

“Law In Everyday Life:” A Law-Related Education Course and Resource

Name of organization:

Grodna Public Association of Young Intellectuals “VIT”

Textbook

How One Can Influence a Change of a Law

In a democratic state, laws can be neither unchangeable nor established from the above, which means that the citizens have a right to influence a change of laws or to adopt new laws. Laws may and must be changed if they are unlawful or if they become obsolete and cease to regulate public relations efficiently. This chapter will explore the ways (or strategies, i.e., purposeful actions) of influence to change unlawful or obsolete laws and legislative acts, specifically, through public pressure (public actions and membership in public associations or political parties), and through the lawful influence on decisions made by deputies and officials.

A. We propose you to analyze the possibility to change Belarusian laws by the example of the Law on the Military Service of 5.11.1992. This law affects your interests too: if you are a boy, you may soon face a problem of performing the military service, and if you are a girl, your boyfriend or brother may be drafted. Let us dwell on one of the aspects of this law — the issue of the alternative service.

Alternative service (from Latin *alter* – either of the two) is an opportunity to perform the military service by executing socially important work, without holding weapons. This type of service is an ambiguous issue generating a lot of public discussion. However, it exists in quite a number of European countries, including our neighboring countries (Lithuania, Latvia, and the Ukraine). The essence of the alternative service is that every young man over 18 must serve in the army. But, if he does not want to serve in the army because of his personal convictions (for example, his religious beliefs if his denomination does not allow him to take up weapons, or civil convictions — if it is not allowed by the young man’s conscience), he must write an application to an appropriate authority and ask for the alternative service. This type of service lasts not one year, as the regular service does, but more like three or four years. Young people also take an oath of allegiance, but without weapons in their hands, and, instead of the military service, they look after patients in hospital, work with difficult children, the handicapped, the elderly people, etc.

Article 57 of the Constitution of the Republic of Belarus concerning the defense of the country by citizens, gives a right (in case a person is unwilling to serve in the army) for the alternative service and gives reference to the appropriate law. Article 1 of the Law on the Military Service also stipulates that “*the manner of performing the alternative service by Belarusian citizens is set forth by law.*” However, such a law has not been adopted in Belarus until recently, though the first draft was made as early as in 1993, and the second in May 2002.

The Constitution grants citizens the right to participate in managing state affairs both directly and via freely elected representatives. Direct participation means participating personally, through public actions, through influencing the officials’ decisions. Participation via freely elected representatives means participating via deputies. Let us explore these opportunities to influence a change of a law.

B. The influence on a change of a law via deputies and officials is determined by our civil right to participate in managing state affairs in the country. You can become a deputy yourself if you are elected to the local representative authorities or to the Parliament, or you can give your vote for your representative in such authorities. To have an opportunity to vote and to be elected (to have a right of voting), you need to be of a certain age. You may vote when you are 18. When you are 18, you may also be elected as a Deputy to a local council, and when you are 21 — a Parliament Deputy.

You may be under 18 yet, however you also have a right to demand from your deputy to fulfill his or her election pledges, because you live here, your parents live here, they work and pay taxes (that go to support all government officials, including deputies), and soon you will pay taxes yourself.

Deputies may be interested in helping you because it is important for them to build up their public image for future re-election or for rising in their careers. However, some deputies deserve reminding that there may be not only electing, but an opposite reaction — recalling. The possibility of being recalled puts more responsibility on the deputy for solving matters that lie within the scope of his or her authorities or that he or she can influence in one way or another.

A little bit of a different situation is with governmental officials who are responsible for fulfillment of laws and for adopting legislative acts. Various governmental levels have their own mechanisms for making changes, amendments, interpretation of laws. Here you also can maintain your lawful interests, because officials are interested in fulfilling laws efficiently, all the more that this is their responsibility.

An effective strategy of influencing both officials and deputies is basically the same, despite the difference in their authorities and role they play in the state:

1. Set objectives and make out a plan of actions to achieve them.
2. Prepare for the appointments (e.g., prepare options for solving matters so that an official could make a better decision, and a deputy could know the direction he can go to).
3. Identify the decision maker and the responsible person qualified for making a decision to change a legislative act, or — if you want a law to be changed or adopted — find a deputy from your election district who works in the relevant Parliamentary committee (e.g., change of the Law on the Military Service and introduction of the alternative service will require the assistance of officials from the Ministry of Defense or deputies in the Parliamentary committee on defense issues).
4. Arrange for an appointment with the official or the deputy or invite these persons to your school for a discussion or a round table meeting (with or without the press), where you can forward your arguments.
5. If the official or the deputy is able to support the change of the law only in words (he or she supports the proposition but says that he or she won't influence the decision making), ask him or her to sign a sheet (petition) prepared beforehand to support the initiative to change the law. It is necessary that this governmental official see that there is a specific public initiative supported by many people behind the intention to change the law.

Petition is a kind of appeal in the form of a sheet with signatures in support of a proposition sent to all institutions that can influence solving of this or that problem (for more information on appeals see the relevant chapter).

A petition must look like a short sheet; it must have a striking, simple, and short title; a brief description of the problem; steps for solving the problem; space for signatures in its support; and details of your organization or initiative.

Here is an example of a petition:

**Attn: the Parliament of the Republic of Belarus
Regional Executive Committees
Regional Councils of People's Deputies
Mass media (give a list)**

Stop the Massacre!

For several years already, Belarus has witnessed an inhumane policy of killing stray cats and dogs. For how long can we bear killing these animals? A relevant article stipulating criminal liability for such actions has not been included in the adopted Criminal Code. What example are we setting for our children to see?

We express our growing concern for the cruel treatment of animals that takes place before our children's eyes, and we urge the deputies of Belarusian Parliament to prepare and adopt immediately a Law on Protection of Animals' Rights to prevent inhuman extermination of stray animals.

In the name of raising a more humane younger generation, we citizens of the Republic of Belarus call upon you to adopt the relevant law.

Signatures for the petition are gathered by the initiative group "Support Stray Animals" (Grodno, BLK 45-13, tel. 816-338).

	Name	Address	Signature and date

You must always be ready for unpleasant surprises and failures, but don't lose heart! In the following chapter devoted to the influence on changing a law through public participation (actions), you will see that a lot of things depend on you.

C. Another real opportunity to influence a change of a law is through public actions.

Public actions are a way of community participation in solving socially significant issues. It can be called **public participation**. We will dwell on two forms of public participation (we see them as the basic ones):

- 1) establishing public associations or political parties or membership in them and
- 2) holding peaceful assemblies and protest actions.

These forms of public activity are guaranteed by the Constitution and are regulated by law. **The freedom of association** is an opportunity to voluntarily unify people to seek certain (lawful) goals, and an opportunity to establish or join (or abstain from joining) trade unions, political parties, or public associations.

The freedom of assembly is an opportunity to hold peaceful assemