 1954 Convention, Article 52 of the Constitution of the Republic of Belarus, and Article 21 of the Law 'On Foreigners' are equivalent, since the principle of all the provisions amounts to the following: stateless persons have obligations to the state, within the jurisdiction of which they sojourn.

Article 3. Non-Discrimination

The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.

In accordance with this Article of the 1954 Convention, the application of the provisions of the 1954 Convention should be equal to all stateless persons irrelevant of their race, religion or country of origin.

The principle of non-discrimination has become a universally recognized norm of international legal instruments governing human rights and freedoms in general or in relation to certain categories. However, the list of non-discrimination reasons is usually set forth as more comprehensive than the one used in the 1954 Convention and it is often left open.

In accordance with Article 2 of the Universal Declaration of Human Rights, adopted by the General Assembly of the Organization of United

Nations on 10 December, 1948 (hereinafter referred to as the Universal Declaration of Human Rights), a number of provisions of which were reiterated in the 1954 Convention, everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.

According to Article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November, 1973¹, any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them, constitute the crime of apartheid. In accordance with Clause a) of Article IV of this Convention, the Contracting Parties shall undertake any legislative or other measures necessary to suppress apartheid.

Clause 2 of Article 2 of the International Covenant of the United Nations on Economic, Social and Cultural Rights of 16 December, 1966² (hereinafter referred to as the Covenant on Economic, Social and Cultural Rights) provides that the rights enunciated in it will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. An identical provision is stipulated in Clause 1 of Article 2 of the International Covenant of the United Nations on Civil and Political Rights of 16 December, 1966³ (hereinafter referred to as the Covenant on Civil and Political Rights).

According to Clause 2 of Article 20 of the CIS Convention on Human Rights and Basic Freedoms of 26 May, 1995⁴ (hereinafter referred to as the CIS Convention) the enjoyment of the rights and freedoms set forth in that Convention, is guaranteed without discrimination on any grounds, such as: sex, race, color, language, religion, political or other opinion, national or

¹ Effective for the Republic of Belarus since 18 July, 1976.

² Effective for the Republic of Belarus since 3 January, 1976.

³ Effective for the Republic of Belarus since 23 March, 1976.

⁴ Effective for the Republic of Belarus since 11 August, 1998.

social origin, affiliation with the national minority, property and position, birth or any other circumstance.

According to the Convention on the Rights of the Child of 20 November, 1989¹ (hereinafter referred to as the Convention on the Rights of the Child), States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, regardless of the child's or his or her parents' or legal guardians' race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 11 of the Constitution of the Republic of Belarus establishes that foreign nationals and persons without nationality shall exercise the same rights and freedoms and bear same duties in the territory of the Republic of Belarus as the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise. Part One of Article 4 of the Law 'On Foreigners' has a similar provision.

Article 22 of the Constitution of the Republic of Belarus sets forth a general prohibition of discrimination and provides that all people are equal before and under the law, and have a right for equal protection of their rights and legitimate interests without any discrimination.

The terminology used in the Constitution of the Republic of Belarus allows making a conclusion that the above norm of the Constitution of the Republic of Belarus equally applies to the nationals of the Republic of Belarus, foreign nationals and persons without nationality.

Therefore, it should be concluded that the provisions of the national legislation of the Republic of Belarus are completely in line with the provisions of Article 3 of the 1954 Convention on non-discrimination in relation to any person irrelevant of his status and mode of his sojourn in the territory of the Republic of Belarus.

Article 4. Religion

The Contracting States shall accord to stateless persons within their territories treatment at least as favorable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

This provision of the 1954 Convention sets forth that any stateless person, staying in the territory of the State shall receive protection of his religious opinion through establishment of equal rights with the nationals of that State to follow one's religion and bring up children accordingly.

¹ Effective for the Republic of Belarus since 31 October, 1990.

The location of this Article in the first chapter of the 1954 Convention (rather than in the second one containing provisions on the legal status of stateless persons, according to the structure of the document), and restriction of reservations to this Article emphasize the special value of that provision for the established status of stateless persons.

International humanitarian treaties set forth more detailed provisions on the freedom of religious opinion than the subject article of the 1954 Convention and, in addition to the freedom of faith, include the freedom of execution of religious rituals and the freedom of preaching one's religion. Thus, in accordance with Article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18 of the Covenant on Civil and Political Rights, Article 10 and Clause 1 of Article 27 of the CIS Convention stipulate the right of any person, irrelevant of the fact of nationality, to have the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion of his choice, and manifest his religion in worship, observance, practice and teaching one's children in compliance with the opinion of the parents.

According to Article 31 of the Constitution of the Republic of Belarus, everyone has a right to determine his personal attitude to religion, exercise any religion either individually or in community with others, or not to exercise any religion, express and disseminate his religious opinion, take part in lawful cults, rituals, worships.

Article 11 of the Constitution of the Republic of Belarus provides that foreign nationals and persons without nationality in the territory of the Republic of Belarus shall enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise. Part One of Article 4 of the Law 'On Foreigners' contains similar provisions.

In accordance with the provisions of Article 23 of the Constitution of the Republic of Belarus, restriction of rights and freedoms of an individual (including the right to the freedom of religious manifestation) is allowed only in cases provided by the law, in the interests of national security, public order, safeguarding of moral, public health, rights and freedoms of other persons.

In this regard it should be mentioned that this norm is generic by nature, and appropriate restrictions are equal to all persons without exception which allows making a conclusion that the provisions of the Constitution of the Republic of Belarus are fully in line with the provisions of Article 4 of the 1954 Convention in part of the freedom of faith.

The issues of the freedom of conscience and religious opinion are also regulated in detail by the Law of the Republic of Belarus of 17 December, 1992 'On the Freedom of Conscience and Religious Organizations', as amended by the Law of the Republic of Belarus of 31 October, 2002. Article 4 and Part One of Article 5 of this Law contain provisions that correspond to the constitutional norms. In accordance with Part Three of Article 5 of that Law, parents or persons acting in lieu of parents may bring their children up in line with their own attitude towards religion.

The above provisions of the Constitution of the Republic of Belarus and the Law of the Republic of Belarus 'On the Freedom of Conscience and Religious Organizations' apply the term 'every one', which allows referring both to the nationals of the Republic of Belarus and foreign nationals and stateless persons regardless of the grounds of their sojourn in the Republic of Belarus.

In relation to the aspects of the religious opinion set forth in Article 4 of the 1954 Convention, the Belarusian legislation contains provisions fully compliant with the subject article of the 1954 Convention.

Article 5. Rights Granted Apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to stateless persons apart from this Convention.

The Provision of Article 5 of the 1954 Convention means that the rights and benefits granted to stateless persons under the 1954 Convention constitute the minimum acceptable standard that should be ensured by all Participating States. The States, however, may grant a more favorable status to stateless persons than the one set forth in the 1954 Convention, and in such case the norms of the 1954 Convention should not prevail over those of the national legislation.

It should be mentioned that the use of such provisions is typical of international treaties in the humanitarian area establishing a minimum required amount of rights to a certain category.

This Article refers to the issue of correlation of the provisions of the 1954 Convention and national law and it does not directly regulate the legal status of stateless persons. Therefore, the issue of conformity of national law to this Article of the 1954 Convention is not considered in this relation.

Article 6. The Term 'in the Same Circumstances'

For the purpose of this Convention, the term 'in the same circumstances' implies that any requirements (including requirements as to duration and conditions of sojourn or residence) which the particular individual would have to fulfill for the enjoyment of the right in question, if he were not a stateless person, must be fulfilled by him, with the exception of requirements which by their nature a stateless person is incapable of fulfilling.

This Article defines the expression 'in the same circumstances' used in a number of the subsequent Articles of the 1954 Convention. This expression means that in order to enjoy the above rights, a stateless person should fulfill all requirements imposed by the country of sojourn of the stateless person to foreign nationals or to nationals of that country within its territory, except for the fact of nationality.

This Article of the 1954 Convention is designed to provide a more specific definition of the above Convention formulas and it does not directly regulate the legal status of stateless persons, therefore, the issue of compliance of national laws is not reviewed here.

Article 7. Exemption from Reciprocity

1. Except where this Convention contains more favorable provisions, a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to stateless persons the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favorably the possibility of according to stateless persons, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to stateless persons who do not fulfill the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Clause 1 of this Article of the 1954 Convention establishes the basic principle of regulation of the legal status of stateless persons. It includes granting to stateless persons, as a minimum, the same status as the one

enjoyed by foreigners in general in all cases that are not covered by the 1954 Convention (according to the above Convention, foreigners are nationals of foreign countries within the territory of the country of sojourn of stateless persons). Therefore, the minimum scope of rights and freedoms granted to any foreigner in the territory of the country constitutes, according to the 1954 Convention, the minimum acceptable scope of rights and freedoms to be provided to a stateless person within that state.

In accordance with Clause 2 of Article 7 of the 1954 Convention, stateless persons residing within a country for more than three years should enjoy the same legal status as foreign nationals within that country based on legislative reciprocity, i.e., requirement established by a legislative act. That clarification restricts provision of rights and privileges acquired by nationals of other states on the basis of international treaties, to stateless persons.

We should mention the following, in relation to the three-year term stipulated in Clause 2 of Article 7. The authentic English text of the 1954 Convention contains the expression 'period of three years' residence' implying that the stateless person has lived in the state of his sojourn for at least three years, and that state has also been his main residence for that term. In accordance with this wording, in order to acquire appropriate rights, a stateless person should not have had permanent residence in any other state for three years; however, it does not exclude the possibility of temporary departures without interrupting that term. The 1954 Convention, however, does not contain any indications that a stateless person may lose his rights acquired under this Clause in case of his move for permanent residence to another state.

Clause 3 of Article 7 of the 1954 Convention specifies that if any rights and benefits that are granted in the country to foreigners only on the basis of reciprocity, were granted to stateless persons tacitly, prior to the effectiveness of the 1954 Convention, the state may not deprive them of these rights only because this Convention allows restricting them.

Clause 4 of Article 7 of the 1954 Convention recommends the States to grant stateless persons a more favorable legal status than the one granted to foreigners according to the reciprocity principle, in all cases and for any categories of stateless persons.

Clause 5 of Article 7 of the 1954 Convention specifies that the rule on cancellation of the reciprocity requirements after three years of residence and in relation to common provision without any reciprocity, shall apply to the rights and benefits regulated according to the principle of minimum scope of rights granted to foreigners, i.e., to provisions set forth in Articles 13 (movable and immovable property), 18 (self-employment), 19 (liberal professions), 21 (housing) and 22 (public education) of the 1954 Convention, as well as to the rights outside of it

It is assumed that paragraphs 2 to 5 of Article 7 of 1954 Convention provide for requirement to grant stateless persons not particular but some general rights in certain areas that are granted to foreign citizens by legislation of Contracting States taking into account principle of reciprocity.

According to the provisions of Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the territory of the Republic of Belarus shall exercise rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise. Part One of Article 4 of the Law 'On Foreigners' contains an identical provision.

The application of the reciprocity principle for determination of the legal status of natural persons in the territory is not typical for the Belarusian legislation. In the Republic of Belarus, additional benefits and preferences are established for foreign nationals on the basis of their nationality of a certain state, as a rule, on the basis of bilateral or multilateral international treaties. However, the possibility of application of that principle for regulation of certain legal relationships is also set forth in a number of legislative acts of the Republic of Belarus.

Thus, according to Clause 208 of the Regulation 'On Insurance Operations in the Republic of Belarus' approved by the Edict of the President of the Republic of Belarus No. 530 of 25 August, 2006, **foreign nationals of states** in relations with which there are similar reciprocity requirements, are not subject to mandatory medical insurance.

Based on Part Two of Article 25 of the Law 'On Foreigners', the President of the Republic of Belarus may establish (inter alia, on the basis of the reciprocity principle), a visa-free procedure of entry of foreigners into the Republic of Belarus and their departure from the Republic of Belarus. There are currently no such decisions of the President of the Republic of Belarus.

Any additional rights and privileges are usually provided on the basis of the reciprocity principle only to **nationals** of foreign countries.

Stated above acts of legislation of the Republic of Belarus define **particular** rights that are granted to citizens of those states that grant corresponding rights to Belarusian citizens. It is our opinion that participation of the Republic of Belarus in 1954 Convention will not entail a necessity to grant stateless persons corresponding rights.

Taking into account foregoing, it is possible to make a conclusion on full compliance of 1954 Convention Article 7 provisions with the provisions of legislation of the Republic of Belarus

Article 8. Exemption from Exceptional Measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals or former nationals of a foreign State, the Contracting States shall not apply such measures to a stateless person solely on account of his having previously possessed the nationality of the foreign State in question. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this Article shall, in appropriate cases, grant exemptions in favor of such stateless persons.

Article 8 of the 1954 Convention reviews the situation when certain rights of foreign nationals are restricted due to a crisis in the relations of the country of sojourn and the country of nationality of these foreign nationals. In such cases certain rights of these foreign nationals may be restricted, for instance, the right of movement, the right of assembly, the right of property management (e.g., by freezing bank accounts), et alia. According to the subject provision of the 1954 Convention, such exceptional measures should not apply to stateless persons, even though these stateless persons have had the nationality of the relevant foreign country in the past.

International treaties of the Republic of Belarus do not provide for any exceptional measures aimed against nationals of foreign countries, their property or interests or that establish possibility of taking such measures.

The legislation of the Republic of Belarus provides for introduction of restrictive counter measures in relation **to nationals of a foreign country**, if that country restricts or violates universally recognized standards of legal status of foreign nationals in relation to the nationals of the Republic of Belarus¹. Such restrictive measures may be introduced only on the basis of the principle of reciprocity and only in relation to foreign nationals and they may not refer to the rights and legitimate interests of persons without nationality. The legislation of the Republic of Belarus, however, does not list any measures aimed at implementation of the above restrictions.

In accordance with the provisions of Article 23 of the Constitution of the Republic of Belarus, a person's rights and freedoms (including the right of expression of religion opinions) may be restricted only in cases prescribed by the law, in the interests of national security, public order, protection of the public morality, public health, rights and freedoms of other persons.

Thus, the legislation of the Republic of Belarus fully complies with the provisions of Article 8 of the 1954 Convention since the exceptional

¹ Part Three of Article 4 of the Law 'On Foreigners', Article 1102 of the Civil Code of the Republic of Belarus (hereinafter referred to as the CC), Part Three of Article 541 of the Code of Civil Procedure of the Republic of Belarus (hereinafter referred to as the CCP), Part Four of Article 242 of the Code of Economic Procedure of the Republic of Belarus (hereinafter referred to as the CEP).

measures stipulated in the above Article of the 1954 Convention may not apply to persons without nationality.

Article 9. Provisional Measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a stateless person and that the continuance of such measures is necessary in his case in the interests of national security.

This Article of the 1954 Convention reviews the situation of emergency and exceptional circumstances, such as engagement of the country in a war, natural calamities, man-caused catastrophes, etc. In such circumstances and at the time of emergencies, states restrict a number of natural persons' rights, e.g., the freedom of movement (including imposition of curfew), right for property (e.g., requisitioning of private property when necessary) in relation to foreign nationals and stateless persons, as well as the nationals of that country. The 1954 Convention allows taking necessary measures in relation to stateless persons in the event of war or other emergency and exceptional circumstances, provided that these measures are provisional and are taken in the interests of the national security. This provision of the 1954 Convention, however, does not contain any indications that another way of application of such measures should be considered as unacceptable.

In with Clause 2 of Article 4 of the Covenant of Civil and Political Rights, even at emergency, no derogation might be made from a number of provisions of that Covenant, in particular, in relation to the right to life, freedom from torture and other cruel forms of treatment, ban on slavery, etc.

According to the provisions of Article 23 of the Constitution of the Republic of Belarus, restriction of rights and freedoms of an individual is allowed only in cases provided by the law, in the interests of national security, public order, safeguarding of moral, public health, rights and freedoms of other persons. However, the Constitution of the Republic of Belarus uses the term 'individual' that could equally apply to all persons including persons without nationality, regardless of their status in the territory of the Republic of Belarus.

Article 1 of the Law of the Republic of Belarus of 24 June, 2002 'On Emergency Situation' provides for restriction (suspension) of rights and freedoms of all persons staying in the territory of the Republic of Belarus regardless of their affiliation to the nationality of a certain country in the event of imposition of emergency situation in the territory of the Republic of

Belarus. In accordance with Article 3 of that Law, the presence of circumstances immediately jeopardizing human life and health, territorial integrity and existence of the state that may not be mitigated without application of extraordinary measures, serve as basis for imposition of the state of emergency. According to Article 2 of the Law of the Republic of Belarus 'On the State of Emergency', **mitigation of circumstances that has served as grounds for its imposition, safeguards of human life and health as well as mitigations of threats to the territorial integrity and existence of the state, are reasons for imposition of the state of emergency.**

The Law of the Republic of Belarus of 13 January, 2003 'On Martial Law' provides for an entire set of specific restrictions of personal rights and freedoms imposed at the time of martial law. Thus, Paragraph Eight of Article 12 of this Law provides a possibility (at the time of martial law) to restrict the freedom of movement throughout the territory of the Republic of Belarus, as well as introduction of a special mode of entry into the territory of the Republic of Belarus and departure from it, including imposition of restrictions on entry into the territory of the Republic of Belarus and stay in it for foreign nationals and persons without nationality. According to Part One of Article 4 of the Law of the Republic of Belarus 'On Martial Law', martial law may be imposed on the territory of the Republic of Belarus on the basis of a military peril or attack. In accordance with Article 3 of that Law, **the purpose of martial law imposition is to create conditions necessary to eliminate a military peril or hold off an attack.**

Thus, restrictions of rights and freedoms of persons without nationality may be imposed at the time of martial law or state of emergency according to the legislation of the Republic of Belarus, only with the view of safeguarding national security. In consideration of the above, we may make a conclusion that the Belarusian legislation fully complies with Article 9 of the 1954 Convention.

Article 10. Continuity of Residence

1. Where a stateless person has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a stateless person has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 10 of the 1954 Convention provides that, if a stateless person was deported in the course of the Second World War to the territory of another country, his residence within that country is considered as legitimate, while in the event of his return to the territory of the original country his residence in the original country is considered as uninterrupted with the deduction of the deportation period. This provision of the 1954 Convention is relevant for compliance of stateless persons with possible requirements of the national legislation related to the activities and continuity of legitimate sojourn in the territory of the state.

International treaties of the Republic of Belarus do not provide for relevant benefits at determination of threshold of uninterrupted or legitimate sojourn.

The legislation of the Republic of Belarus also does not provide for the benefits in determination of the term of uninterrupted stay, as stipulated in the Convention. Since the above provisions of the 1954 Convention are exclusively related to the facts of deportation at the time of the Second World War, they appear outdated for the Republic of Belarus by now. If the Republic of Belarus documents its accession to the 1954 Convention and if it is necessary to establish the term of uninterrupted sojourn of a person without nationality in the territory of the Republic of Belarus with a consideration of the time of the Second World War and post-war period, that provision of the 1954 Convention will have direct action. Thus, introduction of amendments and/or addenda into the national legislative acts of the Republic of Belarus will not be required in case of accession of the Republic of Belarus to the 1954 Convention.

Article 11. Stateless Seamen

In the case of stateless persons regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment in its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

Article 11 of the 1954 Convention regulates the rights of stateless persons serving as crew members on board a ship flying the flag of a Contracting State of the 1954 Convention. This provision is non-binding by nature. The States are recommended to grant the above stateless persons the right to establish within that country, issue to them travel documents or grant temporary admission to the territory of that country with a view of establishing in another country.

In accordance with Article 2 of the ILO Seafarers' Identity Documents Convention (Convention 108) of 13 May, 1958¹, the State shall issue to **each of its nationals** who is a seafarer, on application by him a seafarer's identity document conforming the provisions of that Convention. The State **may** issue a seafarer's identity document **to any other seafarer** either serving on board a vessel registered in its territory or registered at an employment office within its territory who applies for such document.

International treaties of the Republic of Belarus providing for visa-free mode of entry into the Republic of Belarus do not apply to persons without nationality including those who are seafarers serving aboard ships of the Republic of Belarus, and they govern the issues of simplification of the mode of entry into the Republic of Belarus only **for nationals of foreign countries**.

The legislation of the Republic of Belarus does not provide any benefits for persons without nationality who serve as members of crews of ships of the Republic of Belarus, for settlement in the territory of the Republic of Belarus (issuance of permits for temporary or permanent sojourn in the Republic of Belarus), or for temporary entry into the territory of the Republic of Belarus (visa-free mode of entry, simplified procedure of acquisition of the Belarusian visa)

However, the legislation of the Republic of Belarus, provides for a possibility of issuance of travel documents for travel outside of the Republic of Belarus to certain categories of persons without nationality. Documents for departure from the Republic of Belarus and entry into the Republic of Belarus are considered in the Republic of Belarus as such documents. The issues of issuance and use of such documents are governed by the Regulation 'On Documents for Entry into and/or Departure from the Republic of Belarus', approved by the Edict of the President of the Republic of Belarus No. 294 of 3 June, 2008 'On Issuance of Documents to the Population of the Republic of Belarus'.

In accordance with the above Regulation, the following documents for entry into the Republic of Belarus and departure from the Republic of Belarus may be issued to persons without nationality permanently residing in the Republic of Belarus, as well as to persons without nationality who were recognized as refugees:

- travel document of the Republic of Belarus;
- national seafarer's identification document of the Republic of Belarus.

A travel document of the Republic of Belarus may also be issued to a **person without nationality, who does not permanently reside in the Republic of Belarus**, if he does not possess a valid document for foreign

¹ Effective for the Republic of Belarus since 25 February, 1995.

travel, without a right to return to the Republic of Belarus under the above document:

at cancellation of a permit for permanent residence in the Republic of Belarus;

at extradition to a foreign state for criminal prosecution and/or service of sentence;

at deportation or expulsion from the Republic of Belarus.

In accordance with the provisions of Clause 42 of the Regulation 'On Documents for Entry into and/or Departure from the Republic of Belarus', the **national seafarer's identification document** shall be issued to persons without nationality applying for jobs on ships registered in the Republic of Belarus. The national seafarer's identification document of the Republic of Belarus is a document confirming the right of the above persons for exit from the Republic of Belarus and entry into the Republic of Belarus, and confirms its holder's identity on the way to the ship or return to the Republic of Belarus as a crew member or individually, as well as aboard the ship or at temporary coming ashore at a foreign port.

However, the possession of the travel document of the Republic of Belarus or national seafarer's identification document of the Republic of Belarus by a person without nationality does not make him exempt from the requirement to obtain a visa of the Republic of Belarus for entry into its territory, *inter alia*, for transit travel through its territory.

Therefore, the legislation of the Republic of Belarus provides for issuance of documents allowing exist from the Republic of Belarus and entry into the Republic of Belarus only to seafarers without nationality who **permanently reside in the Republic of Belarus**, as well as to seafarers without nationality who apply for work aboard ships of the Republic of Belarus. In relation to settlement of seafarers without nationality in the Republic of Belarus and the procedures of their entry into the Republic of Belarus, it should be noted that the national legislation of the Republic of Belarus does not provide for benefits for seafarers without nationality, as recommended by the subject Article of the 1954 Convention. The legislation of the Republic of Belarus, though, does not impose any restrictions on persons without nationality in part of acquisition of a permit for temporary or permanent residence in the Republic of Belarus, or a visa for entry into the Republic of Belarus in comparison with nationals of foreign countries, or based on relation to certain categories or criteria.

Moreover, in accordance with the Edict of the President of the Republic of Belarus No. 152 of 16 March, 2006 'On Approval of the List of Administrative Procedures Executed by Government Agencies and Other Government Organizations upon Requests of Citizens', as amended by the Edict of the President of the Republic of Belarus No. 402 of 6 September,

2007, issuance of a permit for temporary or permanent residence in the Republic of Belarus is an administrative procedure. The major requirements to execution of administrative procedures in the Republic of Belarus are stipulated by the Law of the Republic of Belarus of 28 October, 2008 'On the Fundamentals of Administrative Procedures'¹.

According to this Law, the main principles of execution of administrative procedures are as follows:

legitimacy – execution of administrative procedures by an authorized agency within the limits of its competence and in accordance with the requirements imposed by the legislation on administrative procedures;

equality of involved persons before and under the law – at execution of administrative procedures citizens are equal before and under the law regardless of sex, race, nationality, language, background, property and official status, place of residence (sojourn), attitude towards religion, opinions, affiliation to political parties and other public associations, and legal entities – irrespective of the organization and legal form, ownership type, subordination and location;

priority of interests of involved persons – in case of ambiguity or nebulousness of prescriptions of a legislative act, authorized agencies should make administrative decisions based on the maximum consideration of interests of involved persons;

openness of administrative procedures – the involved persons should have access to materials related to consideration of his application, and a possibility to take part in review of such applications either in person and/or through his representatives;

timeliness and accessibility of administrative procedures – execution of administrative procedures in shortest time with lodgment of minimum number of documents and/or information for execution of the administrative procedures, by the involved person to the authorized agency;

declarative 'one shop' principle – application of the involved person at one authorized agency with attachment of documents and/or information necessary for execution of the administrative procedure that may be lodged only by the involved person;

cooperation at execution of administrative procedures – interaction of authorized agencies with other state bodies, other organizations at execution of administrative procedures by sending inquiries and receipt of documents and/or information necessary for execution of administrative procedures, as well as in other forms.

¹ Will come into effect on 12 May, 2009.

According to Article 9 of the Law of the Republic of Belarus 'On the Fundamentals of Administrative Procedures', authorized state bodies shall, at execution of administrative procedures:

ensure benevolent, polite and considerate attitude of authorized agency personnel to the involved persons;

provide the stakeholders free of with the forms necessary for application for execution of administrative procedures, as prescribed by the legislation on administrative procedures, and explain the procedure of their compilation and lodgment;

provide the involved persons with a possibility to familiarize themselves with materials related to review of their applications, including documents and/or information received by these agencies from other state bodies, other organizations and required for execution of administrative procedures, make excerpts of them, unless the legislation on state secrets, commercial or other legally protected secret provides otherwise;

notify the involved persons on adopted administrative decisions;

explain the procedure and terms of appeal against adopted administrative decisions, to the involved persons.

An analysis of the provisions of the legislation of the Republic of Belarus allows making a conclusion that the Republic of Belarus has an equally favorable attitude to any persons in part of acquisition of permits and documents stipulated in Article 11 of the 1954 Convention regardless of presence or absence of nationality of any state or affiliation to a certain category.

In consideration of the above and also since Article 11 of the 1954 Convention is non-binding by nature; we may affirm full compliance of the legislation of the Republic of Belarus with Article 11 of the 1954 Convention.

Chapter II. JURIDICIAL STATUS

Article 12. Personal Status

1. The personal status of a stateless person shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a stateless person and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right

in question is one which would have been recognized by the law of that State had he not become stateless.

The aggregate of conditions characterizing the contractual capacity of a stateless person, such as achievement of the contractual capacity age (full age), the rights of minors, marrying age, procedure of restriction or deprivation of legal capacity, announcement of a person as deceased and some others, are determined in accordance with the legislation of the place of permanent residence (domicile) or the place of last residence in absence of a domicile. The rights of a stateless person arising from his personal status are recognized by the State as if they are recognized in relation to a person who is not stateless.

It should be mentioned that the specific list of rights covered by the term 'personal status' is not established by the international treaties of the Republic of Belarus. The doctrine of international private law identifies personal status as an aggregate of provisions governing primarily issues of a person's legal capacity. There are also indications to the fact that personal status should include the right of persons for a name, the right to act as a guardian and other rights.

In accordance with Clause 2 of Article 26 of the Convention on Legal Aid and Legal Relations on Civil, Marital and Criminal Matters of 7 October, 2002¹ (hereinafter referred to as the Chisinau Convention), the contractual capacity of a person without nationality is defined according to the legislation of the country of his **permanent residence**. As follows from the provisions of the Convention, other issues related to the status of stateless persons are resolved according to the legislation of the country of the relevant legal relation (e.g., the law of the place of marriage, the law of the place of joint residence of the spouses). Therefore, the countries applying the provisions of the Chisinau Convention do not differentiate between foreign nationals and stateless persons, except that the fact of permanent residence, rather than the fact of nationality, is used in referring to an appropriate legislation. The Chisinau Convention does not cover the issue of establishment of contractual capacity of a person without permanent residence.

An identical approach is used in the Convention on Legal Aid and Legal Relations on Civil, Marital and Criminal Matters on 22 January 1993² (hereinafter referred to as the Minsk Convention).

The legislation of the Republic of Belarus does not contain the term 'personal status of a natural person'. Certain aspects of personal status of a natural person (*inter alia* a person without nationality), as understood by the doctrine of the international private law, are regulated by the CC and the

¹ Effective for the Republic of Belarus from 27 April, 2004.

² Effective for the Republic of Belarus since 19 May, 1994. Since 27 April, 2004 remains effective only in relations with Georgia, Moldova, Turkmenistan, Russian Federation, Uzbekistan and Ukraine.

Marriage and Marital Code of the Republic of Belarus (hereinafter referred to as the MFC).

In accordance with Clause 1 Article 1093 of the , the right subject to civil legal relations with a foreign element (persons without nationality) is determined on the basis of the Constitution of the Republic of Belarus, the , other legislative acts, international treaties of the Republic of Belarus and international practices compliant with the legislation of the Republic of Belarus.

Certain issues of personal status of a person without nationality are determined by his personal law. The law of the country where a **person without nationality permanently resides** (Article 1103 of the CC) is considered as the personal law of that person. The following issues of personal status are determined in accordance with the personal law:

the legal and contractual capacity of a natural person (Clause 1 of Article 1104 of the);

the rights of a natural person for a name, for its use and protection (Article 1106 of the), except for the obligation to inform about changes in name and prohibition to acquire rights and duties on behalf of another person (Part Two of Clause 2 and Clause 4 of Article 18 of the), protection of personal non-property rights and intellectual property rights (Article 1115 and 1132 of the);

establishment and cancellation of guardianship or trusteeship over minors, incapable or partially capable adults (Clause 1 Article 1109 of the).

The CC, though, in some cases applies other collision factors in relation to individual status elements.

In particular, according to Clause 3 of Article 1104 of the , the contracting capacity of a natural person in relation to transactions concluded in the Republic of Belarus and obligations arising out of infliction of damage in the Republic of Belarus, is determined according to the legislation of the Republic of Belarus.

In accordance with Clause 4 of the above Article of the , the ability of a natural person engaged in entrepreneurial activities, to be an individual entrepreneur and have related rights and duties, is determined according to the law of the country where the natural person is registered as an individual entrepreneur. In absence of a country of registration, the law of the country of the main location where the individual entrepreneurial activities are conducted, shall apply.

Recognition of a natural person as missing, announcement of him as deceased shall be subject to the law of the country of the court (Article 1105 of the).

The MFC also contains a number of provisions related to individual status of persons without nationality.

Part Two of Article 228 of the MFC provides that **persons without nationality residing in the Republic of Belarus** shall enjoy rights and bear obligations in marital and family relations equally with the nationals of the Republic of Belarus.

It should, though, be noted, that in accordance with the provisions of the MFC, only persons without nationality who reside (temporarily or permanently) in the Republic of Belarus, are capable in marital and family relations.

The following issues should be reviewed in relation to recognition of rights that have been previously acquired by persons without nationality owing to their individual status:

- recognition of marriages concluded with persons without nationality outside of the Republic of Belarus;
- recognition of dissolution of marriages concluded with persons without nationality outside of the Republic of Belarus;
- recognition of maternity and/or paternity, guardianship or trusteeship in relation to persons without nationality, established outside of the Republic of Belarus.

According to the provisions of Parts Two and Three of Article 230 of the MFC, marriages of the nationals of the Republic of Belarus foreign nationals and **persons without nationality**, marriage forms, places of marriage conclusion prescribed by the law, shall be recognized as valid in the Republic of Belarus, provided that they are consistent with the requirements of Articles 17-19 of the MFC; marriages between foreign nationals or **persons without nationality** concluded outside of the Republic of Belarus in compliance with the legislation of relevant states, shall be recognized as valid in the Republic of Belarus.

The MFC provides that dissolution of marriages between the nationals of the Republic of Belarus and foreign nationals or **persons without nationality** conducted outside of the Republic of Belarus in compliance with the legislation of relevant states, shall be recognized as valid in the Republic of Belarus, provided that either spouse resided outside of the Republic of Belarus (Part Three of Article 231) at the time of marriage dissolution. The MFC does not regulate the issues of recognition by the Republic of Belarus of dissolution of marriage between persons without nationality, concluded outside of the Republic of Belarus.

In accordance with Part Three of Article 232 of the MFC, maternity and/or paternity established outside of the Republic of Belarus in compliance with the legislation of the relevant state, shall be recognized as valid in the Republic of Belarus.

Guardianship and trusteeship established over minor nationals of the Republic of Belarus in compliance with the legislation of relevant states, shall be recognized as valid in the Republic of Belarus, provided that it is not challenged by diplomatic representations or consular establishments of the Republic of Belarus that should obtain a competent opinion of the Ministry of Education of the Republic of Belarus in accordance with the procedure defined by the Government of the Republic of Belarus (Part Two of Article 234 the of MFC).

Guardianship and trusteeship established over minor foreign nationals, persons without nationality outside of the Republic of Belarus in compliance with the legislation of relevant states, shall be recognized as valid in the Republic of Belarus (Part Four of Article 234 of the MFC).

Documents issued by competent agencies of foreign states for the purposes of certification of civil status made outside of the Republic of Belarus in compliance with the legislation of relevant states in relation to persons without nationality, shall be recognized as valid in the Republic of Belarus on the condition of **consular legalization** (Article 1108 of the and 236 of the MFC).

It should be mentioned that the issue of the law governing the personal status of a **person without nationality who does not have a permanent residence**, is not clearly regulated by the legislation of the Republic of Belarus. Clause 3 of Article 1093 of the , however, sets forth the procedure of determination of the law in cases when applicable law can not be determined, on the basis of the Constitution of the Republic of Belarus, provisions of the Convention, other legislative acts, international treaties of the Republic of Belarus and international practices compliant with the legislation of the Republic of Belarus. In that case the law, which is the closest to the civil legal relations with foreign element, shall apply. It appears that it will be the law of the place of actual residence of a person without nationality who does not have a permanent residence, which will apply in relation to such a person.

Based on an analysis of the above provisions of the legislation of the Republic of Belarus we should conclude that the provisions of the national legislation of the Republic of Belarus correspond to the 1954 Convention.

Article 13. Movable and Immovable Property

The Contracting States shall accord to a stateless person treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

This Article of the 1954 Convention regulates the possibility of conclusion of material agreements, i.e., civil law agreements by stateless persons. In relation to such agreements any stateless person regardless of the continuity and lawfulness of his sojourn in the territory of the country is granted a legal status that is no worse than the minimum scope of rights and freedoms enjoyed by foreign nationals within that country.

International treaties of the Republic of Belarus do not regulate the rights of persons without nationality to acquire property and related rights, or to take part in acquisition of property, or in participation in other material agreements. The provisions of international treaties of the Republic of Belarus governing the issues of contractual capacity of stateless persons apply to the issues of general contractual capacity (see comments to Article 12 of the 1954 Convention).

According to the provisions of Article 1119 of the CC, the right of ownership and other proprietary rights for immovable and movable property are determined according to the law of the country where that property is located. The definition of property as movable or immovable, as well as other legal classification of property, is made according to the law of the country where that property is located. However, it should be mentioned that the civil legislation equally applies to persons without nationality and foreign nationals.

The civil legislation determines that the term 'immovable property' refers to any objects that can not be moved without affecting their purpose (land plots, plots with subsurface resources, individual water bodies, forests, perennial plantations, buildings and structures). The term 'movable property' refers to all other things including money and securities. Unlike immovable property, movable property does not have to be registered.

The civil legislation of the Republic of Belarus defines two types of ownership: public and private. In accordance with Article 213 of the CC, the subjects of private ownership are natural persons and non-governmental legal entities. However, the rights of all owners are equally protected (i.e., the right of private ownership is granted foreign nationals and persons without nationality equally with the nationals of the Republic of Belarus). **Citizens** may own any property except certain types of property that may not be lawfully owned by the citizens. The amounts and cost of property owned by citizens may be limited only on exceptional basis (in the interests of national security, public order, safeguarding of moral, public health, rights and freedoms of other persons). The above limitations equally apply to nationals of the Republic of Belarus, foreign nationals and persons without nationality.

Article 12 of the Law 'On Foreigners' determines that foreign nationals and persons without nationality in the Republic of Belarus may own property

(living quarters as well), inherit or bequeath it, enjoy other proprietary and personal non-material rights in accordance with the procedure prescribed by legislation of the Republic of Belarus, including international treaties of the Republic of Belarus. Therefore, the legislation of the Republic of Belarus does not provide for any distinctions in terms of property relationships between persons without nationality and foreign nationals regardless of the lawfulness of their sojourn in the Republic of Belarus.

However, there are certain peculiarities in relation to certain types of immovable property and types of civil law agreements involving foreign nationals and persons without nationality.

In accordance with Article 6 of the Housing Code of the Republic of Belarus (hereinafter referred to as the HC), persons without nationality are subject to housing relationships. However, Article 10 of the HC stipulates that foreign nationals and persons without nationality permanently residing in the Republic of Belarus enjoy the rights and fulfill obligations in the sphere of housing relationships equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise.

Therefore, in relation to housing relationships of foreign nationals and persons without nationality permanently residing in the Republic of Belarus, we may say that they enjoy rights in the sphere of housing relationships equally with the nationals of the Republic of Belarus, while the rights of other categories of foreign nationals and persons without nationality (temporarily staying and temporarily residing), in the sphere of housing relationships in a number of cases are restricted by the legislation.

The legislation of the Republic of Belarus, in particular, Article 102 of the HC and Article 219 of the CC, provide for the following grounds for arising of the right of ownership of citizens for living quarters: conclusion of civil legal agreements: purchase, exchange, gift, or other deed of alienation of living quarters); construction of a residential building, part of a residential building, apartment; privatization of occupied government-owned living quarters; inheritance of living quarters; legalization of ownership of living quarters by a member of an organization of private construction investors; transfer of a residential building, apartment as replacement for a land plot expropriated for government needs; transfer of living quarters as a replacement due to major overhaul or renovation of a residential building.

A study of the legislation of the Republic of Belarus indicates that foreign nationals and persons without nationality permanently residing in the Republic of Belarus are entitled to purchase living quarters and own them in all ways listed above.

In accordance with Clause 7 of the Regulation on the Procedure of Acquisition of Apartments (Houses), approved by the Resolution of the

Council of Ministers of the Republic of Belarus No. 589 of 31 August, 1993, foreign nationals and persons without nationality not residing in the Republic of Belarus are entitled to purchase apartments (houses) in the Republic of Belarus in accordance with international treaties. The text of the above provision, as well as relations governed by the Regulation on the Procedure of Purchase of Apartments (Houses) follows that foreign nationals and persons without nationality who are not residing in the Republic of Belarus, **may not purchase living quarters** (apartments, houses) in the Republic of Belarus **under acquisition agreements**, except when such right is provided by international treaties.

According to Article 3 of the Law of the Republic of Belarus of 16 April, 1992 'On Privatization of the Housing Pool of the Republic of Belarus', foreign nationals and persons without nationality permanently residing in the Republic of Belarus, may be subjects of privatizations.

Therefore, **foreign nationals and persons without nationality who are not permanently residing in the Republic of Belarus may not acquire living quarters** in the Republic of Belarus on the following grounds: conclusion of a civil law acquisition agreement and privatization of occupied government-owned living quarters.

In accordance with the provisions of the Land Code of the Republic of Belarus of 4 January, 1999, the right of private ownership on land plots may be held only by the nationals of the Republic of Belarus permanently residing in the Republic of Belarus.

Regarding lease relationships, it should be mentioned that, according to the provisions of Article 43 of the Land Code of the Republic of Belarus of 4 January, 1999, foreign nationals and **persons without nationality** may lease land plots along with the nationals of the Republic of Belarus.

In accordance with the Land Code of the Republic of Belarus of 23 July, 2008, and the Law of the Republic of Belarus of 6 November, 2008 'On Introduction of Addenda and Amendments into the Land Code of the Republic of Belarus'¹, foreign nationals and persons without nationality are subject to land relationships. Land plots may be owned under the following rights:

- private ownership – by foreign nationals, persons without nationality who are relatives of the testator, if they inherit land plots privately owned by the testator, unless legislative acts establish otherwise;
- lifetime ownership – by foreign nationals and persons without nationality who are relatives of the testator, for maintenance of an inherited residential house, officially registered apartment in an apartment building, country house, summer cottage located on land plots received by the testator

¹ Will come into effect on 1 January, 2009.

for lifetime ownership with inherited succession, as well as by foreign nationals and persons without nationality who are relatives of a testator in case of inheritance of a land plot received by the testator for lifetime ownership with inherited succession, unless legislative acts provide otherwise;

- temporary use – by foreign nationals and persons without nationality who are national or international investors, under concession agreements;

- lease – by any foreign nationals and persons without nationality.

Article 11 of the Law of the Republic of Belarus of 13 November, 2001 'On Weapons' does not recognize **persons without nationality** as persons authorized to purchase weapons in the territory of the Republic of Belarus. Moreover, this Law and other legislative acts of the Republic of Belarus on the whole do not regulate the legal status of persons without nationality in relation to weapon handling, which allows making a conclusion about a gap in legal regulation of this issue.

Therefore, it should be noted that the legislation of the Republic of Belarus establishes the same legal status of persons without nationality, as foreign nationals in relation to rights for movable property (except for weapons) and immovable property, and the possibility of conducting property transactions, which generally meets the requirements of Article 13 of the 1954 Convention. The need of regulation of the legal status of persons without nationality in relation to purchase of weapons and other related rights is not a barrier for documentation of accession of the Republic of Belarus to the 1954 Convention.

Article 14. Artistic Rights and Industrial Property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a stateless person shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

The Russian text of Article 14 of the 1954 Convention (which is not authentic) relates to **protection** of **artistic** rights and industrial property of persons without nationality. The English text of the 1954 Convention applies the term 'protection' that could be translated [into Russian] as 'defense' and 'protection'. It should be noted that, in accordance with the current terminology in the field of legal regulation of intellectual property relations,

the term 'defense' should be understood as measures taken in cases when intellectual property rights were violated or challenged, while the term 'protection' relates to the aggregate of provisions on the legal regime of intellectual property. Taking into account the English terminology and provisions of universal international agreements on issues of intellectual property, contents of Article 14 of the 1954 Convention, as well as the Commentary to the 1954 Convention, we may assume that the above Article of the 1954 Convention regulates specifically protection of artistic rights and industrial property of persons without nationality.

Article 14 of the 1954 Convention differentiates between two groups of states: states of habitual residence of stateless person claiming his rights, and all other states. The state of **habitual residence** should provide to stateless persons the same legal status as to the nationals of that state in terms of protection of artistic rights and industrial property. **Outside of the state of habitual residence**, the appropriate rights should have the same protection as the rights of the nationals of the state where the stateless person habitually resides. The rights of a person without a habitual residence are protected in accordance with the provisions of Article 7 of the 1954 Convention, i. e., at least equal with the protection granted to foreigners.

The term 'habitual residence', as used in Article 14 of the 1954 Convention, means that protection may not be established only on the basis of temporary sojourn in the territory of a country, although such strong links with the country as permanent residence, are not required. A certain vagueness of the term could be noted; on the whole it may lead to identification of several countries as habitual residence of a stateless person, however, the developers used that term based on the best achievable legal protection of stateless persons¹.

Based on Article 3 of the Bern Convention for the Protection of Literary and Artistic Works of 9 September, 1886² (hereinafter referred to as the Bern Convention), authors – stateless persons – **habitually residing** in a Union³ state, shall be protected as provided by that Convention, in relation to their published or unpublished works. Regarding other authors – stateless persons - such a protection is granted to them only if these works were published in a state of the Union or simultaneously in a state that is not party to the Union, and in a state of the Union. According to Article 5 of the Bern Convention, authors – persons without nationality – whose works are protected under the above Convention, should enjoy the same rights in the states of the Union, as the authors who are nationals of that state.

¹ Robinson, Nehemiah Convention relating to the Status of Stateless Persons, Its History and Interpretation: A Commentary by Nehemiah Robinson. Institute of Jewish Affairs, World Jewish Congress, 1955, Republished by the Division of International Protection of the United Nations High Commissioner for Refugees, 1997. – p. 54-55.

² Effective for the Republic of Belarus since 12 December, 1997.

³ Bern Union for the Protection of Literary and Artistic Works' refers to countries bound by the Bern Convention.

The provisions of Article 4 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October, 1961¹ allows making a conclusion that performers without nationality (as well as other performers who are not nationality of the state, which protection is sought), national mode should be granted by each Contracting State on one of the following conditions:

the performance takes place in another Contracting State;

the performance is incorporated in a phonogram which is protected under Article 5 of this Convention;

the performance, not being fixed on a phonogram, is carried by a broadcast which is protected by Article 6 of this Convention.

As regards phonogram **producers** – stateless persons, according to Article 5 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October, 1961, the national protection mode is provided to them by each Contracting State, if the first fixation of the sound was made in another Contracting State (criterion of fixation), or the phonogram was first published in another Contracting State (criterion of publication).

Article 4 of the WIPO Performances and Phonograms Treaty of 20 December, 1996 contain similar provisions.

Clause (1) of Article 4 of the International Convention for the Protection of New Varieties of Plants of 2 December, 1961² insofar as the grant and protection of breeders' rights are concerned, stateless persons residing in the territory of a Contracting Party, shall enjoy within the territory of each other Contracting Party the same treatment as is accorded or may hereafter be accorded by the laws of each such other Contracting Party to its own nationals, provided that the said nationals, natural persons or legal entities comply with the conditions and formalities imposed on the nationals of the said other Contracting Party.

Article II of the Universal Copyright Convention, signed in Geneva on 6 September, 1952³ sets forth a national mode of protection of works of the nationals of one Contracting State in each other Contracting State. It is especially reserved that for the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person **domiciled** in that State.

Therefore, international treaties of the Republic of Belarus providing for granting a national mode to persons without nationality in relation to their rights in the field of intellectual property, as a rule, condition it on residence (habitual residence) of such a person in the territory of a member state of a

¹ Effective for the Republic of Belarus since 27 May, 2003.

² Effective for the Republic of Belarus since 5 January, 2003.

³ Effective for the Republic of Belarus 5 January, 2003

relevant international treaty, or correspondence of the intellectual property objects to certain criteria (in particular, the criteria of publication).

As regards protection of intellectual property rights, it should be noted that international treaties in the area of intellectual property, as a rule, in this part refer to the national legislation of their member states.

Part Three of Article 51 of the Constitution of the Republic of Belarus establishes that intellectual property is protected by law. Issues related to protection of intellectual property are regulated by the provisions of the CC, the Law of the Republic of Belarus of 16 May, 1996 'On Copyright and Related Rights', as amended by the Law of the Republic of Belarus of 11 August, 1998, the Law of the Republic of Belarus of 16 December, 2002 'On Patents for Inventions, Working Models and Industrial Samples', the Law of the Republic of Belarus of 7 December, 1998 'On Legal Protection of Semiconductor Topologies', the Law of the Republic of Belarus of 17 July, 2002 'On Geographical Indications', the Law of the Republic of Belarus of 13 April, 1995 'On Patents for Plant Varieties', the Law of the Republic of Belarus of 5 February, 1993 'On Trade and Service Marks', as amended by the Law of the Republic of Belarus of 27 October, 2000.

It should be noted that the legislation of the Republic of Belarus in the area of intellectual property provides the **same** protection to objects of intellectual property of persons without nationality as to objects of intellectual property of the **nationals of the Republic of Belarus**. As a rule, provision of such protection is not conditional upon any requirements other than those imposed on the nationals of the Republic of Belarus.

However, based on Clause 2 of Article 5 of the Law of the Republic of Belarus 'On Copyright and Related Rights', the legal mode stipulated by that Law, applies to works whose authors are nationals of the Republic of Belarus or permanently reside in the territory of the Republic of Belarus, regardless of the place of their first publications. This mode applies to works of other persons only if they were published for the first time or are located in the territory of the Republic of Belarus, or constitute works protected in the territory of the Republic of Belarus in accordance with international treaties of the Republic of Belarus.

According to Article 30 of the Law of the Republic of Belarus 'On Copyright and Related Rights', the provisions of that Law related to protection of performers' rights, apply to performers who are nationals of the Republic of Belarus. The above provisions of the Law of the Republic of Belarus 'On Copyright and Related Rights' apply to other performers only when their performances takes place in the territory of the Republic of Belarus, or are parts of phonographs protected in accordance with this Law, or are not part of a phonogram but are recorded in air or cable broadcasts protected in accordance with this Law. The provisions of the Law of the

Republic of Belarus 'On Copyright and Related Rights' related to protection of phonograms, apply to phonograms produced by the nationals of the Republic of Belarus. As regards phonograms of other producers – natural persons – these provisions of the above Law apply only if they were published for the first time in the territory of the Republic of Belarus, or published in the territory of the Republic of Belarus within 30 days upon the day of their first publication in any other state.

We should emphasize the fact that Article 14 of the 1954 Convention relates to the issues of the **scope of protection of artistic rights and industrial property of stateless persons** rather than the conditions of its provision.

Since, with the legislation of the Republic of Belarus persons without nationality are provided with the same scope of rights and duties as the nationals of the Republic of Belarus in the area of protection of intellectual property, we may make a conclusion about full correspondence of the legislation of the Republic of Belarus to the provisions of Article 14 of the 1954 Convention.

Issues pertaining to protection of intellectual property rights are regulated by provisions of the CC, the Criminal Code of the Republic of Belarus, Administrative Offense Code of the Republic of Belarus, as well as the Law of the Republic of Belarus of 16 May, 1996 'On Copyright and Related Rights', as amended by the Law of the Republic of Belarus of 11 August, 1998, the Law of the Republic of Belarus of 16 December, 2002 'On Patents for Inventions, Working Models and Industrial Samples', the Law of the Republic of Belarus of 7 December, 1998 'On Legal Protection of Semiconductor Topologies', et al.

An analysis of the legislation of the Republic of Belarus in the area of intellectual property allows making a conclusion that in the territory of the Republic of Belarus persons without nationality (both temporarily staying and temporarily or permanently residing in the Republic of Belarus) have equal rights with the nationals of the Republic of Belarus in the area of protection of intellectual property.

Article 15. Right of Association

As regards non-political and non -profit- making association and trade unions the Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favorable as possible, and in any event, not less favorable than that accorded to aliens generally in the same circumstances.

In relation to establishment of non-commercial non-political organizations, as well as trade unions, stateless persons enjoy the most favorable rights that a State might grant them, at least equal to those granted to nationals of foreign countries. This provision of the 1954 Convention regulates the rights of stateless persons lawfully residing in the territory, i.e., those who entered the territory of the country on a legitimate basis or those who later on legalized their sojourn. The term 'sojourn' means, as a minimum, an adequately long sojourn in the territory of the country, as well as a certain level of establishment and engagement into the system of local social relations, even without clear intent to reside there in future.

Clause 1 of Article 22 of the Covenant on Civil and Political Rights, Clause 1 of Article 12 of the CIS Convention provide that every man has a right to the freedom of peaceful assembly and to the freedom of association with others, including the right to establish trade unions and join them for the protection of his interests. Limitations provided by international treaties in relation to these rights, do not allow for any distinctions on the basis of nationality of relevant persons. It should be noted that in accordance with Article 30 of the CIS Convention the provision of Article 12 of that Convention is not viewed as precluding government restrictions of political activities of persons without nationality (the Covenant on Civil and Political Rights does not provide for such reservation).

In accordance with Article 2 of the Convention of the International Labor Organization No. 87 concerning Freedom of Association and Protection of the Right to Organize of 9 July, 1948¹, workers and entrepreneurs, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

Part One of Article 36 of the Constitution of the Republic of Belarus sets forth the right of every one to the freedom of association. According to Part Two of Article 36 of the Constitution of the Republic of Belarus, judges, workers of Public Prosecutor's offices, employees of the agencies of internal affairs, State Control Committee, national security agencies and military servicemen may not be members of political parties and other public associations.

Based on an analysis of the above provisions of the Constitution of the Republic of Belarus we may make a conclusion that the above restrictions are stipulated only in relation to the nationals of the Republic of Belarus, since the occupation of the above positions is directly linked with the nationality of the Republic of Belarus and only in relation to membership in political parties and public associations pursuing political goals.

¹ Effective for the Republic of Belarus since 6 November, 1957.

Part Three of Article 41 of the Constitution of the Republic of Belarus establishes that **citizens** have a right for protection of their economic and social interests including the right to associate in trade unions.

In the Constitution of the Republic of Belarus, the terms 'everybody' and 'citizen' are used to denote the subjects entitled to participate in public associations and trade unions. Since the holder of the above right is not defined specifically, the terms 'everybody' and 'citizen' should be viewed as applying to the nationals of the Republic of Belarus, as well as to foreign nationals and persons without nationality regardless of the legality and mode of their sojourn in the territory of the Republic of Belarus. However, special legislative acts of the Republic of Belarus may specify entities that have a proper right or conditions of acquisition of that right by a certain category of persons.

Thus, according to Part One of Article 9 of the Law 'On Foreigners', foreign nationals and **persons without nationality** may join trade unions and public associations in the Republic of Belarus, **if it is envisaged in their constituent documents**.

The legal relations arising out of creation and activities of public associations are regulated by the Law of the Republic of Belarus of 4 October, 1994 'On Public Associations', as amended by the Law of the Republic of Belarus of 19 July, 2005. Thus, according to the provisions of Article 2 of the above Law, the right to establish public associations at their initiative and join existing public associations is provided only to the nationals of the Republic of Belarus. In relation to foreign nationals and persons without nationality, the above Law determines that they may join the existing public associations, if it is envisaged in their constituent documents. Foreign nationals may also act as founders of international public associations, established in the territory of the Republic of Belarus. The appropriate right is not granted to persons without nationality.

Therefore, persons without nationality may, equally with foreign nationals join public associations, however, as distinct from foreign nationals; they may not act as founders of international public associations, which provides a lesser amount of rights to persons without nationality than the scope stipulated in the 1954 Convention. However, the legislation of the Republic of Belarus does not distinguish between persons without nationality on the basis of legality and mode of their sojourn in the territory of the Republic of Belarus.

The right of association in trade unions is stipulated in the Law of the Republic of Belarus of 22 April, 1992 'On Trade Unions', as amended by the Law of the Republic of Belarus of 14 January, 2000. According to the provisions of Part One of Article 2 of the above Law, **citizens** have the right to establish trade unions at their own will and choice and joint trade unions,

on the condition of observance of their constituent documents (provisions). Clause 2) of Article 11 of the Labor Code of the Republic of Belarus sets forth the right of any employee for association in trade unions, regardless of any nationality. According to Part One of Article 9 of the Law 'On Foreigners', foreign nationals and persons without nationality may join trade unions, if it is allowed by their charters.

In accordance with Article 3 of the Law of the Republic of Belarus of 19 July, 2006 'On National Public Associations', natural persons may act as founders and members of a national public association. However, the President of the Republic of Belarus or, upon his order, the Council of Ministers of the Republic of Belarus may impose restrictions of the conditions of foundation and membership of national public associations.

Part Two of Article 11 of the Law of the Republic of Belarus of 25 February, 2002 'On Consumer Cooperation (Consumer Associations and Unions) in the Republic of Belarus' provides that **citizens** above 16 years of age may be members of a consumer association. This Law does not disclose the definition of the term 'citizen'.

In accordance with Part One of Article 13 of the Law of the Republic of Belarus 'On Freedom of Conscience and Religious Organizations', religious organizations in the Republic of Belarus are voluntary associations of the **nationals of the Republic of Belarus** (religious communities) or associations of religious communities (religious associations).

Therefore, the provisions of the national legislation of the Republic of Belarus in part of granting a right to found and take part in public associations (except for international public associations) to persons without nationality, generally meets the requirements of Article 15 of the 1954 Convention, since persons without nationality have the same scope of rights as foreign nationals. The need for legal regulation in part of providing persons without nationality with the right to found international public associations does not constitute a barrier for documenting accession of the Republic of Belarus to the 1954 Convention.

Regarding the right of persons without nationality to assemble in trade unions, it should be mentioned that this right may be implemented by persons without nationality (as well as by foreign nationals) without any restrictions as in this area they are considered equal with the nationals of the Republic of Belarus, which fully corresponds to the 1954 Convention.

Article 16. Access to Courts

1. 1. A stateless person shall have free access to the courts of law within all Contracting States.

2. *A stateless person shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal aid and exemption from cautio judicatum solvi.*

3. *A stateless person shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.*

The Contracting States of the 1954 Convention recognize the right of any stateless person, including those who illegally sojourn on their territory, to access courts in any of them. Meanwhile, a stateless person enjoys the same right in the country of his habitual residence as the nationals of that country, to apply to court, as well as in relation to the issues of legal aid and exemption from payment of judicial costs. In other countries a stateless person enjoys the same rights as a national of the country of his habitual residence. If a stateless person does not have habitual residence, he is granted the right to apply to court, as well as to receive legal aid and be exempt from covering judicial costs – as a minimum, and at least equal with the right enjoyed by foreign nationals.

According to the provisions of the Convention on International Access to Justice of 25 October, 1980¹, persons habitually residing in any Contracting State shall be entitled to legal aid for court proceedings in civil and commercial matters, provision of court fees and execution of decisions on their collection, receipt of copies of decisions and notes, arrest and detentions whether as a means of enforcement or simply as a precautionary measure, on the same conditions as if they themselves were nationals of that State.

Article 2 of the Chisinau Convention provides that nationals and persons residing in the territory of each of the States Parties to the Convention, enjoy in the other States Parties the same rights as the nationals of these States in relation to exemption from payment and compensation of judicial and notarial fees and costs, free legal aid, as well as benefits in relation to all procedural actions performed on civil, marital and criminal proceedings including execution of decision or sentence (an identical provision is stipulated in Article 2 of the Minsk Convention).

Part One of Article 60 of the Constitution of the Republic of Belarus guarantees protection of **everyone's** rights and freedoms by a competent and fair court in terms established by the law.

¹ Effective for the Republic of Belarus since 1 March, 1998.

Part Two of the above Article of the Constitution of the Republic of Belarus determines that, in order to protect their rights, freedoms, honor and dignity, **citizens**, in accordance with the law, may claim in court for compensation of property damages and material compensation of moral damages

According to Part One of Article 62 of the Constitution of the Republic of Belarus, **everyone** has a right for legal aid in exercising and protecting his rights and freedoms, including the right to use at any time the assistance of lawyers and other representatives in court, other official agencies, local administrative bodies, enterprises, establishments, organizations, public associations, as well as in relations with officials and citizens. In cases prescribed by law, legal aid shall be provided **at the government cost**.

The terms 'everyone' and 'citizens' are used in the Constitution of the Republic of Belarus for making reference to entities entitled to judicial protection and legal assistance. Since the subject of the above right is not specified, the terms 'everyone' and 'citizens' should be understood both as the nationals of the Republic of Belarus and foreign nationals and persons without nationality regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus. Therefore, The Constitution of the Republic of Belarus establishes the right of persons without nationality for judicial protection and legal assistance in the territory of the Republic of Belarus.

The procedural equality of persons without nationality with the nationals of the Republic of Belarus is set forth in Part One of Article 541 of the Code of Civil Procedure of the Republic of Belarus, Article 242 of the Code of Economic Procedure of the Republic of Belarus, Clause 1 of Article 4 of the Code of Criminal Procedure of the Republic of Belarus, Clause 3 of Article 1.3 of the Administrative Offence Execution Procedure Code of the Republic of Belarus.

The same equality also applies to provision of legal aid and exemption from payment of judicial costs regardless of the mode of sojourn and the fact of legality of sojourn of persons without nationality in the territory of the Republic of Belarus.

In accordance with the provisions of Part One of Article 4 of the Law of the Republic of Belarus of 15 June, 1993 'On Practice of Law', the state guarantees legal aid to everyone in need without any limitations. Furthermore, the above Law envisages cases of provision of free legal aid by lawyers. Thus, as regulated by Article 6 of the above Law, legal aid is provided for free by the bars at their means to plaintiffs in the first instance courts in proceedings related to employment relationships, recovery of alimony, compensation of damages caused by mutilation or other occupational injury to health, as well as to disabled persons of groups I and II

at rendering consultations that do not require familiarization with the materials of the case.

In relation to determination of procedural contractual capacity of persons without nationality, it should be mentioned that in accordance with the provisions of Part One of Article 550 of the Code of Civil Procedure of the Republic of Belarus, the procedural contractual capacity of persons without nationality is determined by the legislation of the country of his permanent residence, and in absence thereof - by the legislation of the country of his temporary sojourn.

In accordance with the provisions of the Law of the Republic of Belarus of 10 January, 1992 'On the State Fee', as amended by the Law of the Republic of Belarus of 26 December, 2007, the state fee sizes in the Republic of Belarus are determined based on the nature and content of appeals and claims regardless of the applicant's nationality. The issues of exemption from payment of the state fee are resolve in a similar manner. According to Paragraph One of Article 1 of the Law of the Republic of Belarus 'On the State Fee', the number of state fee payers includes, *inter alia*, **natural persons**, as defined in Clause 6 of Article 13 of the General Part of the Tax Code of the Republic of Belarus. In Clause 6 of the above Article of the General Part of the Tax Code of the Republic of Belarus 'natural persons' mean the nationals of the Republic of Belarus, nationals or subjects of a foreign state, and **persons without nationality (allegiance)**.

Therefore, in accordance with the national legislation of the Republic of Belarus, in part of provision of the right for judicial protection and legal assistance, as well as in part of exemption from payment of court costs, persons without nationality are made equal to the nationals of the Republic of Belarus, regardless of the mode of sojourn and the fact of legitimacy of the sojourn of persons without nationality in the territory of the Republic of Belarus, which fully corresponds to the provisions of Article 16 of the 1954 Convention.

Chapter III. GAINFUL EMPLOYMENT

Article 17. Wage-Earning Employment

1. The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favorable as possible and, in any event, not less favorable that that accorded to aliens generally in the same circumstances, as regards the right to engage in wage-earning employment.

2. The Contracting States shall give sympathetic consideration to assimilating the rights of all stateless persons with regard to wage-earning employment to those of nationals, and in particular of those stateless persons

who have entered their territory pursuant to programs of labor recruitment or under immigration schemes.

This Article of the 1954 Convention regulates access of stateless persons to hired employment, i.e., the possibility for stateless persons to find jobs in the territory of the country of their sojourn. Stateless persons staying in the territory of the country on a legitimate basis and for an adequately long period of time, in relation to their right of employment, shall be granted the most favorable legal status applied to the nationals of foreign countries in the same circumstances, i.e., that is granted to foreign nationals on the condition of reciprocity.

Stateless persons staying in the territory of the country in violation of the legitimate procedure or for an inadequately long period of time shall be granted a status at least as favorable in relation to employment, as that applied to foreigners in relation to whom there are conditions of reciprocity.

Clause 2 of the subject Article of the 1954 Convention recommends the States to make all stateless persons equal with the nationals of that country in relation to the employment rights. In particular, that recommendation relates to the condition of those stateless persons who came to the country on employment requests or according to immigration plans, and lost their jobs.

Article 6 of the International Covenant on Economic, Social and Cultural Rights of 16 December, 1966, sets forth the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

The Declaration of the International Labor Organization (hereinafter referred to as the ILO Declaration) concerning the Aims and Purposes of the International Law Organization, 10 May, 1944 (Philadelphia Declaration), in particular, proclaimed full employment as one of its objectives.

In accordance with Part One of Article 41 of the Constitution of the Republic of Belarus, the **nationals of the Republic of Belarus** are guaranteed the right to work as the most adequate method of self-assertion of a man, i.e., the right for choice of profession, type of activities and work in accordance with the talents, education, professional training and public needs, as well as a right for healthy and safe occupational environment.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the territory of the Republic of Belarus enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish some restrictions of the rights of foreign nationals or persons without

nationality, or set forth special conditions of acquisition or application of certain rights.

According to Part Two of Article 41 of the Constitution of the Republic of Belarus, the state creates conditions to ensure full employment of the population. In case of unemployment of a person for reasons out of his control, the state guarantees his training in new qualifications and advanced training with a consideration of public needs, as well as an unemployment allowance in accordance with the law.

The terms 'population' and 'person' are used in the Constitution of the Republic of Belarus for making reference to entities for whom the state should create full employment conditions. Since the subject of the above right is not specified, the terms 'population' and 'person' should be understood both as the nationals of the Republic of Belarus, and foreign nationals and persons without nationality, regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus. However, special legislative acts of the Republic of Belarus may specify subjects entitled to the appropriate right, or establish conditions for its acquisition by a certain category.

In accordance with the provisions of Part One of Article 11 of the Law 'On Foreigners', persons without nationality in the Republic of Belarus have the right to freely control their ability to work, choose the types of activities and profession, as well as the right to freely use their abilities and property for labor, entrepreneurial and other activities. Identical rights in the above sphere are also granted to foreign nationals.

It should be mentioned, though, that Article 19 of the above Law provides that foreign nationals and persons without nationality may not occupy positions that, in accordance with the legislation of the Republic of Belarus, are related to the nationality of the Republic of Belarus. In all other cases persons without nationality permanently residing **in the Republic of Belarus**, may engage in labor, entrepreneurial and any other activities equally with the nationals of the Republic of Belarus.

In accordance with Part Two of Article 5 of the Law of the Republic of Belarus 'On Employment of the Population of the Republic of Belarus' of 15 June, 2006, the legislation on employment of the population applies to foreign nationals and persons without nationality permanently residing in the territory of the Republic of Belarus, unless the Constitution of the Republic of Belarus, laws or international treaties of the Republic of Belarus provide otherwise.

In relation to other categories of persons without nationality Part Two of Article 11 of the Law 'On Foreigners' establishes that foreign nationals and persons without nationality **temporarily staying and temporarily residing** in the Republic of Belarus have the right to engage in labor, entrepreneurial and other activities with special permits.

The Resolution of the Council of Ministers of the Republic of Belarus No. 1258 of 16 September, 2002 'On Streamlining Labor and Entrepreneurial Activities of Foreign Nationals and Persons without Nationality Temporarily Staying and Temporarily Residing in the Republic of Belarus' defines the list of government agencies of the Republic of Belarus in charge of issuance of the above permits.

General issues related with attraction of foreign labor to the Republic of Belarus are regulated by the Law of the Republic of Belarus of 17 June, 1998 'On External Labor Migration'. In accordance with Part One of Article 11 of this Law labor contracts for drawing foreign workforce into the Republic of Belarus should be considerate of the principle of equality of the rights of migrant workers with the nationals of the Republic of Belarus, in accordance with the legislation of the Republic of Belarus. According to Part One of Article 12 of this Law, the state takes measures to ensure employment and social rights of a migrant worker.

Based on an analysis of the above provisions of the legislation of the Republic of Belarus we may make a conclusion about their full correspondence to Clause 1 of Article 17 of the 1954 Convention, since the same rights are provided to persons without nationality in terms of hired employment in the Republic of Belarus, as to foreign nationals.

The legislation of the Republic of Belarus also implements the recommendation of Clause 2 of Article 17 of the 1954 Convention, in part of making persons without nationality who **permanently reside** in the Republic of Belarus, equal with the nationals of the Republic of Belarus in their right for hired employment.

Article 18. Self-Employment

The Contracting States shall accord to a stateless person lawfully in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

In relation to self-employment, including entrepreneurial activities (farming as well) and organization of an own commercial enterprise, stateless persons are granted legal status that is at least as favorable as the one usually enjoyed by foreigners in the same circumstances. This provision applies to stateless persons who have been staying in the territory of the country on a legitimate basis and for an adequately long period of time.

It should be noted that this Article of the 1954 Convention only recommends granting a more favorable legal status as compared to the minimum (set forth in Clause 1 of Article 7 of the above Convention). It is assumed that the States should not unreasonably limit the legal status of stateless persons to the minimum level.

International treaties of the Republic of Belarus do not establish the country's responsibilities in terms of conferment of the rights for entrepreneurial activities to stateless persons.

Part Two of Article 13 of the Constitution of the Republic of Belarus determines that the state grants **to all** equal right for business and other legitimate activities and guarantees equal protection and equal conditions for development of all types of ownership (public or private).

According to Part Three of the above Article of the Constitution of the Republic of Belarus, the state also guarantees **equal possibilities for all** to freely use their abilities and property for entrepreneurial and other legitimate activities.

The term 'all' is used in the Constitution of the Republic of Belarus for making reference to entities to whom the state guarantees the right to engage in entrepreneurial and other legitimate activities. Since the subject of the above right is not specified, the term 'all' should be understood both in relation to the nationals of the Republic of Belarus, and foreign nationals and persons without nationality regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus. However, special legislative acts of the Republic of Belarus may specify subjects entitled to the appropriate right, or establish conditions for its acquisition by a certain category.

Thus, Article 11 of the Law 'On Foreigners' sets forth the right of foreign nationals and persons without nationality to freely use their abilities and property for labor, entrepreneurial and for engaging in labor, entrepreneurial and other activities. However, as mentioned earlier, persons without nationality permanently residing in the Republic of Belarus have equal right for entrepreneurial activities **with the nationals of the Republic of Belarus**.

Legal relationships arising out of conduct of entrepreneurial activities in the territory the Republic of Belarus, are regulated by the Law of the Republic of Belarus of 28 May, 1991 'On Entrepreneurship in the Republic of Belarus', in accordance with which **natural persons** without limitation of rights, including **foreign nationals and persons without nationality**, are considered subjects of entrepreneurship (Paragraph Two of Part One of Article 2).

It should be noted that in accordance with the legislation of the Republic of Belarus, entrepreneurial activities may be conducted without creation of a

legal entity and with creation of a legal entity, with or without the use of hired labor, though the legislation of the Republic of Belarus on entrepreneurship does not restrict in any manner the conduct of entrepreneurial activities in relation to foreign nationals and persons without nationality permanently residing in the Republic of Belarus.

In accordance with Clause 1 of Article 4 of the Law of the Republic of Belarus of 18 February, 1991 'On Peasant's (Farmer's) Estate', as amended by the Law of the Republic of Belarus of 19 July, 2005, the right for establishment of a farmer's estate is provided to contractually capable nationals of the Republic of Belarus, foreign nationals and persons without nationality permanently residing in the territory of the Republic of Belarus.

In accordance with Clause 1 of the Edict of the President of the Republic of Belarus No. 372 of 2 June, 2006 'On Measures on Development of Ecological Agrarian Tourism in the Republic of Belarus', natural persons permanently residing in the countryside and holding personal subsidiary economy, as well as peasant's (farmer's) estates may conduct activities on rendering services in the area of ecological agrarian tourism in accordance with the procedure prescribed in this Edict. In compliance with Part Five of Article 3 of the Law of the Republic of Belarus of 11 November, 2002 'On Citizens' Personal Subsidiary Economies' foreign nationals and persons without nationality permanently residing in the Republic of Belarus, may hold a personal subsidiary economy in the territory of the Republic of Belarus.

In accordance with Sub-Clause 1.2 of Clause 1 of the Edict of the President of the Republic of Belarus No. 225 of 16 May, 2005 'On Certain Issues of Artisan Activities of Natural Persons' natural persons may, without any requirements to nationality and following the declarative principle, conduct artisan types of activities listed in that Edict, as individual entrepreneurs.

Foreign nationals and persons without nationality who are temporarily stay and reside in the Republic of Belarus, may conduct entrepreneurial activities **with special permissions**. The legislation of the Republic of Belarus does not set any other restrictions.

Therefore, in relation to the conduct of entrepreneurial and other types of activities, the legal status of persons without nationality who permanently or temporarily reside in the territory of the Republic of Belarus, is made equal to foreign nationals. The legal status of persons without nationality and foreign nationals permanently residing in the territory of the Republic of Belarus is, though, made equal to the legal status of the nationals of the Republic of Belarus. Consequently, the Belarusian legislation fully corresponds to the subject provisions of the 1954 Convention.

Article 19. Liberal Professions

Each Contracting State shall accord to stateless persons lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practicing a liberal profession, treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.

In relation to liberal professions, stateless persons are granted legal status at least as favorable as the status used by foreigners in the same circumstances, on the condition that such stateless persons can duly prove their qualification to the competent government agencies. This provision applies to stateless persons who have stayed in the territory of the country on a legitimate basis and for an adequately long period of time.

It should be noted that this Article the 1954 Convention only recommends provision of a more favorable legal status as compared with the minimum (set forth in Clause 1 of Article 7 of the above Convention). It is assumed that the States should not unreasonably limit the legal status of stateless persons to the minimum acceptable level.

There is no exact definition of the term 'liberal profession'. In theory of law the term 'liberal professions' is referred to such highly qualified professions where main professional actions are conducted in person (they may not be delegated to hired assistants), independently and under personal responsibility. Liberal professions are grouped together by the requirement to take special training, pass a qualification exam and receive a certificate (except for artists, men of letters and other intellectuals), as well as by the principle of self-financing (conducting work or rendering services under individual agreements rather than under labor contracts). As a rule, liberal professions include private work of medical doctors, dentists, apothecaries, notaries and artists.

International treaties of the Republic of Belarus do not establish the responsibilities of the state to grant stateless persons the right for liberal professions.

In accordance with the legislation of the Republic of Belarus, foreign nationals and persons without nationality permanently residing in the Republic of Belarus are granted the right to engage in labor, entrepreneurial and **other activities** equally with the nationals of the Republic of Belarus. However, persons without nationality, temporarily staying and temporarily residing in the Republic of Belarus, conduct labor, entrepreneurial and **other activities** based on special permits (licenses). Identical restrictions in the sphere of labor, entrepreneurial and other activities are established in the

national legislation of the Republic of Belarus in relation to foreign nationals as well.

Since the Belarusian legislation does not define types of activities related to liberal professions, it appears necessary to analyze all types of activities conducted by natural persons based on special permissions, issued by competent agencies of the Republic of Belarus, which require special training of an applicant for such permissions.

The issues related to the procedure of issuance of special permissions (licenses) to conduct certain types of activities by natural persons, are regulated by a number of regulatory acts of the Republic of Belarus. The Regulation 'On Licensing Certain Types of Activities', approved by the Decree of the President of the Republic of Belarus No. 17 of 14 July, 2003, establish general requirements to the procedure of licensing. In accordance with Paragraph Five of Clause 3 of that Regulation, natural persons, who are not individual entrepreneurs, may apply only for the right for legal counseling or notarial activities. However, such persons should be nationals of the Republic of Belarus. Accordingly, in order to acquire any other licenses, applicants should be registered in the Republic of Belarus as individual entrepreneurs.

The above Decree of the President of the Republic of Belarus also approves of a list of types of activities, requiring special permissions (licenses). Requirements to individual entrepreneurs applying for licenses in accordance with the list are detailed in special provisions on licensing of certain types of activities, approved by Resolutions of the Council of Ministers of the Republic of Belarus. Depending on the specific type of activity, such provisions may establish requirements on special training of individual entrepreneurs (e.g., higher education in law for licenses for distribution of legal information, higher or vocational veterinary education - for licenses for veterinary activities), qualifications (first or higher qualification categories), for mid-level medical workers – a special qualification category for medical licenses), or experience (at least three years of experience as a notary – for licenses for private notary's activities).

Certain provisions on licensing provide for issuance of licenses only to individual entrepreneurs who are nationals of the Republic of Belarus (e.g., for legal services or legal expertise). However, provisions on licensing do not distinguish between the legal status of foreign nationals and persons without nationality in terms of acquisition of licenses.

As regards types of activities, that are traditionally referred to as liberal professions, and that, though, do not require a special confirmation of the qualification (artists, men of letters, other intellectuals), it should be noted that the Belarusian legislation does not restrict access to such activities to any persons.

Based on the above we should make a conclusion that in terms of conduct of liberal professions, persons without nationality enjoy the same scope of rights, as foreign nationals, besides, foreign nationals and persons without nationality permanently residing in the Republic of Belarus are made equal to the nationals of the Republic of Belarus, which fully corresponds to the level of legal protection according to the 1954 Convention.

Chapter IV. WELFARE

Article 20. Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, stateless persons shall be accorded the same treatment as nationals.

The existing national system of overall distribution of short-supply products should be available for every stateless person regardless of the legality of his sojourn in the territory of the country, equally with the nationals of that country.

Clause 1 of Article 25 of the Universal Declaration of Human Rights provides that every man has the right to a standard of living adequate for the health and well-being of himself and of his family, including food and clothing.

Clause 1 of Article 11 of the Covenant on Economic, Social and Cultural Rights, recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food and clothing, and to the continuous improvement of living conditions.

However, international treaties of the Republic of Belarus do not establish the responsibilities of the state to grant stateless persons equal rights with the nationals in distribution of short-supply products.

At present the national legislation of the Republic of Belarus does not legally regulate this issue due the absence of the need to distribute short-supply merchandise.

Part Two of Article 21 of the Constitution of the Republic of Belarus, though, determines that everyone has a right to a worthy level of living, including quality food, clothing, housing and continuous improvement of their conditions. Since the Constitution of the Republic of Belarus uses the term 'everyone', the conclusion that this provision also applies to persons without nationality, appears justifiable.

Since this provision of the 1954 Convention applies to those countries that have a system of distribution of short-supply goods, it appears reasonable

to conclude that the legislation of the Republic of Belarus does not contradict Article 20 of the 1954 Convention.

Article 21. Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.

In relation to housing issues, such as the amount of fee for provision of housing and distribution of housing to the extent controlled by the national or local authorities, the legal status granted to stateless persons is at least as favorable as the status used by foreigners that are not covered by the requirement of reciprocity, and in the same circumstances. This provision applies to stateless persons, who have stayed in the territory of the country on a legitimate basis and for an adequately long period of time.

It should be noted that this Article only recommends provision of a more favorable legal status as compared with the minimum (set forth in Clause 1 of Article 7 of the 1954 Convention). It is assumed that the States should not unreasonably limit the legal status of stateless persons to the minimum acceptable level.

Clause 1 of Article 11 of the Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of living for himself and his family, including provision of housing.

Clause 3 of Article 13 of the CIS Convention establishes a responsibility of the state to facilitate economic, legal and social protection of family life that includes provision of housing to families (irrelevant of their nationality identification).

In accordance with Part One of Article 48 of the Constitution of the Republic of Belarus, **the citizens of the Republic of Belarus** have the right for housing.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus foreign nationals and persons without nationality in the Belarusian territory enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish any restrictions of the rights of foreign nationals or persons without nationality, or they may set forth specific conditions of acquisition or use of certain rights.

Thus, according to Article 10 of the Law 'On Foreigners', **persons without nationality permanently residing in the Republic of Belarus**, who are engaged in labor, entrepreneurial or other activities on legitimate grounds, have all social and economic rights enjoyed by the nationals of the Republic of Belarus. The social and economic rights of persons without nationality, temporarily staying and residing in the Republic of Belarus and engaged in labor, entrepreneurial and other activities on legitimate grounds in the territory of the Republic of Belarus, are defined by laws and international treaties of the Republic of Belarus. A similar legal regulation is established for foreign nationals.

In the national legislation of the Republic of Belarus, legal relationships in the area of housing are regulated by the Housing Code of the Republic of Belarus, as well as other regulatory acts. According to the provisions of Article 6 of the above Code persons without nationality are also viewed as subjects of housing relationships equally with the nationals of the Republic of Belarus and foreign nationals. Article 10 of the above Code determines that **persons without nationality permanently residing in the territory of the Republic of Belarus** (as well as foreign nationals), shall enjoy the rights and fulfill obligations in the area of housing relationships equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise.

As regards foreign nationals and persons without nationality temporarily staying and residing in the Republic of Belarus, the Housing Code of the Republic of Belarus does not regulate their rights in this area.

It should be noted that, taking into account the provisions of Article 10 of the Law 'On Foreigners' and Article 10 of the Housing Code, a number of acts of the housing legislation of the Republic of Belarus regulating certain issues of housing relationships also apply only to persons without nationality and foreign nationals **permanently residing** in the Republic of Belarus. In particular, they include the Edict of the President of the Republic of Belarus No. 128 of 19 March, 2007 'On Certain Issues of Allocation and Use of Residential Facilities of the State Housing Pool', the Edict of the President of the Republic of Belarus No. 565 of 29 November, 2005 'On Certain Measures on Regulation of Housing Relationships', the Decree of the President of the Republic of Belarus No. 18 of 24 November, 2006 'On Additional Measures on Protection of Children in Dysfunctional Families'.

In view of the above, and since the national legislation of the Republic of Belarus in the area of housing relationships provides persons without nationality with rights similar to the rights of foreign nationals, we may make a conclusion about full correspondence of the provisions of the national legislation of the Republic of Belarus to the provisions of Article 21 of the 1954 Convention.

Article 22. Public Education

1. The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to primary education.

2. The Contracting States shall accord to stateless persons treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with respect to education other than primary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

In relation to primary education, all stateless persons regardless of the legality of their sojourn in the territory of the country are granted the same legal status as the nationals of the country of sojourn.

Access to education of the types other than primary, including the possibility to study, recognition of foreign certificates, diplomas and degrees, exemption from payment of tuition and other fees, as well as the possibility of receiving stipends is granted to stateless persons in the same extent, as to foreigners that do not meet the requirements of reciprocity. This provision applies to any stateless persons, regardless of the legality of their sojourn in the territory of the country and duration of such sojourn.

It should be noted that this Article of the 1954 Convention recommends granting a more favorable legal status as compared with the minimum (set forth in Clause 1 of Article 7 of the 1954 Convention). It is assumed that the States should not unreasonably limit the legal status of stateless persons to the minimum acceptable level.

Multilateral international treaties of the Republic of Belarus contain provisions ensuring mandatory and no-fee nature of primary education for everyone regardless of any nationality. As regards the right of access to the other types of education, a part of international treaties of the Republic of Belarus makes provision of such a right conditional on the person's nationality of a state-member of the relevant international agreement, or residence in the territory of such a state.

In accordance with Clause 2 of Article 13 of the Covenant on Economic, Social and Cultural Rights, primary education shall be compulsory and available to all free of charge, secondary education shall be made generally available and accessible to all, and higher education shall be made equally accessible to all on the basis of personal abilities.

According to Clause a) of Article 4 of the Convention against Discrimination in Education of 14 December, 1960¹, the States Parties to that Convention undertake to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular, to make primary education free and compulsory; make secondary education in its different forms generally available to all; make higher education equally accessible to all on the basis of individual capacity.

Clause 1 of Article 28 of the Convention on the Rights of the Child provides that the States shall make primary education compulsory and available to all free of charge; ensure accessibility of secondary education, both general and vocational, to every child; make higher education accessible to all on the basis of personal abilities.

Article 27 of the CIS Convention provides that no one may be denied the right for education, while elementary and basic secondary education are mandatory and free of charge.

In accordance with Part One of Article 1 of the Treaty on Cooperation in the Sphere of Education of 15 May, 1992², the States-Parties guarantee equal rights for education and its availability to all **residents** regardless of their national affiliation and other distinctions.

According to Article 1 of the Treaty relating to the Provision of the Nationals of States-Members of the Commonwealth of Independent States with Access to Secondary Educational Institutions on the Same Conditions as to the Nationals of These States, and on Social Protection of Students and Pedagogical Workers of Secondary Educational Institutions of 16 April, 2004³, the Parties shall provide the **nationals of the Parties** with access to secondary educational establishments equally with the nationals of the Party in which territory the education takes place, within the framework of national educational standards.

In accordance with Article 1 of the Treaty on Provision of the Nationals of the States-Members of the Agreement on Advancement of Integration in Economic and Humanitarian Areas of 29 March, 1996, with Equal Rights for Admission to Educational Institutions of 24 November, 1998,⁴ the Parties shall provide the **nationals of the States-Parties of the Agreement** with equal rights for admission to the Parties' state educational institutions on the basis of mutually recognized national documents both to state-funded and

¹ Effective for the Republic of Belarus since 12 March, 1963.

² Effective for the Republic of Belarus since the date of signature.

³ Effective for the Republic of Belarus since 3 June, 2005.

⁴ Effective for the Republic of Belarus since 15 September, 1999.

fee-based tuition under contracts in accordance with admission rules approved by the state educational institutions.

International treaties of the Republic of Belarus (both multilateral and bilateral) regulating the issues of recognition and equivalency of documents on education, academic degrees and titles do not make the resolution of these issues conditional on the document holder's nationality.

Thus, Article III. 1 of the Convention 'On the Recognition of Qualifications concerning Higher Education in the European Region' of 11 April, 1997¹ provides that holders of qualifications issued in one of the Parties shall have adequate access, upon request to the appropriate body, to an assessment of these qualifications. No discrimination shall be made in this regard on any ground such as the applicant's gender, race, color, disability, language, religion, political or other opinion, national, ethnic or social origin, association with a national minority, property, birth or other status, or on the grounds of any other circumstance not related to the merits of the qualification for which recognition is sought. Each State undertakes to make appropriate arrangements for the assessment of an application for recognition of qualifications solely on the basis of the knowledge and skills obtained.

In accordance with Part One of Article 49 of the Constitution of the Republic of Belarus, everyone has a right for education. Part Two of the above Article of the Constitution of the Republic of Belarus guarantees availability and no-charge basis of general secondary and vocational education. Part Three of the above Article of the Constitution of the Republic of Belarus stipulates that secondary special and higher education shall be available to all on the basis of abilities. Furthermore, everyone may competitively receive appropriate free education in the state educational institutions.

The terms 'everyone' and 'all' are used in the Constitution of the Republic of Belarus to make reference to persons entitled with a right for education. Since the subject of the above right is not specified, the terms 'everyone' and 'all' should be understood both as the nationals of the Republic of Belarus and foreign nationals and persons without nationality regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus. Therefore, the Constitution of the Republic of Belarus establishes the right of persons without nationality for education in the Republic of Belarus. Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the Belarusian territory enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On

¹ Effective for the Republic of Belarus since 1 April, 2002

Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish certain restrictions of rights of foreign nationals or persons without nationality, or set forth special conditions of acquisition or use of certain rights.

Thus, Article 14 of the Law 'On Foreigners' provides that foreign nationals and persons without nationality **permanently residing in the Republic of Belarus** have the same right for education as the nationals of the Republic of Belarus. Part Three of Article 3 of the Law of the Republic of Belarus of 29 October, 1991 'On Education', as amended by the Law of the Republic of Belarus of 19 March, 2002 and Clause Two of Article 4 of the Law of the Republic of Belarus of 11 July, 2007 'On Higher Education' contain identical provisions.

In relation to foreign nationals and persons without nationality **temporarily staying and temporarily residing in the Republic of Belarus**, Part Two of Article 14 of the Law 'On Foreigners' provides that they have the right for obtaining education in the Republic of Belarus **in accordance with international treaties of the Republic of Belarus or on the basis of agreements on education**, concluded with educational institutions or academic organizations of the Republic of Belarus.

In accordance with Clause 6 of the Regulation on Education of Foreign Nationals in the Republic of Belarus, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 442 of 7 July, 1993 'On Education of Foreign Nationals in the Republic of Belarus' as amended by the Resolution of the Council of Ministers of the Republic of Belarus No. 1171 of 29 August, 2002, foreign nationals and persons without nationality, temporarily residing in the Republic of Belarus, are admitted to educational institutions offering general secondary education on equal terms with the nationals of the Republic of Belarus.

In accordance with the Rules of Admission to Secondary Special Educational Institutions and the Rules of Admission to Higher Educational Institutions, approved by the Edict of the President of the Republic of Belarus No. 80 of 7 February, 2006, the right for competing for the above types of education in the state universities at the cost of the central budget belongs to the nationals of the Republic of Belarus, foreign nationals and persons without nationality permanently residing in the Republic of Belarus, Belarusians who are nationals of foreign countries or persons without nationality permanently residing in foreign countries, nationals of the Russian Federation, Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan provided that they receive that level of education at the cost of the budget for the first time or competitively.

Admission of other categories of foreign nationals and persons without nationality for education is carried out by secondary special and higher

educational institutions in accordance with international treaties of the Republic of Belarus. In the event of absence of an appropriate international treaty, admission of persons without nationality staying in the Republic of Belarus on a legitimate basis and having the required level of previous education, shall be made on the conditions of payment and on the basis of agreements concluded by secondary special and higher educational institutions with persons without nationality or their representatives, that, in addition to the provisions stipulated by the legislation, shall provide for the responsibility of the parties on compensation of the costs in the event of the necessity to expel persons without nationality outside of the Republic of Belarus.

The Rules of Admission to the Master's Program of the Higher Educational Establishments of the Republic of Belarus, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 68 of 18 January, 2008, contain identical norms in relation to the admission to the master's degree programs.

Moreover, the Regulation on the Procedure of Confirmation of Equivalency of Documents on Education, Recognition and Establishment of Correspondence of the Higher Education Periods and Courses, and Confirmation of Academic Degrees of the Republic of Belarus and Other States, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 68 of 18 January, 2008, does not distinguish between the legal status of document holders on the basis of their nationality.

In accordance with Clause 68 of the Regulation on Award of Academic Degrees and Titles in the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 560 of 17 November, 2004, documents on award of academic degrees and titles issued to the nationals of the Republic of Belarus and to foreign nationals and persons without nationality who have acquired a permanent residence permit and who conduct their professional activities in the Republic of Belarus, by attestation bodies of the states with which the Republic of Belarus has concluded agreements on recognition and equivalency of documents on award of academic degrees and titles, are subject to nostrification (acceptance of foreign degrees as equal with native) by the National Attestation Commission. Nostrification (acceptance of foreign degrees as equal with native) of documents on award of academic degrees is conducted only when the issue of dissertation defense in that foreign country, as well as the qualification(s) and the branch of science related to the defense, were coordinated with the National Attestation Commission and also when the supplicant for the academic degree has undergone full-time post-graduate or doctoral training of the given state, or lived in its territory during completion of the dissertation, unless international treaties of the Republic of Belarus

provide otherwise. A dissertation defense in a foreign country may be coordinated on the condition that there are no dissertation defense councils and specialists in the Republic of Belarus for organization of a one-time defense.

According to Clause 71 of the above Regulation, holders of documents on award of academic degrees and titles, received in countries with which the Republic of Belarus does not have any agreements on recognition and equivalency of documents on academic degrees and titles, or who failed to fulfill other requirements of this Clause, are subject to repeated attestation.

It should be noted that the Regulation on award of academic degrees and titles in the Republic of Belarus equally applies to relevant foreign nationals, persons without nationality and the nationals of the Republic of Belarus.

Based on the provisions of the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Higher Educational Institutions, approved by the Resolution of the Ministry of Finance of the Republic of Belarus, the Ministry of Labor of the Republic of Belarus, the Ministry of Education of the Republic of Belarus No. 33/27/18 of 23 March, 2001, the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Secondary Vocational Institutions, approved by the Resolution of the Ministry of Finance of the Republic of Belarus, of the Ministry of Labor of the Republic of Belarus, of the Ministry of Education of the Republic of Belarus of 23 March, 2001 No. 34/28/19, as well as the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Technical Vocational Institutions, approved by the Resolution of the Ministry of Education of the Republic of Belarus of 23 March, 2001 No. 20, foreign nationals and persons without nationality permanently residing in the territory of the Republic of Belarus, receive stipend from the budget at the amount established for the nationals of the Republic of Belarus. Foreign nationals and persons without nationality, who do not reside permanently in the territory of the Republic of Belarus, receive that stipend in the above amount only if it is provided in international treaties.

Therefore, the right for primary education is provided to all persons without nationality without exception, equally with the nationals of the Republic of Belarus. As regards other forms of education, recognition and equivalency of documents on education, on award of academic degrees and titles, as well as budget-funded stipends, it should be noted that persons without nationality enjoy the same scope of rights, as foreign nationals. Based on the above we may make a conclusion about full correspondence of the Belarusian legislation to the provisions of Article 22 of the 1954 Convention.

Article 23. Public Relief

The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

In accordance with this Article of the 1954 Convention, stateless persons legitimately staying in the territory of the country for an adequately long period of time, equally with the nationals of the country enjoy assistance and support, provided by government institutions, in particular, emergency medical aid, services rendered to persons requiring additional care, treatment in medical institutions, as well as relief outside of the social security system.

According to Part One of Article 11 of the Covenant on Economic, Social and Cultural, the States Parties to that Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and they should take appropriate steps to ensure the realization of this right. Clause 2 of Article 12 of the Covenant on Economic, Social and Cultural Rights provides that the States should take measures to create conditions which would assure the provision of medical services and medical treatment to all in the event of sickness.

According to Article 27 of the Convention on the Rights of the Child, the States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Besides, States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall, when necessary, provide material assistance and support programs, particularly with regard to nutrition, clothing and housing. Clauses 1 and 2 of Article 24 of the Convention on the Rights of the Child set forth that the child has the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illnesses and rehabilitation of health. States Parties shall ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.

Clause 2 of Article 16 of the CIS convention establishes that any person without adequate means and unable to provide such means with his own efforts or from other sources, in particular, with benefits, through the social security system, should receive the necessary aid and required treatment according to the health condition – in the event of sickness.

It should be mentioned that international treaties of the Republic of Belarus do not provide for any government support or public relief for foreign nationals or persons without nationality other than medical aid and

social security. International treaties of the Republic of Belarus on issues of medical assistance provide only for aid to persons who possess the nationality of the states participating in the treaty. Thus, the Treaty on Provision of Medical Aid to the Nationals of the States – Parties of the Commonwealth of Independent States of 27 March, 1997¹ covers only the nationals of the States Parties to the Treaty. In accordance with Part One of Article 2 of the above Treaty, the States Parties are obliged to provide first and emergency medical care without encumbrance, free of charge and in full scope, i.e., in the same manner, as to its own nationals. The Treaty does not provide for rendering medical aid to persons without nationality.

Article 2 of the Treaty on Mutual Provision of Equal Rights to the Nationals of the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic and the Russian Federation in Receiving First and Emergency Medical Aid of 24 November, 1998² provides that the nationals of the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic and the Russian Federation shall be granted equal rights for free first and emergency medical care in these countries equally with the nationals of the country where the subject aid is provided.

Article 1 of the Treaty between the Government of the Republic of Belarus and Government of the Republic of Armenia on Temporary Labor Activities and Social Security of Nationals Working outside of Their Countries of 19 July, 2000³ stipulates expansion of this Treaty application, in particular, to persons without nationality permanently residing in the territory of the Republic of Belarus and the Republic of Armenia, temporarily engaged in labor activities in the territory of the other State Party under an employment agreement (contract) or within the framework of a special-purpose recruitment contract. Article 10 of this Treaty provides that in the event of acute sickness or accidents in the territory of the country of employment, for specially recruited workers, medical aid shall be provided equally with the nationals of that country, unless a separate agreement of the Parties provides otherwise.

According to Part Two of Article 21 of the Constitution of the Republic of Belarus, every person has a right for a worthy level of life including adequate food, clothing, housing and continuous improvement of the required conditions.

The term 'everyone' is used in the Constitution of the Republic of Belarus to make reference to persons entitled to the right for a worthy level of life. Since the subject of the above right is not specified, the term 'everyone' should refer both to the nationals of the Republic of Belarus, and foreign

¹ Effective for the Republic of Belarus since 27 May, 1997.

² Effective for the Republic of Belarus since 10 February, 1999.

³ Effective for the Republic of Belarus since 24 May, 2001.

nationals and persons without nationality regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus. Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the Belarusian territory, shall enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish certain restrictions of rights of foreign nationals or persons without nationality, or set forth special conditions of acquisition or use of certain rights.

According to Article 10 of the Law 'On Foreigners', **persons without nationality permanently residing in the Republic of Belarus**, who are engaged in labor, entrepreneurial and other activities on legitimate grounds have all social and economic rights of the nationals of the Republic of Belarus. Social and economic rights of persons without nationality, who are temporarily staying and residing in the Republic of Belarus and who are engaged in labor, entrepreneurial and other activities on legitimate grounds, in the territory of the Republic of Belarus, are defined by laws and international treaties of the Republic of Belarus. A similar legal regulation is established for foreign nationals.

It should be borne in mind that the 1954 Convention implies that the meaning of public relief may, in addition to medical aid, include such measures provided by the legislation of the Republic of Belarus, as social services, government support or government social aid for low-income persons and their families. However, the legislation of the Republic of Belarus provides for inclusion of the above measures of state support of the population into the social security system, therefore, they will be reviewed in comments to Article 24 of the 1954 Convention.

In accordance with the provisions of Part One of Article 45 of the Constitution of the Republic of Belarus, the right for health protection, including free treatment in the state health establishments is guaranteed **to nationals of the Republic of Belarus**. Part Two of the above Article of the Constitution of the Republic of Belarus determines that the state shall create conditions of medical treatment, equal for all nationals.

According to the provisions of Part One of Article 13 of the Law 'On Foreigners', persons without nationality **permanently residing in the Republic of Belarus** shall enjoy the rights in the area of health protection equally with the nationals of the Republic of Belarus, unless the laws and international treaties of the Republic of Belarus provide otherwise. Part One of Article 6 of the Law of the Republic of Belarus of 18 June, 1993

' n Public Health', as amended by the Law of the Republic of Belarus of 11 January, 2002, contains an identical provision.

In relation to **other categories of persons** without nationality (temporarily staying and temporarily residing), Part Two of Article 13 of the Law 'On Foreigners' stipulates that medical aid shall be provided to them for a fee in accordance with the legislation of the Republic of Belarus, unless international treaties of the Republic of Belarus provide otherwise.

Furthermore, persons without nationality (with the exception of permanently residing in the Republic of Belarus) at their entry into the Republic of Belarus should have a mandatory medical insurance policy of a Belarusian insurance organization or a medical policy of a foreign insurance organization covering provision of first and emergency medical aid by medical institutions. The fact of mandatory medical insurance policy from a Belarusian insurance organization and medical insurance policy of a foreign insurance organization shall be confirmed by an insurance policy document (Clause 207 of the Regulation on Insurance operations in the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 530 of 25 August, 2006).

Therefore, we should make a conclusion that partial non-compliance of the provisions of the national legislation of the Republic of Belarus with the provisions of Article 23 of the 1954 Convention, as it provides for state aid only to stateless persons who permanently reside in the Republic of Belarus, while the 1954 Convention prescribes provision of state aid to stateless persons legally i.e., temporarily and permanently, residing in the foreign country, equally with the nationals.

Article 24. Labor Legislation and Social Security

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities; remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social Security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which,

according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside of the territory of the Contracting State.

3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Stateless persons, staying in the territory of the country of sojourn on a legitimate basis and for an adequately long time, enjoy the same status as the nationals of that country in relation to determination of the amount of payment for their work, age limits and restrictions related to female labor, working hours and paid leave, benefits set forth in collective agreements if such issues are regulated by the legislation of the state or orders of the local authorities.

Such stateless persons also enjoy the benefits of the social security system equally with the nationals, taking into account that, in accordance with legislation, use of the social relief system in full scope might require acquisition of the appropriate rights. The state might establish a lower level of relief for persons who have not met the requirement to acquire the right for adequate standard relief.

It is especially reserved that compensation for death of a stateless person resulting from an accident at work or occupational disease should be paid out despite the fact that the beneficiary is out of the country. This provision applies to all stateless persons, including those who unlawfully stay in the territory of the country.

If the Parties of the 1954 Convention conclude mutual agreements aimed at social security improvements, they will grant stateless persons the same status in relation to the granted rights as to their nationals. In relation to such agreements concluded by a State Party to the Convention with a State that is not a Party to it, the former State will favorably treat the issue of granting the rights arising out of that agreement, to stateless persons.

Articles 6 and 7 of the Covenant on Economic, Social and Cultural Rights set forth the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, the right of everyone to the enjoyment of just and favorable conditions of work, which ensure as a minimum, fair wages and equal remuneration for work of equal value without distinction of any kind, a decent living for themselves and their families, safe and healthy working conditions, equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and qualification; rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Opportunities to all in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and, in particular, to those in need of such protection, are acclaimed as the ILO objectives in the Philadelphia Declaration. In order to achieve these objectives, the ILO has developed a large number of international treaties on the most important aspects of regulation of labor relationships. The Republic of Belarus is a party to 42 ILO conventions that apply to all employees in the relevant branches of economy without any distinction by the fact of nationality of the country of sojourn.

Article 9 of the Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to social security, including social security. Clause 1 of Article 16 of the CIS Convention includes an identical provision.

In relation to granting the rights stipulated in the international treaties of the Republic of Belarus in reference to social security issues, to stateless persons, it should be mentioned that the Treaty on Guarantees of the Rights of the Nationals of the States – Parties to the Commonwealth of Independent States – in the Area of Pension Coverage of 13 March, 1992¹ provides for its application only to the nationals of the States Parties to the Treaty. However, the provisions of this Treaty are in fact taken into account in the legislation of the Republic of Belarus and they apply to those persons without nationality who are entitled to pensions in the Republic of Belarus.

¹ Effective for the Republic of Belarus since the date of signature.

The other treaties of the Republic of Belarus in the social security area provide for a special indication to the application of their provisions to persons without nationality residing in the territory of States Parties, or use in reference to the subject persons, terms that are not related with nationality.

In accordance with Article 42 of the Constitution of the Republic of Belarus, hired workers are guaranteed a fair share of reward according to the economic outcomes of their labor according to its volume, quality and public value, though not below the level providing for a free and worthy existence to them and their families.

The term 'person' is used in the Constitution of the Republic of Belarus to make reference to persons, entitled to the right for fair reward for labor. Since the subject of the above right is not specified, the term 'person' should refer both to the nationals of the Republic of Belarus, and foreign nationals and persons without nationality regardless of the legitimacy and the mode of their sojourn in the territory of the Republic of Belarus.

In accordance with the provisions of Part One of Article 11 of the Law 'On Foreigners' persons without nationality in the Republic of Belarus have the right to freely control their ability to work, choose the types of activities and profession, as well as the right to freely use their abilities and property for labor and other activities.

The issues of work remuneration, working hours, overtime work, paid leaves, homework limitations, age limits for employed persons, apprenticeship and vocational training, female and juvenile labor, as well as the benefits of collective agreements are generally regulated by the Labor Code of the Republic of Belarus. In accordance with Article 3 of the Labor Code, its provisions apply to **all workers** and employers who have concluded an employment agreement in the territory of the Republic of Belarus, unless legislative acts or standards of ratified and enacted international treaties of the Republic of Belarus or ILO conventions acceded by the Republic of Belarus, provide otherwise.

The provisions of the Labor Code and other legislative acts do not distinguish legal regulation of the issues of the labor legislation in relation to stateless persons.

According to Article 47 of the Constitution of the Republic of Belarus, **the nationals of the Republic of Belarus** are guaranteed the right for social security in providing support for old age, illness, disability, loss of earning capacity, loss of breadwinner, and in other cases prescribed by the law.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the Belarusian territory shall enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law

'On Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish certain restrictions of rights of foreign nationals or persons without nationality or set forth special conditions of acquisition or use of certain rights.

Thus, according to Article 10 of the Law 'On Foreigners' **persons without nationality permanently residing in the Republic of Belarus**, who are engaged in labor, entrepreneurial and other activities on legitimate grounds, have all social and economic rights of the nationals of the Republic of Belarus including the **right for social security**. Social and economic rights of persons without nationality temporarily staying and residing in the Republic of Belarus and engaged in labor, entrepreneurial and other activities on legitimate grounds, in the territory of the Republic of Belarus, are defined by laws and international treaties of the Republic of Belarus.

Paragraph Five of Part Two of Article 7 of the Law of the Republic of Belarus of 31 January, 1995 'On the Fundamentals of National Social Security' establishes that, on the condition on payment of insurance fees, the national social security shall cover persons without nationality, working in the Republic of Belarus (i.e., working under labor and civil agreements and contracts), including individual entrepreneurs), which includes payments in case of illness and temporarily loss of earning capacity, pregnancy and childbirth, childcare until the age of three, disability, pension age, loss of breadwinner, loss of work, death of the insured person or a member of his family.

According to Part Two of Article 6 of the Law of the Republic of Belarus of 22 May, 2000 'On Social Services', persons without nationality **permanently residing in the territory of the Republic of Belarus**, shall enjoy the right for social services (social support, household, medical, psychological and pedagogical, legal services, material aid, creation of conditions for social adaptation and rehabilitation of citizens and families in difficult life situations), and perform appropriate duties equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties of the Republic of Belarus provide otherwise.

In accordance with Part Two of Article 6 of the Law of the Republic of Belarus of 6 January, 1999 'On the Minimum Standard of Living in the Republic of Belarus', the citizens (families) recognized as being low-income, shall have the right for the state social aid.

According to the Edict of the President of the Republic of Belarus No. 638 of 14 December, 2007 'On Certain Measures of State Support to the Population', state support is provided to the population in the following forms:

focused state social aid (monthly social allowance and/or lump sum social allowance) for acquisition of foodstuffs, medicines, technical means of

social rehabilitation, clothing, shoes, travel tickets, school supplies and other needs ensuring normal life activities;

non-cash housing subsidies for partial reimbursement of fees for use of living quarters, their technical maintenance, utilities (hot and cold water supply and sanitation, gas and power supply, heating, use of lifts, removal and decontamination of solid residential waste), as well as allocation for major repairs.

Based on the provisions of Part One of Article 10 of the Law 'On Foreigners', according to which only persons without nationality who reside in the Republic of Belarus permanently have equal rights with the nationals of the Republic of Belarus in the area of social security, we may make a conclusion that the provisions of the legislation of the Republic of Belarus stipulating provision of state social aid or social support to low-income citizens (families), apply only to persons without nationality who **permanently reside** in the Republic of Belarus.

The Edict of the President of the Republic of Belarus No. 530 of 25 August, 2008 'On Insurance Operations' establishes the rules of mandatory insurance of occupational accidents and diseases. In accordance with Clause 243 of this Edict, the life and health of the following citizens are subject to mandatory insurance of occupational accidents:

- workers under a labor agreement (contract);
- workers under a civil legal agreement on the insurer's territory and acting under the insurer's control over safety of works, or acting under the insurer's control over the safety of works outside of the insurer's territory;
- workers on the basis of membership (participation) in organizations of any institutional and legal forms;
- pupils and students of all types of educational institutions, resident physicians, postgraduate students, PhD students and interns (stagiaires);
- gainfully employed persons who are retained in correctional facilities, curative labor facilities and educational labor facilities.

The term 'citizens', as used in Paragraph Three of Part One of Clause 242 of this Edict is considered to apply to the nationals of the Republic of Belarus, foreign nationals, and persons without nationality **permanently residing in the Republic of Belarus**.

In accordance with Clause 260 of this Edict, the right to insurance premiums in the event of death of the insured person due to an insured accident is granted to:

- persons incapable to work who have depended on the deceased person or who have had the right to his support on the day of his death;
- a child of the deceased person who was born after his death;

- a parent, spouse or another family member regardless of his ability to work, who is unemployed and tends to the children, grandchildren, brothers and sisters who have been dependent on the deceased person and are under fourteen years of age, or older, if they are considered as requiring permanent nursing care by the Medical Rehabilitation Expert Commission (hereinafter referred to as the MREC) or a medical consultative commission;
- persons who have been dependent on the deceased person and became incapable within five years upon his death.

This Edict does not restrict the right to such insurance premiums due to the fact that relevant persons do not reside in the territory of the Republic of Belarus and are not nationals of the Republic of Belarus.

Therefore, the provisions of the labor legislation of the Republic of Belarus do not establish any specific parameters of legal regulation of the issues related to employment of persons without nationality, depending on the mode and legality of their sojourn in the Republic of Belarus, which fully meets the requirements of the 1954 Convention.

In relation to social security of persons without nationality it should be mentioned that the legislation of the Republic of Belarus does not stipulate any distinctions in this sphere for persons without nationality in relation to the duration of their sojourn in the territory of the Republic of Belarus, either. It should be also noted that registration of a person without nationality in the social security system in the event of his illegal sojourn in the territory of the Republic of Belarus is not possible. However, the right of persons without nationality to state social security relief is acquired on the basis of payment of insurance fees regardless of the persons' nationality of any state, which corresponds to the 1954 Convention.

As regards the right of persons without nationality for social services and state support and public relief for low-income persons and their families, the legislation of the Republic of Belarus establishes that the above right is provided only to persons without nationality **permanently residing** in the Republic of Belarus. We believe that the above restriction is permissible considering the provisions of Sub-Clause b) of Clause 1 of Article 24 of the 1954 Convention.

Therefore, we may suggest full compliance of the provisions of the national legislation with Article 24 of the 1954 Convention.

Chapter V. ADMINISTRATIVE MEASURES

Article 25. Administrative Assistance

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting State in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this Article shall be without prejudice to articles 27 and 28.

When, in order to use his right, a stateless person needs to obtain any certificates, permits, identification documents, the country of his sojourn should take measures to provide such support through its judicial, administrative and consular establishments. The documents issued to stateless persons are considered valid despite the absence of nationality of the issuing country.

These provisions of Article 25 of the 1954 Convention apply to stateless persons who have stayed in the territory of the country for an adequately long period of time. Stateless persons unlawfully staying in the territory of the country, in fact, may not make use of the provisions of the subject Article of the 1954 Convention considering the need of interaction of such stateless persons with the agencies of the country of sojourn. Relevant administrative assistance may only be provided after legalization of stay of the stateless person.

The fee for the issuance of such documents should not be excessive and it should correspond to the amounts collected from the nationals of the country of sojourn of the stateless person. The provisions of this Article of the 1954 Convention do not cover issuance of identification and travel documents.

Clauses 1 and 2 of Article 1 of the Minsk Convention provides that the nationals of each Contracting Party, as well as **persons residing in its territory**, shall enjoy the same legal protection, as the nationality of the subject Contracting Party in relation to their individual and property rights in

the territory of all other Contracting Parties. The nationals of each Contracting Party, as well as **other persons residing in its territory**, have the right for free and unrestricted access to courts, public prosecutor's office and other institutions of other Contracting Parties, the competence of which covers civil, marital and criminal proceedings, may plead at the bar, lodge applications and appeals, and carry out other procedural acts on the same terms, as the nationals of that Contracting Party.

In accordance with Article 2 of the above Convention, the nationals of each Contracting Party and persons residing in its territory shall be exempt from payment and reimbursement of court and notarial fees and costs, and they shall enjoy free legal assistance on the same terms as its nationals. Such benefits apply to all procedural acts performed within the case including execution of the decision.

Articles 1 and 2 of the Chisinau Convention contain similar provisions.

Bilateral international treaties of the Republic of Belarus on the issues of legal assistance on civil, criminal and marital proceedings envisage provisions similar to those established in the above Articles of the Minsk and Chisinau Conventions. However, they apply only to **the nationals** of the States Members of the relevant international treaty.

It should be noted that international treaties of the Republic of Belarus provide for the possibility of legal assistance **on cases listed in the treaty**, by a competent agency of one state upon inquiry of a competent agency of another state **regardless of the nationality of the persons involved**.

According to Part One of Article 10 of the Constitution of the Republic of Belarus, **a national of the Republic of Belarus** is guaranteed the protection and patronage of the state both in the Belarusian territory and abroad.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the Belarusian territory shall enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision). Based on this provision special legislative acts of the Republic of Belarus may establish certain restrictions of rights of foreign nationals or persons without nationality or set forth special conditions of acquisition or use of certain rights.

The procedural legislation of the Republic of Belarus makes the right of persons without nationality to apply to courts of the Republic of Belarus for requesting legal assistance from competent agencies of a foreign state, conditional on the grounds of such assistance. If it may be provided only on the basis of an international treaty, persons without nationality may be entitled to that right only provided that the subject treaty applies to them. If

the legal assistance is rendered on other grounds (e.g., on the basis of reciprocity), persons without nationality may apply to courts of the Republic of Belarus equally with foreign nationals and the nationals of the Republic of Belarus according to the provisions on procedural equality of foreign nationals with the nationals of the Republic of Belarus.

The Code of Civil Procedure of the Republic of Belarus and the Code of Economic Procedure of the Republic of Belarus envisage a possibility of court establishment of facts of legal importance (grounds for accrual, change or termination of citizens' personal or property rights), provided that it is not possible to receive or restore relevant documentary evidence in any other way. It should be noted that the legislation of the Republic of Belarus does not contain any provisions barring access of foreign nationals and **persons without nationality** to courts of the Republic of Belarus for the establishment of facts of legal importance **in relation to the territory of a foreign state**. The court makes an appropriate decision based on the outcomes of the proceedings. We should emphasize the fact that in accordance with Part Two of Article 367 of CCP of the Republic of Belarus, a reference made in a court decision to the purpose of establishment of a certain fact does not exclude its use in all other instances when this fact is considered as relating to accrual, change or termination of rights.

Regarding the presentation of the interests of persons without nationality before other agencies of foreign states by the Republic of Belarus in other situations, it should be noted that the Edict of the President of the Republic of Belarus of 16 March, 2006 No. 152, as amended by the Edict of the President of the Republic of Belarus of No. 402 6 September, 2007 approves of the list of administrative procedures executed by government authorities and other state organizations upon request of citizens (hereinafter referred to as the list of administrative procedures), which identifies the state agencies and organizations authorized to execute the procedures; documents and information that should be provided by citizens for execution of the procedures, the size of payment and the duration of the procedure execution. However, the term 'citizens', as used in the list, *inter alia*, refers to persons without nationality who may apply for execution of administrative procedures on the same grounds as the nationals of the Republic of Belarus.

Thus, e.g., registration of childbirth, set forth in Clause 130 of the Administrative Procedure List, provides for the possibility of presentation of identification documents other than the passport. That means that foreign nationals and persons without nationality may apply for execution of a procedure. The terms of execution of a procedure, and the amount of this payment are, however, equal for all applicant. A similar approach is applied in fact in all procedures except for those when nationality is the main

criterion (e.g., the procedure of issuance of the national passport of the Republic of Belarus).

Based on Clause 3 of Article 2 and Part Three of Clause 2 of Article 12 of the Law of the Republic of Belarus of 28 October, 2008 'On the Fundamentals of Administrative Procedures'¹ a government agency, another organization in charge of execution of an administrative procedure shall send an inquiry to a competent agency of a foreign state on provision of documents and/or information, which is necessary for execution of the administrative procedure and may not be obtained in any other way, provide that the person without nationality applying for execution of the administrative procedure is a permanent resident of the Republic of Belarus (unless legislative acts and/or international treaties of the Republic of Belarus provide otherwise).

According to Sub-Clause 1.1 of Clause 1 of the Consular Regulation of the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 82 of 19 February, 1996, consular establishments of the Republic of Belarus protect in other countries the rights and interests **of the nationals of the Republic of Belarus only**.

However, in accordance with Part Two of Sub-Clause 11.1 of Clause 11 of the Consular Regulation, in the event when a national of the Republic of Belarus or **a person without nationality permanently residing in the Republic of Belarus**, has lost his/her passport or substitute document during his stay abroad, the consul shall issue to the citizen (person) a document for return to the Republic of Belarus, as prescribed by the legislation of the Republic of Belarus.

The Law of the Republic of Belarus of 10 January, 1992 'On the State Fee', as amended by the Law of the Republic of Belarus of 26 December, 2007, does not provide for different sizes of state fee subject to the person's nationality of the Republic of Belarus.

Based on an analysis of the legislation of the Republic of Belarus we may make a conclusion about partial correspondence of the Belarusian legislation to Article 25 of the 1954 Convention, since it does not provide for protection of the rights and interests of persons without nationality by consular establishments of the Republic of Belarus abroad, except for issuance of a document for return to the Republic of Belarus to a person without nationality **permanently residing in the Republic of Belarus** who has lost his passport or substitute document during his stay abroad.

Article 26. Freedom of Movement

¹ Will come into effect on 12 May, 2009.

Each Contracting State shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

In accordance with this Article of the 1954 Convention, stateless persons, staying in the territory of the country on a legitimate basis, shall enjoy the right to choose their place of residence and to move freely equally with foreigners in the same circumstances.

According to Article 12 of the Covenant on Civil and Political Rights everyone lawfully staying within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his place of residence: these rights are not subject to any restrictions except those provided by law, are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others, and are consistent with the other rights recognized in this Convention. An identical provision is set forth in Article 22 of the CIS Convention.

In accordance with Article 30 of the Constitution of the Republic of Belarus the **citizens of the Republic of Belarus** have the right to freely move and choose their place of residence within the Republic of Belarus.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality in the Belarusian territory shall enjoy the rights and freedoms and fulfill obligations equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision). Based on this provision, special legislative acts of the Republic of Belarus may establish certain restrictions of rights of foreign nationals or persons without nationality or set forth special conditions of acquisition or use of certain rights.

In accordance with the provisions of Part One of Article 8 of the Law 'On Foreigners', persons without nationality have the right to freely move and choose their place of residence in the territory of the Republic of Belarus. An identical regulation is also stipulated in relation to foreign nationals. However, the legislation of the Republic of Belarus does not make any distinctions in relation to movement of persons without nationality based on the mode of their sojourn in the territory of the Republic of Belarus. The procedure of movement of persons without nationality and their choice of place of residence is determined by the Rules of Sojourn of Foreign Nationals and Persons without Nationality in the Republic of Belarus, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 73 of 20 January, 2006.

Part Three of Article 8 of the Law 'On Foreigners' stipulates certain restrictions in relation to the freedom of movement according to which foreign nationals and persons without nationality may freely move throughout the territory of the Republic of Belarus with the exception of areas requiring a special permission of the agencies of internal affairs or competent organizations, as well as facilities, the entry into which, or the stay in which require a special permit issued by the administrations of these facilities.

The list of areas and facilities, the entry into which and the stay in which requires a special permission, as well as a list of organizations authorized to issue such permissions, is approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 145 of 3 February, 2006. In accordance with the above list, a special permission is required, e.g., for entry into and stay in the border zone and the border belt of the Republic of Belarus, anti-terrorist operations areas, etc.

Therefore, the legislation of the Republic of Belarus grants persons without nationality equal rights with foreign nationals for residence and movement throughout the territory of the Republic of Belarus, which fully corresponds to Article 26 of the 1954 Convention in full.

Article 27. Identity Papers

The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

The State shall issue to stateless persons staying in the territory of the country without valid foreign travel documents, an identification document valid in the territory of that country. This Article of the 1954 Convention refers to any stateless persons staying in the territory of a country.

International treaties of the Republic of Belarus do not establish the responsibilities of the state to assist persons without nationality in relation to issuance of identification documents.

According to Sub-Clause 1.1 of Clause 1 of the Edict of the President of the Republic of Belarus No. 294 of 3 June, 'On Issuance of Documents to the Population of the Republic of Belarus', the following documents are considered as identification documents: national passport of the Republic of Belarus, residence permit in the Republic of Belarus, refugee certificate. Identification documents are issued to persons without nationality permanently residing in the Republic of Belarus (residence permit in the Republic of Belarus), and persons without nationality recognized as refugees in the Republic of Belarus (refugee certificate).

Based on the implication of Article 25 of the Law 'On Foreigners', we may make a conclusion that in the territory of the Republic of Belarus the identification document of persons without nationality, temporarily residing or temporarily staying in the Republic of Belarus, is a valid document substituting a passport and designed for foreign travel, and issued by a relevant agency at the place of habitual residence of persons without nationality or an international organization. The legislation of the Republic of Belarus does not provide for issuance of identification documents to such persons without nationality in replacement of the above documents.

In case of theft (misappropriation) of such a document in the territory of the Republic of Belarus, a travel document of the Republic of Belarus (that also serves as an ID) may be issued to a person without nationality temporarily or permanently residing in the Republic of Belarus only for exit from the Republic of Belarus provided that the person without nationality is unable to acquire a document for foreign travel from a relevant agency of a foreign state and when:

- a decision to allow the person's permanent residence in the Republic of Belarus is cancelled;
- the person is extradited to a foreign state for criminal prosecution and/or punishment;
- the person is being deported or expelled from the Republic of Belarus;
- the person is deported or expelled from the Republic of Belarus.

Therefore, the provisions of the subject Article of the 1954 Convention are not fully reflected by the legislation of the Republic of Belarus, since the possibility for persons without nationality to acquire an identification document is limited by the mode of their sojourn in the territory of the Republic of Belarus.

Article 28. Travel Documents

The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside of their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such travel document to any other stateless person in their territory; they shall in particular give sympathetic consideration to the issue of such travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence.

Travel documents for movement outside of the territory of a State are issued to stateless persons staying in the territory of the country on a

legitimate basis and for an adequately long period of time, unless it is inhibited by valid reasons of national security and public order in accordance with the provisions of the rules attached to the 1954 Convention.

Moreover, such travel documents may be issued at the discretion of the State to any other stateless person, within its territory, in particular, it is recommended to issue such travel documents to stateless persons, who may not acquire them for objective reasons in the foreign country where they legally reside.

It should be noted that the requirements to the subject travel document, are stipulated in the Commentary to the 1954 Convention. The Commentary sets forth a recommended sample of the stateless person's travel document and a list of mandatory requirements to it, such as an indication in the document of the fact that the holder is a stateless person in accordance with the 1954 Convention, limitation of the document issuance fee, minimum and maximum validity, et al.

International treaties of the Republic of Belarus do not establish the responsibilities of the state to assist stateless persons in relation to issuance of travel documents.

The legislation of the Republic of Belarus considers foreign travel documents as documents for departure from the Republic of Belarus and entry into the Republic of Belarus. The questions of issuance and use of such documents are governed by the Regulation on Documents for Departure from the Republic of Belarus and/or Entry into the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 294 of 3 June, 2008 'On Issuance of Documents to the Population of the Republic of Belarus'. In accordance with the above Regulation, the following documents may be issued to persons without nationality for departure from the Republic of Belarus and entry into the Republic of Belarus: travel document of the Republic of Belarus, national seafarer's identification document of the Republic of Belarus.

In accordance with Clause 54 of the Regulation on Documents for Departure from the Republic of Belarus and/or Entry into the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 294 of 3 June, 2008 'On Issuance of Documents to the Population of the Republic of Belarus', a travel document of the Republic of Belarus shall be issued to persons without nationality permanently residing in the Republic of Belarus.

Furthermore, the legislation of the Republic of Belarus also envisages other cases of issuance of travel documents of the Republic of Belarus to persons without nationality. Thus, a travel document of the Republic of Belarus may be issued to a person without nationality in absence of a valid

document for his departure from the country without a right of return to the Republic of Belarus under that document in the event of:

- cancellation of a permit for permanent residence in the Republic of Belarus;
- extradition to a foreign country for criminal persecution and/or service of sentence;
- deportation or expulsion from the Republic of Belarus.

In accordance with Paragraph Five of Clause 3 and Paragraph Four of Clause 42 of the Regulation on Documents for Departure from the Republic of Belarus and/or Entry into the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 294 of 3 June, 2008 'On Issuance of Documents to the Population of the Republic of Belarus', the national seafarer's identification document of the Republic of Belarus is a document attesting to the right of persons applying for jobs on ships registered in the Republic of Belarus, for departure from the Republic of Belarus and entry into the Republic of Belarus, and serves as its holder's identification document on the way to the ship or return to the Republic of Belarus with a crew or individually, as well as aboard the ship or at temporary coming ashore in a port of a foreign country.

Therefore, travel documents for travel outside of the Republic of Belarus may be issued only to certain categories of persons without nationality (permanently residing in the Republic of Belarus, recognized as refugees in the Republic of Belarus, applying for work on ships registered in the Republic of Belarus). Furthermore, the provisions of the Belarusian legislation do not stipulate drawing of a travel document of the Republic of Belarus in accordance with the requirements set forth in the Commentary to the 1954 Convention. Therefore, the national legislation of the Republic of Belarus does not fully take into account the requirements set forth in Article 28 of the 1954 Convention.

Article 29. Fiscal Charges

1. The Contracting States shall not impose upon stateless persons duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to stateless persons of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Stateless persons, regardless of the legality or duration of their sojourn in the territory of the country, are not subject to any fees, duties or taxes other

than or above those that may be collected from the nationals of the country in identical circumstances.

International treaties of the Republic of Belarus do not establish the responsibilities of the state on restriction of taxes in relation to persons without nationality.

According to Article 56 of the Constitution of the Republic of Belarus, the **nationals of the Republic of Belarus** are obliged to take part in funding the state expenditures via state taxes, fees and other payments.

Meanwhile, according to Article 11 of the Constitution of the Republic of Belarus, foreign nationals and persons without nationality staying in the Belarusian territory enjoy the rights and freedoms and **fulfill obligations** equally with the nationals of the Republic of Belarus, unless the Constitution, laws and international treaties provide otherwise (Part One of Article 4 of the Law 'On Foreigners' contains a similar provision).

As regulated by Clause One of Article 13 of the Tax Code of the Republic of Belarus, tax, duty (fee) payers are natural persons who, in accordance with legislative acts of the Republic of Belarus are obliged to pay taxes and duties (fees). Clause 6 of the above Article of the Tax Code of the Republic of Belarus stipulates that the term 'natural persons' refers to nationals of the Republic of Belarus, as well as nationals or citizens of a foreign country and **persons without nationality (citizenship)**.

Furthermore, tax residents of the Republic of Belarus are natural persons, who have actually stayed in the territory of the Republic of Belarus for more than 183 days of a calendar year (Clause One of Article 17 of the Tax Code of the Republic of Belarus).

In view of the foregoing, we may make a conclusion that persons without nationality temporarily residing and permanently residing in the Republic of Belarus are tax residents of the Republic of Belarus.

Therefore, the national legislation of the Republic of Belarus sets forth the equality of the legal status of persons without nationality with the status of nationals of the Republic of Belarus in relation to payment of taxes and duties (fees). Furthermore, the legislation of the Republic of Belarus does not establish any special taxes in relation to persons without nationality. The Belarusian legislation fully corresponds to the provision of the subject Article of the 1954 Convention.

Article 30. Transfer of Assets

1. A Contracting State shall, in conformity with its laws and regulations, permit stateless persons to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of stateless persons for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

In accordance with Clause 1 of this Article of the 1954 Convention, stateless persons must be permitted to transfer the assets, which they brought into its territory, to another country where they have been admitted for the purposes of resettlement. According to Clause 2 of the same Article of the 1954 Convention, the states are also recommended to permit a stateless person to transfer assets necessary for his resettlement in the country to which he has been admitted. These provisions do not remove the state's right to establish a special procedure of transfer of certain types of property from its territory.

International treaties of the Republic of Belarus do not establish the state's obligations in relation to transfer of assets of stateless persons from its territory.

The legislation of the Republic of Belarus on the whole does not contain any prohibitions for natural persons to carry any assets from the territory of the Republic of Belarus that they had legitimately brought into its territory. Based on the Regulation on Preferential Terms of Transfer of Personal Use Commodities through the Customs Border, and the Simplified Procedure of Customs Clearance of this Merchandise, approved by the Edict of the President of the Republic of Belarus No. 503 of 15 October, 2007, and on the Resolution of the Council of Ministers of the Republic of Belarus No. 1397 of 23 September, 2008 'On Certain Issues of Transfer of Certain Commodities through the Customs Border of the Republic of Belarus', such a prohibition is established only in relation to industrial-use scrap and waste of ferrous, non-ferrous and precious metals of a technical application including semi-finished products and blanks, as well as certain wild-growing (uncultivated) medicinal plants.

Regarding property prohibited for import as well as export by natural persons into/from the Republic of Belarus, in accordance with the above Regulation and Resolution, it includes printed and audio-visual matter, other information media carrying information that might incur damage to the national political or economic interests, state security, public health and moral; ozone depleting substances according to the Montreal Protocol on Substances That Deplete the Ozone Layer, of 16 September, 1987 to the Vienna Convention for the Protection of the Ozone Layer, signed in Vienna on 22 March, 1985¹ (other than transited substances), etc.

¹ Effective for the Republic of Belarus since 1 January, 1989.

It appears that these assets can hardly be considered as property necessary for a person without nationality to settle in the territory of a foreign state.

In addition to the above prohibitions it should be noted that the legislation of the Republic of Belarus contains lists of assets, the transfer of which through the customs border of the Republic of Belarus is restricted at import and/or export. Import and/or export of such assets into/from the Republic of Belarus are allowed only upon an import/export permission and/or licenses issued by an authorized government agency.

The Guideline on the Procedure of Import, Export, Remittance of Foreign Currency, Belarusian Rubles, Payment Documents in Foreign Currency, Securities in Belarusian Rubles and Foreign Currency by Natural Persons through the Customs Border of the Republic of Belarus, approved by the Resolution of the Board of the National Bank of the Republic of Belarus and the State Customs Committee of the Republic of Belarus No. 73/38 of 30 April, 2004, prohibits natural persons to from carrying out of the country the Belarusian Rubles in the amount exceeding 500 base values, as established in the Republic of Belarus on the date of export, and it also establishes a mandatory requirement to present permitting documents to customs agencies in the event of export of foreign currency in the amount exceeding US Dollars 10,000 (ten thousand) at the official rate of the Belarusian Ruble to the appropriate foreign currency on the day of customs clearance of the exported foreign currency (except for export of the Belarusian Rubles and/or foreign currency into the territory of the States-Members of the Customs Union).

It should be noted that the above listed prohibitions and restrictions apply in equal measure to foreign nationals, persons without nationality, and the nationals of the Republic of Belarus. They do not seem to constitute a significant infringement upon the rights of persons without nationality for transfer of assets at relocation to another state for settlement.

Therefore, we may make a conclusion about full correspondence of the provisions of the Belarusian legislation to this Article of the 1954 Convention.

Article 31. Expulsion

1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to

and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

This Article of the 1954 Convention sets forth a ban on arbitrary expulsion of stateless persons that are staying there on lawful grounds and for an adequately long period. Expulsion of such stateless persons may be conducted only for reasons of national security or public order.

In accordance with the Russian text of the 1954 Convention, which is not authentic, the decision on expulsion should be made only by a court. However, the authentic English text uses the term '*a decision reached in accordance with due process of law*', which should be translated as 'a decision made in accordance with a relevant legal procedure', which does not imply that such a decision should be made by a court.

Stateless person in whose regard a decision on expulsion has been made, may use their right to produce evidence in their favor and lodge appeals at relevant agencies, including the right to be represented for these purposes.

A sufficient time for acquisition of a legitimate right for entry into another country should be provided to a stateless person in whose regards a decision on expulsion has been made. However, the states may apply in relation to the above stateless persons such internal measures, as they find necessary.

It should be noted that Article 32 of Convention relating to the Status of Refugees of 28 July 1951 sets a procedure for expulsion of refugees that generally corresponds to the procedure established for stateless persons according to 1954 Convention. At the same time Paragraph 1 of Article 33 of the Convention relating to the Status of Refugees additionally establishes a general principle of prohibition on expulsion according to which expulsion or return of a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion is prohibited. The term refugee in accordance with Paragraph 2 of Section A of Article 1 of the said Convention includes (in addition to foreign citizens) also stateless persons who being outside the country of their former habitual residence and are unable or, owing to such fear, are unwilling to return to it.

Paragraph 1 of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 establishes that no State Party shall expel, return or extradite a person to

another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

It should be mentioned that, in accordance with Article 13 of the Covenant on Civil and Political Rights, an alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

In accordance with Clause 3 of Article 25 of the CIS Convention a foreigner lawfully staying in the territory of any Contracting Party may be expelled only in execution of a legitimate decision and he should have an opportunity to produce his arguments against expulsion.

In relation to the compulsory order of departure from of the Republic of Belarus, the legislation of the Republic of Belarus sets forth two terms: 'expulsion' and 'deportation'. Deportation – is a measure stipulated in the Administrative Offense Code of the Republic of Belarus. Expulsion – is a measure stipulated in the Law 'On Foreigners'.

In accordance with the provisions of Article 61 of the Law 'On Foreigners', a person without nationality may be expelled from the Republic of Belarus **in the interests of national security of the Republic of Belarus, public order, safeguarding of moral, public health, rights and freedoms of nationals of the Republic of Belarus and other persons**, unless he may be subjected to deportation. An identical provision is stipulated in relation to foreign nationals as well.

Expulsion of persons without nationality from the Republic of Belarus is executed in accordance with the Regulation on the Procedure of Expulsion of Foreign Nationals and Persons without Nationality from the Republic of Belarus, approved the Resolution of the Council of Ministers of the Republic of Belarus No. 146 of 3 February, 2006.

A decision on expulsion of persons without nationality is made by an agency of internal affairs of the Republic of Belarus or an agency of national security of the Republic of Belarus at their own initiative or at solicitation of interested government bodies. The competent agency shall inform the foreigner that the issue of his expulsion is reviewed before the decision on the foreigner's expulsion is made – either by serving or sending a notification to his address. However, if the foreigner fails to come to the agency, the issue of his expulsion shall be reviewed in absentia.

Based on the results of consideration of the issue on expulsion, the subject agencies shall make a decision on expulsion by voluntary departure

of the person without nationality from the Republic of Belarus or on his compulsory departure.

A decision on expulsion of persons without nationality by voluntary departure is made only in absence of reasons to believe that the subject person may evade execution of the decision on departure by voluntary departure. However, the person without nationality, in relation to whom the decision on expulsion by voluntary departure is made, shall make an independent determination on the country where he should depart for in the timeframe established in the resolution on his departure from of the Republic of Belarus.

The timeframe of departure from of the Republic of Belarus is determined on the basis of the reasons of the decision on expulsion, circumstances of the entry, sojourn or residence of the person without nationality in the Republic of Belarus, and minimum period of time required for his entry into another country, which, however, may not exceed thirty days.

A decision on expulsion **will invoke reduction of the term of temporary sojourn** of persons without nationality in the Republic of Belarus, **cancellation of the permit for temporary residence in the Republic of Belarus or permit for permanent residence in the Republic of Belarus.**

A person without nationality, in relation to whom a decision on expulsion was made, will be included into the list of persons whose entry into the Republic of Belarus is prohibited or objectionable, and he will be disallowed to enter the Republic of Belarus for a period from one to ten years.

Expulsion of a person without nationality may be suspended if he has applied to an appropriate government agency of the Republic of Belarus for refugee status, supplementary protection or asylum in the Republic of Belarus.

Foreigners, as well as their legal representatives have the right for appeal against decisions of competent agencies on expulsion, to **a superior agency and/or court.** Such an appeal may be lodged at a court within **thirty days** upon the date when the foreigner familiarized himself with that decision. An appeal against the decision of a competent agency on expulsion **does not constitute grounds for the foreigner's stay in the Republic of Belarus.**

In accordance with the provisions of the Administrative Offence Code of the Republic of Belarus, **deportation** is an administrative expulsion of foreign nationals and persons without nationality from the Republic of Belarus.

Deportation is a type of administrative penalty for an administrative offence, though deportation may be used both as the primary and additional sanction.

The list of administrative offences for which a person without nationality may be deported from the Republic of Belarus is determined by the Administrative Offence Code of the Republic of Belarus.

Deportation may be applied to persons without nationality who have committed the following administrative offences:

- concealment of the source of infection by a venereally infected person with whom he has had sexual intercourse, as well as evasion from medical examination of the venereally infected person or the person with whom he has had sexual intercourse
- rendering of foreign gratuitous aid in support of activities prohibited by the legislation of the Republic of Belarus;
- intentional illegal crossing of the State Border of the Republic of Belarus, as well as an attempt to commit such crossing;
- violation of the rules of entry, temporary sojourn and movement of persons and vehicles, conduct of works in the border zone, as well as the rules of registration and maintenance of self-propelled and non-self-propelled water craft in piers, quays, ports and other base stations, their movement or location in the inland waters of the Republic of Belarus within the border zone and the Belarusian water section of border rivers, lakes and other water bodies, or the keeping of such water craft outside the established base stations, sailing away or approaching to the shore outside of these base stations, as well as an attempt to commit such violations;
- violation of the rules of crossing of the State Border of the Republic of Belarus, as well as an attempt to commit such crossing;
- violation of the rules of navigation and stay of non-military and military watercraft in the Belarusian part of transborder rivers, lakes and other water bodies, as well as an attempt to commit such a violation;
- violation of the rules of conduct of economic and other activities at the State Border of the Republic of Belarus or in the border belt, as well as an attempt to commit such a violation;
- violation of the rules of entry of foreign water craft into the ports of the Republic of Belarus and stay there;

- violation of the rules of leaving the territory of the Republic of Belarus by aircraft, and the rules of landing in the Republic of Belarus, as well as an attempt to commit such a violation;
- violation of the established procedures at the crossing points of the State Border of the Republic of Belarus, as well as an attempt to commit such a violation;
- violation of the rules of sojourn in the Republic of Belarus i.e., residence without permit (with an invalid permit) to stay in the territory of the Republic of Belarus, or failure to follow the established procedure of registration, residential registration (de-registration), movement or choice of place of residence, or evasion from departure upon the end of the established sojourn time, or violation of the rules of transit through the territory of the Republic of Belarus.

It appears that deportation as a type of administrative punishment for the above offenses was set forth for reasons of state security and public order.

The procedure of deportation of persons without nationality is regulated by the Administrative Offence Execution Procedure Code of the Republic of Belarus and the Regulation on the Procedure of Deportation of Foreign Nationals and Persons without Nationality, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 333 of 15 March, 2007.

Deportation of persons without nationality shall be carried out on the basis of a resolution on deportation issued by a court, state security agency, agency of internal affairs, border service agency (depending on the nature of offence). A resolution on administrative punishment in the form of deportation shall be executed without delay. In case of circumstances making immediate execution of the resolution on deportation unfeasible, or other circumstances impeding execution of deportation, the competent agency, or the judge who has issued the resolution on deportation, may, in compliance with the procedure prescribed in Article 14.7 of the Process Execution Code of the Republic of Belarus, extend execution of the resolution on deportation.

The time of departure of the foreigner from the Republic of Belarus in accordance with the resolution on deportation shall be determined on the basis of the grounds for issuance of such a resolution, the circumstances of entry, sojourn on residence in the Republic of Belarus and the minimum period of time required for his entry into another country.

In absence of reasons to believe that the foreigner could evade execution of a resolution on deportation, a decision on deliberate fulfillment of the resolution on deportation shall be made. That decision shall be made in the form of a resolution with an indication of the route and time of departure.

However, the time of a foreigner's departure from the Republic of Belarus should not exceed thirty days upon the date of the resolution on deportation. Upon establishment of reasons to believe that a foreigner could evade execution of a resolution on deportation, a decision shall be made to deny the foreigner the right for deliberate departure, documented by a competent agency in the form of a conclusion. If no administrative detention has been applied to a foreigner who has been denied deliberate departure, in order to ensure execution of the resolution on deportation, he may be detained on the basis of an administrative detention protocol with a prosecution warrant for a period of time required for execution of the above resolution. If the foreigner evades deliberate departure from the Republic of Belarus within a timeframe established in the resolution on deportation, and if his actions do not contain elements constituent of an offence, the competent agency shall take measure to detain him on the basis of an administrative detention protocol with a prosecution warrant for a period of time required for execution of the resolution on deportation

Deportation of a foreigner in accordance with the legislation of the Republic of Belarus **entails reduction of the period of his temporary sojourn in the Republic of Belarus, cancellation of a permit for temporary residence in the Republic of Belarus, or permit for permanent residence in the Republic of Belarus.**

A foreigner in whose regard a resolution on deportation was made, shall, in accordance with the established procedure, be included into the list of persons whose entry into the Republic of Belarus is prohibited or inadvisable.

Deportation may be postponed in the even of acceptance of an application of the foreign national or person without nationality for refugee status or asylum in the Republic of Belarus.

The person in whose regard a resolution on deportation was made, the affected person, their agents, defendants may appeal against the resolution on deportation to a superior government agency (superior official), or to court. An appeal against a resolution on administrative punishment in the form of deportation in case of an administrative offence may be lodged within **five days** after the date when the resolution was announced or served to the person or when a copy of the resolution was received by him.

Failure of the above listed persons (provided they have been duly informed about the date and place of the appeal review) to appear at the court / administrative agency in charge of the appeal review, does not constraint review of the appeal. Persons attending the appeal proceedings may present explanations, produce additional materials in order to substantiate their requirements.

However, the implementation of the right of persons without nationality to appeal against decisions on deportation or expulsion from the Republic of Belarus appears cumbersome, same as implementation of the other rights envisaged by Clause 2 of Article 31 of the 1954 Convention, since in accordance with the legislation of the Republic of Belarus deportation or expulsion of a stateless person from the Republic of Belarus may not be postponed on the grounds of appeal against an appropriate decision.

Therefore, we may make a conclusion about partial correspondence of the legislation of the Republic of Belarus to Article 31 of the 1954 Convention.

Article 32. Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

The provisions of this Article of the 1954 Convention have a nature of recommendation. The States should strive to facilitate the assimilation of stateless persons in terms of providing them with a possibility to find their place in the social structure of the state of sojourn, in particular, provide them a possibility to live in the society, study the language and culture of the country of sojourn. Furthermore, the country shall, if possible, facilitate the naturalization of stateless persons, i.e., acquisition of the nationality of the State and full civil rights. For that purpose the States shall make every effort to expedite the nationality acquisition procedures and to reduce as far as possible the charges and costs of such proceedings.

International treaties of the Republic of Belarus do not establish the responsibilities of the state in terms of naturalization of persons without nationality. It should be noted that, in accordance with Clause 1 of Article 15 of the Universal Declaration of Human Rights and Clause 1 of Article 24 of the CIS Convention every man has a right to a nationality.

The legislation of the Republic of Belarus does not contain any indication of a simplified procedure of acquisition of the nationality of the Republic of Belarus for persons without nationality; still, the most important requisite for acquisition of nationality of the Republic of Belarus is absence of the nationality of any country or the guarantee of renunciation of the nationality of a foreign country.

According to the provisions of the Law of the Republic of Belarus of 1 August, 2002 'On the Nationality of the Republic of Belarus' any persons

over 18 years of age may apply for the nationality of the Republic of Belarus, if he:

- takes upon himself the obligation to follow and respect the Constitution of the Republic of Belarus and other acts of legislation of the Republic of Belarus;
- knows one of the national languages of the Republic of Belarus within the limits required for communication;
- has resided in the territory of the Republic of Belarus for seven years in succession after receipt of a permit for permanent uninterrupted residence in the Republic of Belarus.
- has a legitimate source of subsistence;
- does not have a nationality or renounces the nationality of a foreign country in the event of acquisition of the nationality of the Republic of Belarus, or has applied to a competent agency of a foreign country to cease the existing nationality of the foreign country, except when termination of the nationality of that foreign country is infeasible for reasons out of his control.

The procedure of review of applications for conferment of the nationality of the Republic of Belarus is governed by the Regulation on the Procedure of Review of Issues Related with the Nationality of the Republic of Belarus, approved by the Edict of the President of the Republic of Belarus No. 209 of 17 November, 1994, as amended by the Edict of the President of the Republic of Belarus No. 755 of 29 December, 2006.

The Regulation prescribes the procedure of submission of applications for nationality of the Republic of Belarus for persons without nationality permanently residing in the Republic of Belarus, and for persons without nationality permanently residing outside of the Republic of Belarus, although this provision does not provide for any special conditions for persons without nationality in the process of conferment of the nationality of the Republic of Belarus, as compared to foreign nationals.

Thus, in accordance with Clause 15 of the above Regulation, the following persons without nationality may apply for the nationality of the Republic of Belarus:

- who have lived in the territory of the Republic of Belarus without interruption for the last seven years from the date of receipt of a permit for permanent residence in the Republic of Belarus, as prescribed by the legislation of the Republic of Belarus, or from the date of stamp in the 1974 standard national passport of the USSR, certifying his residence in the territory of the Republic of Belarus;

- persons who have been recognized as refugees in accordance with the procedure prescribed by the legislation of the Republic of Belarus – seven years after the recognition of them as refugees.
- Also, regardless of the time of permanent residence in the territory of the Republic of Belarus, an application for the nationality of the Republic of Belarus may be lodged by the following persons without nationality:
 - Belarusians, as well as persons identifying themselves as Belarusians, and their descendants (lineal blood relatives: children, grandchildren, great grandchildren) born outside of the contemporary territory of the Republic of Belarus;
 - persons who have rendered outstanding services to the Republic of Belarus, persons with high achievements in the areas of science, technology, culture and sports, or with a profession or qualification of national interest for the Republic of Belarus.
 - persons who have previously been nationals of the Republic of Belarus;

The decision on conferment of the nationality of the Republic of Belarus is made by the President of the Republic of Belarus in the form of an Edict.

In relation to the timeframe of review of an application for the nationality of the Republic of Belarus, it should be mentioned that, in accordance with the provisions of Part One of Article 34 of the Law of the Republic of Belarus 'On the Nationality of the Republic of Belarus', the timeframe of review of an application for the nationality of the Republic of Belarus should not exceed one year. However, in practice the above term, as a rule, does not exceed three months.

Persons without nationality are charged a state fee at the amount of 2 basic values (the Law of the Republic of Belarus of 10 January, 1992 'On the State Fee', as amended by the Law of the Republic of Belarus of 26 December, 2007) for review of their applications for the nationality of the Republic of Belarus.

In view of the foregoing we may make a conclusion that the legislation of the Republic of Belarus does not contradict the provisions of Article 32 of the 1954 Convention, since no additional requirements are imposed on persons without nationality for conferment of the nationality of the Republic of Belarus.

Chapter VI. FINAL CLAUSES

The Articles of this Chapter are technical by nature and do not directly govern the legal status of stateless persons, therefore the issues of compliance of the national legislation with them is not examined here.

Article 33. Information on National Legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

Due to the humanitarian nature of this 1954 Convention, its implementation may be evaluated only through monitoring of national legislations. With this view the 1954 Convention sets forth the duty of the States to provide information on the relevant national legislation to the Secretary-General of the UN, upon which such information becomes available for all the other States Parties to the 1954 Convention.

Article 34. Settlement of Disputes

Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

This Article of the 1954 Convention sets forth the jurisdiction of the UN International Court of Justice in relation to all disputes regarding the interpretation or application of the 1954 Convention when the States failed to come to agreement by other means (the States are free to choose them considering their obligation to follow the provisions of Article 33 of the Charter of the Organization of United Nations of 26 June, 1945). It should be noted that the Republic of Belarus has not recognized the mandatory jurisdiction of the International Court of Justice in line with Clause 2 of Article 36 of the Statute of the International Court of Justice of 26 June, 1945¹.

No reservations to this Article of the 1954 Convention are allowed.

It should be mentioned that the provisions on the possibility of transfer of disputes to the International Court of Justice are standard for conventions concluded within the framework of the Organization of United Nations.

Article 35. Signature, Ratification and Accession

¹ Effective for the Republic of Belarus since 24 October, 1945.

1. This Convention shall be open for signature at the Headquarters of the United Nations until 31 December 1955.

2. It shall be open for signature on behalf of:

(a) Any State Member of the United Nations;

(b) Any other State invited to attend the United Nations Conference on the Status of Stateless Persons; and

(c) Any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.

3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. It shall be open for accession by the States referred to in paragraph 2 of this Article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

This Article contains provisions on the procedure of expression of the States' consent to be bound by the 1954 Convention.

States Members of the UN, other States attending the UN Conference on the Status of Stateless Persons, or any States upon proposal of the UN General Assembly, may become parties to the 1954 Convention. The timeframe for signing the 1954 Convention expired on 31 December, 1965. The States that signed the 1954 Convention by the set time should have ratified it. Other States may express their consent to be bound by the 1954 Convention by accession to it

The Republic of Belarus may become a party to the 1954 Convention, as it is a Member of the UN. Since the Republic of Belarus did not sign the 1954 Convention by the set time, the country may express its consent to be bound by the 1954 Convention by accession.

In accordance with Part One of Article 23 of the Law of the Republic of Belarus 'On International Treaties of the Republic of Belarus' of 23 July, 2008 (hereinafter referred to as the Law 'On International Treaties'), the Republic of Belarus may accede to an international treaty in accordance with the conditions of the international treaty or international law.

If the provisions of an international treaty establish other rules than those stipulated in the Decrees and Edicts of the President of the Republic of Belarus, laws of the Republic of Belarus, or focused on issues related exclusively to the sphere of legislative regulation, that, however, are not regulated by the Decrees and Edicts of the President of the Republic of Belarus, laws of the Republic of Belarus, such an international treaty is, in accordance with Paragraphs Three and Four of Article 19 of the Law 'On International Treaties', subject to ratification.

In accordance with Paragraph Two of Part Five of Article 23 of the Law 'On International Treaties', the decision on accession of the Republic of Belarus to inter-state agreements that are subject to ratification, are made by the National Assembly of the Republic of Belarus in the form of a law. Therefore, if the Republic of Belarus expresses its consent to be bound by the 1954 Convention, the appropriate decision should be made in the form of a law on accession.

Article 36. Territorial Application Clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

The rules of this Article of the 1954 Convention refer to the cases when the States have dependent territories, the international relations of which are the responsibility of the metropolis. The Republic of Belarus does not have any dependent territories; therefore this Article of the 1954 Convention is inapplicable to the Republic of Belarus.

Article 37. Federal Clause

In the case of a Federal or non-unitary State, the following provisions shall apply

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favorable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

The rules of this Article of the 1954 Convention apply exclusively to federative countries. In accordance with Part One of Article 1 of the Constitution of the Republic of Belarus, the Republic of Belarus is a unitary state; therefore this Article of the 1954 Convention is inapplicable to the Republic of Belarus.

Article 38. Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1) and 33 to 42 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Any State upon expression of its consent to be bound by the 1954 Convention may generally by making reservations, limit the application of one or several Articles of this Convention for itself. However, the 1954 Convention disallows to make reservations to the following provisions:

Article 1 (definition of the term 'stateless person');

Article 3 (non-discrimination);

Article 4 (religious opinion);

Clause 1 of Article 16 (access of a stateless person to court in the territory of any of the Member States of the 1954 Convention);

Articles 33 – 42 (final provisions of the 1954 Convention).

The reservations made may be withdrawn at any time by a notification of the Secretary-General of the UN.

Article 39. Entry into Force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

This Article of the 1954 Convention determines the rules of enactment of the 1954 Convention. The 1954 Convention came into force on 6 June, 1960 and at present it has 63 States Parties.

For the countries that have ratified the 1954 Convention or acceded to it, the 1954 Convention comes into effect on the ninetieth day following the day of deposit of the instrument of ratification or accession to the Secretary-General of the UN.

Article 40. Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 36 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

This Article of the 1954 Convention contains provisions on the procedure of denunciation of the above Convention. The 1954 Convention may be denounced by any State Party, at any time. Such denunciation shall take effect one year from the date upon which it is received by the Secretary-General of the UN. The States with protected territories are entitled to denounce the 1954 Convention following the same procedure in relation to each protected territory.

Article 41. Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request

The revision of the 1954 Convention may be conducted upon request of any Contracting Party. For this purpose, the Secretary-General of the UN should be notified about such proposal about revision.

Article 42. Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 35:

(a) of signatures, ratifications and accessions in accordance with article 35;

(b) of declarations and notifications in accordance with article 36;

(c) of reservations and withdrawals in accordance with article 38;

(d) of the date on which this Convention will come into force in accordance with article 39;

(e) of denunciations and notifications in accordance with article 40;

(f) of request for revision in accordance with article 41.

This Article of the 1954 Convention lists the information provided by the Secretary-General of the Organization of United Nations to all Members of the United Nations and non-member States referred to in Article 35 of the 1954 Convention.

Conclusion Provision

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

Done at New York, this twenty-eighth day of September, one thousand nine hundred and fifty-four, in a single copy, of which the English, French and Spanish texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 35.

The making a conclusion provision of the 1954 Convention provides information about the fact of signature of the above Convention. It should be mentioned that the authentic texts of the 1954 Convention are English, Spanish and French. The 1954 Convention was translated into Russian for information purposes and the authentic text formulas should be used for interpretation of its provisions in case of disputes.

CONCLUSIONS

The Convention relating to the Status of Stateless Persons of 28 September, 1954 was adopted by a Conference of Plenipotentiaries convened by the Economic and Social Council Resolution 526 A (XVII) of 26 April 1954. In the beginning the Conference was planned to elaborate a Protocol Relating to the Status of Stateless Persons to the Convention relating to the Status of Refugees on 28 July 1951, expanding its application to stateless persons. However, during the Conference its participants came to the conclusion about the need to develop a separate Convention.

The 1954 Convention came into effect on 6 June 1960. At present, 63 countries, including the majority of European countries are Parties of the 1954 Convention. Poland, Estonia, Ukraine, the Russian Federation and the United States of America do not participate in the 1954 Convention.

The Convention relating to the Status of Stateless Persons in fact fully reiterates the provisions of the Convention relating to the Status of Refugees. In accordance with the model set in the Convention relating to the Status of Refugees, the main rights and obligations constituting the status of stateless persons are defined on the basis of the legal status of nationals of the country and foreign nationals in the territory of that country, where the stateless person is located,

One of the problematic aspects of the 1954 Convention is determination of the legal status, when different stateless persons have a different degree of relationship with the state and unequal level of involvement into the social life of the country. For that reason, the state tends to provide different degrees of protection to certain categories of stateless persons. Therefore, although the definition of a stateless person, as provided in Article 1 of the 1954 Convention, does not stipulate any distinction of the mode of sojourn of relevant persons in the territory of the country, the Articles of the 1954 Convention set forth a different scope of rights conferred to stateless persons depending on whether they reside or stay temporarily in the territory of the country, and whether or not their sojourn in the territory is legitimate.

Hence, the norms of the 1954 Convention in relation to certain provisions on the status of stateless persons contain different terms describing the mode of sojourn of persons without nationality in the country: 'staying in the territory', 'lawfully staying in the territory', 'lawfully residing in the territory' and 'with habitual residence'

These terms may be formally distinguished by the duration of stay in the territory and legality of such sojourn. Stay or sojourn in the territory means the actual stay of a stateless person in any part of the territory of the

country even for a rather short time. Residence implies an adequate duration and sustainability of such stay, involvement into the system of social relationships at the place of residence and absence of obvious intentions to terminate the residence. The criterion of legality implies a formal approval of the stateless person's stay in the territory by the state authorities that may be expressed by issuance of visas and other documents. A stateless person will be considered as lawfully staying in the territory of the country for the duration of validity of such documents.

The legislation of the Republic of Belarus distinguishes three modes of stay of persons without nationality – temporary sojourn, temporary residence and permanent residence, each of them is lawful and based on a formal criterion: type of document proving the legitimacy of sojourn of the persons without nationality in the territory of the Republic of Belarus, issued by government agencies of the Republic of Belarus.

The study of the provisions of the 1954 Convention and the terms of the mode of sojourn of stateless persons, allows correlating them with the modes of stay of persons without nationality in the Republic of Belarus in the following manner:

'staying in the territory' – any stay of persons without nationality in the territory of the Republic of Belarus, including illegal stay;

'lawfully residing in the territory' – temporary residence and permanent residence of persons without nationality in the territory of the Republic of Belarus;

'with habitual residence' – permanent residence of persons without nationality in the territory of the Republic of Belarus or another country based on a permanent residence permit or actual permanent residence, which is not related to any formal criterion;

'legitimately staying in the territory' – temporary sojourn and residence, as well as permanent residence of persons without nationality in the territory of the Republic of Belarus.

It is important to note that the Belarusian legislation does not distinguish a separate legal status of persons without nationality. The legislation of the Republic of Belarus generally provides persons without nationality with the same rights and establishes the same obligations, as for foreign nationals based on the mode of their sojourn in the territory of the Republic of Belarus.

A detailed analysis of the legislation of the Republic of Belarus and the Convention relating to the Status of Stateless Persons allows making a conclusion that the status of stateless persons set forth by the 1954 Convention is to a large extent realized by the provisions of the Belarusian legislation regulating the legal status of persons without nationality.

However, the legislation of the Republic of Belarus does not correspond to certain provisions of the 1954 Convention:

- it does not regulate the rights of persons without nationality (as opposed to foreign nationals) in relation to acquisition of weapons and other related rights (Article 13);

- it does not entitle persons without nationality (as opposed to foreign nationals) with the right to act as founders of international public associations founded in the territory of the Republic of Belarus (Article 15);

- it guarantees provision of government support on equal terms with the nationals of the Republic of Belarus only to **persons without nationality who permanently reside in the territory of the Republic of Belarus** (Article 23);

- it does not provide for protection of the rights and interests of persons without nationality abroad by the consular establishments of the Republic of Belarus, except for provision of a persons without nationality permanently residing in the Republic of Belarus with a document for return to the Republic of Belarus, as prescribed by the legislation of the Republic of Belarus, if that person lost his passport or a substitute document during his stay abroad (Article 25);

- establishes conditions for acquisition of an identity document by a persons without nationality by the mode of sojourn in the territory of the Republic of Belarus (permanent residence or recognition as refugee) while the 1954 Convention provides that a Contracting Party should issue relevant documents to all stateless persons staying in its territory without valid travel documents(Article 27);

- provides a possibility of issuance of travel documents only to certain categories of persons without nationality (permanent residents of the Republic of Belarus, recognized refugees in the Republic of Belarus, persons hired for work aboard ships registered in the Republic of Belarus), and it also does not provide for the drawing of a travel document of the Republic of Belarus in compliance with the requirements set forth in accordance with the Commentary to the 1954 Convention (Article 28).

- prevents persons without nationality from implementing their right for appeal against a decision on deportation or expulsion, as well as other rights stipulated in Clause 2 of Article 31 of the 1954 Convention, since it contains provisions, in accordance with which deportation or expulsion of persons without nationality from the Republic of Belarus shall not be postponed on the basis of an appeal against a relevant decision (Article 31).

It should be noted that the fact of the above discrepancies of the national legislation with the 1954 Convention does not constitute a barrier for participation of the Republic of Belarus in the 1954 Convention. In case of accession of the Republic of Belarus to the 1954 Convention, certain

provisions of the above Convention that are not part of the legislation of the Republic of Belarus, shall have a direct action in its territory, while the national legislative acts of the Republic of Belarus that contain provisions contradictory to the 1954 Convention, or that do not fully correspond to it, will be amended or supplemented in order to ensure the fullest correspondence of the national legislation to the international legal obligations.

It is necessary also to note that certain provisions of the 1954 Convention contain recommendations for state parties on favourable consideration of possibility to accord stateless persons some additional rights. It refers to Paragraph 4 of Article 7 (according to stateless persons most favourable legal status that is accorded to foreign citizens in observance of reciprocity principle, for all cases and all categories of stateless persons), Article 11 (establishment of stateless seamen on the territory of state and issue of travel documents or temporary admission to the territory of state particularly with a view to facilitating their establishment in another country), Paragraph 2 of Article 17 (assimilating the rights of all stateless persons with regard to wage-earning employment to those of nationals, and in particular of those stateless persons who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes), Paragraph 2 of Article 30 (permission to transfer assets which are necessary to stateless persons for their resettlement in another country to which they have been admitted). Possibility of according to stateless persons of corresponding rights and privileges shall be considered by the state after accession to the 1954 Convention, and refusal to grant these rights shall be motivated.

The legislation of the Republic of Belarus generally meets the recommendations stipulated in Sub-Clauses u and w of the Chapter 'Protection of Persons without Nationality' of the Conclusion No. 106 (LVII) – 2006 of the UNHCR ExCom, since the legal status of persons without nationality staying in the territory of the Republic of Belarus corresponds to the international standards in the area of human rights and there is a legislatively established procedure of naturalization of persons without nationality permanently residing in the territory of the Republic of Belarus, and also because detention of persons without nationality on the only ground of absence of a nationality is neither applied nor allowed in the Republic of Belarus.

We should emphasize the fact that the gaps of the national legislation identified in the course of the analysis and certain discrepancies between the provisions of various regulatory acts of the Republic of Belarus governing the legal status of persons without nationality, should be eliminated regardless of participation of the Republic of Belarus in the 1954 Convention,

The interest of the Republic of Belarus in accession to the 1954 Convention may consist in yet another demonstration of its readiness to be bound by obligations on protection of human rights and to consistently expand its cooperation in the humanitarian field.

We should also take into account the experience of implementation of the Convention relating to the Status of Refugees of 28 July, 1951, which was acceded by the Republic of Belarus in 2001 and the provisions of which relating to the rights and duties of refugees are in fact identical to the provisions of the 1954 Convention in relation to the rights and duties of persons without nationality. Certain inconsistencies of the legislation of the Republic of Belarus with the Convention relating to the Status of Refugees are gradually removed while international organizations highly appraise the achievements of the Republic of Belarus in the area of protection of refugees.

In view of the aforesaid, the accession of the Republic of Belarus to the 1954 Convention appears advisable and justifiable.

REFERENCES**Regulatory Legal Acts of the Republic of Belarus**

1. Civil Code of the Republic of Belarus, 7 Dec. 1998, No. 218- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
2. Code of Civil Procedure of the Republic of Belarus, 11 Jan. 1999, No. 238- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
3. Housing Code of the Republic of Belarus, 22 Mar. 1999, No. 248- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
4. Code of the Republic of Belarus on Marriage and Family, 9 Jul. 1999, No. 278- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
5. Code of the Republic of Belarus on Land, 4 Jan. 1999, No. 226- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
6. Code of the Republic of Belarus on Administrative Offence, 21 Apr. 2003 No. 194- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
7. Constitution of the Republic of Belarus, 15 Mar. 1994 No. 2875-XII//Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
8. Tax Code of the Republic of Belarus, 19 Dec. 2002 No. 166- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.
9. On Introduction of Addenda and Amendments into the Land Code of the Republic of Belarus: Law of the Republic of Belarus, 6 Nov.

2008, No. 447- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

10. On External Labor Migration: Law of the Republic of Belarus, 17 Jun. 1998, No. 169- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

11. On Martial Law: Law of the Republic of Belarus, 13 Jan. 2003, No. 185- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

12. On Higher Education: Law of the Republic of Belarus, 11 Jul. 2007, No. 252- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

13. On Geographical Indications: Law of the Republic of Belarus, 17 Jul. 2002, No. 127- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

14. On the State Fee: Law of the Republic of Belarus, 10 Jan. 1992, No. 1394-XII: as amended by the Law of the Republic of Belarus of 26.12.2007 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

15. On the Nationality of the Republic of Belarus: Law of the Republic of Belarus, 1 Aug. 2002, No. 136- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

16. On Issuance of Documents to the Population of the Republic of Belarus: Edict of the President of the Republic of Belarus, 3 Jun. 2008, No. 294 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

17. On Additional Measures of State Protection of Children in Dysfunctional Families: Decree of the President of the Republic of Belarus,

24 Nov. 2006, No. 18 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

18. On Employment of the Population of the Republic of Belarus: Law of the Republic of Belarus, 15 Jun. 2006, No. 125- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

19. On Public Health: Law of the Republic of Belarus, 18 Jun. 1993, No. 2435-XII: as amended by the Law of the Republic of Belarus of 11.01.2002 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

20. On Peasant's (Farmer's) Estate: Law of the Republic of Belarus, 18 Feb. 1991, No. 611-XII: as amended by the Law of the Republic of Belarus of 19.07.2005 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

21. On Licensing of Certain Types of Activities: Decree of the President of the Republic of Belarus, 14 Jul. 2003, No. 17 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

22. On Citizens' Personal Subsidiary Economies: Law of the Republic of Belarus, 11 Nov. 2002, No. 149- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

23. On Preferential Terms of Transfer of Personal Use Commodities through the Customs Border: Edict of the President of the Republic of Belarus, 15 October, 2007, No. 503 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

24. On International Treaties of the Republic of Belarus: Law of the Republic of Belarus, 23 Jul. 2008, No. 421- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

25. On Measures on Development of Ecological Agrarian Tourism in the Republic of Belarus: Edict of the President of the Republic of Belarus, 2 Jun. 2006, No. 372 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

26. On Certain Issues of Higher Education: Resolution of the Council of Ministers of the Republic of Belarus, 18 Jan. 2008, No. 68 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

27. On Certain Issues of Artisan Activities of Natural Persons: Edict of the President of the Republic of Belarus, 16 May, 2005, No. 225 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

28. On Certain Issues of the Procedure of Transfer of Certain Types of Commodities through the Customs Border of the Republic of Belarus: Resolution of the Council of Ministers of the Republic of Belarus, 23 Sep. 2008, No. 1397 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

29. On Certain Issues of Allocation and Use of Residential Facilities of the State Housing Pool: Edict of the President of the Republic of Belarus, 19 Mar. 2007, No. 128 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

30. On Certain Measures of State Support of the Population: Edict of the President of the Republic of Belarus, 14 Dec. 2007, No. 638 // Etalon-

Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

31. On Certain Measures on Regulation of Housing Relationships: Edict of the President of the Republic of Belarus, 29 Nov. 2005, No. 565 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

32. On Patents for Inventions, Working Models and Industrial Samples: Law of the Republic of Belarus, 16 Dec. 2002, No. 160- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

33. On Patents for Plant Varieties: Law of the Republic of Belarus, 13 Apr. 1995, No. 3725-XII // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

34. On Consumer Cooperation (Consumer Associations and Unions) in the Republic of Belarus: Law of the Republic of Belarus, 25 Feb. 2002, No. 93- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

35. On the Rules of Admission to Higher and Vocational Secondary Educational Institutions: Edict of the President of the Republic of Belarus, 7 Feb. 2006, No. 80 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

36. On Legal Protection of Semiconductor Topologies: Law of the Republic of Belarus, 7 Dec. 1998, No. 214- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

37. On the Legal Status of Foreign Nationals and Persons without Nationality in the Republic of Belarus: Law of the Republic of Belarus, 18

Jun. 1993, No. 2339-XII: as amended by the Law of the Republic of Belarus of 19.07.2005 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

38. On Provision of Refugee Status, Supplementary and Temporary Protection in the Republic of Belarus to Foreign Nationals and Persons without Nationality: Law of the Republic of Belarus, 23 Jun. 2008, No. 354- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

39. On Entrepreneurship in the Republic of Belarus: Law of the Republic of Belarus, 28 May, 1991, No. 813-XII // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

40. On Privatization of the Housing Pool in the Republic of Belarus: Law of the Republic of Belarus, 16 Apr. 1992, No. 1593-XII // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

41. On the Minimum Standard of Living in the Republic of Belarus: Law of the Republic of Belarus, 6 Jan. 1999, No. 239- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

42. On Trade Unions: Law of the Republic of Belarus, 22 Apr. 1992, No. 1605-XII: as amended by the Law of the Republic of Belarus of 14.01.2000 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

43. On National Public Associations: Law of the Republic of Belarus, 19 Jul. 2006, No. 150- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

44. On the Freedom of Conscience and Religious Organizations: Law of the Republic of Belarus, 17 Dec. 1992, No. 2054-XII: as amended by the Law of the Republic of Belarus of 31.10.2002 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

45. On Social Services: Law of the Republic of Belarus, 22 May, 2000, No. 395- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

46. On Insurance Operations: Edict of the President of the Republic of Belarus, 25 Aug. 2006, No. 530 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

47. On Trade and Service Marks: Law of the Republic of Belarus, 5 Feb. 1993, No. 2181-XII: as amended by the Law of the Republic of Belarus of 27.10.2000 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

48. On Emergency Situations: Law of the Republic of Belarus, 24 Jun. 2002, No. 117- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

49. On Copyright and Related Rights: Law of the Republic of Belarus, 16 May, 1996, No. 370-XIII: as amended by the Law of the Republic of Belarus of 11.08.1998 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

50. On Education: Law of the Republic of Belarus, 29 October, 1991, No. 1202-XII: as amended by the Law of the Republic of Belarus of 19.03.2002 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

51. On Education of Foreign Nationals in the Republic of Belarus: Resolution of the Council of Ministers of the Republic of Belarus, 7 Jul. 1993, No. 442 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

52. On Public Associations: Law of the Republic of Belarus, 4 October, 1994, No. 3254-XII: as amended by the Law of the Republic of Belarus of 19.07.2005 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

53. On Weapons: Law of the Republic of Belarus, 13 Nov. 2001, No. 61- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

54. On the Fundamentals of Administrative Procedures: Law of the Republic of Belarus, 28 October, 2008, No. 433- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

55. On the Fundamentals of State Social Security: Law of the Republic of Belarus, 31 Jan. 1995, No. 3563-XII // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

56. On Streamlining of Labor and Entrepreneurial Activities of Foreign Nationals and Persons without Nationality, Temporarily Staying and Residing in the Republic of Belarus: Resolution of the Council of Ministers of the Republic of Belarus, 16 Sep. 2002, No. 1258 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

57. On Establishment of the Procedure of Acquisition of Apartments (Houses): Resolution of the Council of Ministers of the Republic of Belarus,

31 Aug. 1993, No. 589 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

58. On Approval of the Guideline on the Procedure of Import, Export, Remittance of Foreign Currency, Belarusian Rubles, Payment Documents in Foreign Currency, Securities in Belarusian Rubles and Foreign Currency by Natural Persons through the Customs Border of the Republic of Belarus: Resolution of the Board of the National Bank of the Republic of Belarus and the State Customs Committee of the Republic of Belarus, 30 Apr. 2004, No. 73/38 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

59. On Approval of the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Higher Educational Institutions: Resolution of the Ministry of Finance of the Republic of Belarus, of the Ministry of Labor of the Republic of Belarus, of the Ministry of Education of the Republic of Belarus, 23 Mar. 2001, No. 33/27/18 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

60. On Approval of the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Secondary Vocational Institutions: Resolution of the Ministry of Finance of the Republic of Belarus, of the Ministry of Labor of the Republic of Belarus, of the Ministry of Education of the Republic of Belarus, 23 Mar. 2001, No. 34/28/19 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

61. On Approval of the Guideline on the Procedure of Allotment and Payment of Stipends to Students of Professional Vocational Institutions: Resolution of the Ministry of Education of the Republic of Belarus, 23 Mar.

2001, No. 20 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

62. On Approval of the Consular Regulation of the Republic of Belarus: Edict of the President of the Republic of Belarus, 19 Feb. 1996, No. 82 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

63. On Approval of the Places and Facilities Requiring a Special Permit for Entry and Stay of Persons without Nationality, and Organizations Authorized to Issue such Permits: Resolution of the Council of Ministers of the Republic of Belarus, 3 Feb. 2006, No. 145 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

64. On Approval of the List of Administrative Procedures Executed by Government Authorities and Other State Organizations upon Request of Citizens: Edict of the President of the Republic of Belarus, 16 Mar. 2006, No. 152 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

65. On Approval Provisions on the Procedure of Deportation of Foreign Nationals and Persons without Nationality: Resolution of the Council of Ministers of the Republic of Belarus, 15 Mar. 2007, No. 333 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

66. On Approval Provisions on the Procedure of Expulsion of Foreign Nationals and Persons without Nationality from the Republic of Belarus and Recognition of Certain Resolutions of the Council of Ministers of the Issues of Deportation of Such Persons, as Invalid: Resolution of the Council of Ministers of the Republic of Belarus, 3 Feb. 2006, No. 146 //

Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

67. On Approval of the Regulation on the Procedure of Review of Issues related to the Nationality of the Republic of Belarus, and Establishment of the Presidential Commission on the Issues of Nationality: Edict of the President of the Republic of Belarus, 17 Nov. 1994, No. 209 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

68. On Approval Provisions on Provision of Asylum to Foreign Nationals and Persons without Nationality in the Republic of Belarus, on its Loss, Deprivation, and on Other Issues of Sojourn of Foreign Nationals and Persons without Nationality in the Republic: Edict of the President of the Republic of Belarus, 5 Apr. 2006 No. 204 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

69. On Approval Provisions on Award of Academic Degrees and Titles in the Republic of Belarus: Edict of the President of the Republic of Belarus, 17 Nov. 2004, No. 560 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

70. On Approval of the Rules of Stay of Foreign Nationals and Persons without Nationality in the Republic of Belarus: Resolution of the Council of Ministers of the Republic of Belarus, 20 Jan. 2006, No. 73 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

71. Code of Administrative Offence Executive Procedure of the Republic of Belarus, 20 Dec. 2006, No. 194- // Etalon-Belarus [electronic

resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

72. Labor Code of the Republic of Belarus, 26 Jul. 1999 No. 296- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

73. Code of Criminal Procedure of the Republic of Belarus, 16 Jul. 1999 No. 295- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

74. Criminal Code of the Republic of Belarus, 9 Jul. 1999, No. 275- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

75. Criminal Code of the Republic of Belarus, 9 Jul. 1999 No. 275- // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

76. Code of Economic Procedure of the Republic of Belarus, 15 Dec. 1998 No. 219- : as amended by the Law of the Republic of Belarus of 06.08.2004 // Etalon-Belarus [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

International Legal Acts

77. Bern Convention for the Protection of Literary and Artistic Works of 9 September, 1886 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

78. Universal Copyright Convention of 6 September, 1952 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

79. Universal Declaration of Human Rights of 10 December, 1948 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

80. Performances and Phonograms Treaty of the World Intellectual Property Organization of 20 December, 1996 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

81. Convention of the International Labor Organization No. 108 on Seafarers' Identity Documents of 13 May, 1958 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

82. Convention of the International Labor Organization No. 87 concerning Freedom of Association and Protection of the Right to Organize, of 9 July, 1948 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

83. Convention against Discrimination in Education of 14 December, 1960 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

84. Convention on International Access to Justice of 25 October, 1980 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

85. Convention on the Rights of the Child of 20 November, 1989 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

86. Convention on Legal Aid and Legal Relations on Civil, Marital and Criminal Matters of 7 October, 2002 // Etalon-International Treaties

[electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

87. Convention on Legal Aid and Legal Relations on Civil, Marital and Criminal Matters of 22 Jan. 1993 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

88. Convention on the Recognition of Qualifications concerning Higher Education in the European Region of 11 April, 1997 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

89. Convention relating to the Status of Stateless Persons of 28 September, 1954 // United Nations [electronic resource]. – 2008. – mode of access: <http://www.un.org/russian/documen/convents/apatride.htm>. – Date of access: 05.10.2008.

90. Convention relating to the Status of Refugees of 28 July, 1951 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

91. Convention of the Commonwealth of Independent States on Human Rights and Basic Freedoms of 26 May, 1995 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

92. International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November, 1973 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

93. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October,

1961 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

94. Convention for the Protection of New Varieties of Plants of 2 December, 1961 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

95. International Covenant of the United Nations on Civil and Political Rights of 16 December, 1966 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

96. International Covenant of the United Nations on Economic, Social and Cultural Rights of 16 December, 1966 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

97. Montreal Protocol on Substances That Deplete the Ozone Layer, of 16 September, 1987 to the Vienna Convention for the Protection of the Ozone Layer of 22 March, 1985 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

98. Treaty between the Government of the Republic of Belarus and Government of the Republic of Armenia on Temporary Labor Activities and Social Security of Nationals Working outside of their Countries, of 19 July, 2000 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

99. Treaty on Mutual Provision of Equal Rights to the Nationals of the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic and the Russian Federation in Receiving First and Emergency Medical Aid of 24 November, 1998 // Etalon-International Treaties [electronic resource] //

National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

100. Treaty on Guarantees of the Rights of the Nationals of the States – Parties to the Commonwealth of Independent States – in the Area of Pension Coverage of 13 March, 1992 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

101. Treaty on Cooperation in the Area of Education of 15 May, 1992 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

102. Treaty relating to the Provision of the Nationals of States-Members of the Commonwealth of Independent States with Access to Secondary Educational Institutions on the Same Conditions as to the Nationals of These States, and on Social Protection of Students and Pedagogical Workers of Secondary Educational Institutions of 16 April, 2004 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

103. Treaty on Provision of Medical Aid to the Nationals of the States – Parties of the Commonwealth of Independent States of 27 March, 1997 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

104. Treaty on Provision of the Nationals of the States-Members of the Agreement on Advancement of Integration in Economic and Humanitarian Areas of 29 March, 1996, with Equal Rights for Admission to Educational Institutions of 24 November, 1998 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

105. Statute of the International Court of Justice of 26 June, 1945 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

106. Charter of the Organization of United Nations of 26 June, 1945 // Etalon-International Treaties [electronic resource] // National Center for Legal Information of the Republic of Belarus – Minsk, 2008.

Other Sources

107. Nationality and Statelessness: A Handbook for Parliamentarians. Inter-Parliamentary Union in cooperation with the UNHCR, Geneva, 2005. – 84 pages.

108. Declaration of the International Labor Organization concerning the Aims and Purposes of the International Labor Organization of 10 May, 1944 // Russian Legal Portal [electronic resource]. – 2008. – mode of access: <http://www.inpravo.ru/data/base466/text466v180i518.htm>. – Date of access: 05.10.2008.

109. Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the Organization of United Nations of 24 October, 1974 // Current International Law: in 3 vol. / compiled by: Yu.M. Kolosov, E.S. Krivchikova – Moscow, Publishing House of the Moscow Independent Institute of International Law, 1996. – Vol. 1 – pp. 65–73.

110. V.N. Dodonov, International Law, Reference Glossary / V.N. Dodonov, V.P. Panov, O.G. Rumiantsev; ed. V.N. Trofimov – Moscow – INFRA-M, 1997. – 368 pages.

111. Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons (No. 106 (LVII) – 2006) // The UN Refugee Agency – 2008. – Mode of access:

<http://www.unhcr.org/excom/EXCOM/453497302.html>. – Date of access: 05.10.2008.

112. Final Act of the Conference on Security and Cooperation in Europe of 1 August, 1975 // Current International Law: in 3 vol. / compiled by: Yu.M. Kolosov, E.S. Krivchikova. Moscow: Publishing House of the Moscow Independent Institute of International Law, 1996. – Vol. 1 – pp.73–79.

113. Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons (No. 106 (LVII) – 2006) // The UN Refugee Agency - 2008. - Mode of access: <http://www.unhcr.org/excom/EXCOM/453497302.html> - Date of access: 05.10.2008.

114. Robinson, Nehemiah. Convention Relating to the Status of Stateless Persons, Its History and Interpretation: A Commentary by Nehemiah Robinson. Institute of Jewish Affairs, World Jewish Congress, 1955, Republished by the Division of International Protection of the United Nations High Commissioner for Refugees, 1997. - 140 p.

115. UN High Commissioner for Refugees, The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonization, October 2003. //UNHCR Refworld [Electronic resource]. - 2008. - Mode of access: <http://www.unhcr.org/refworld/docid/415c3cfb4.html>. - Date of access: 05.10.2008.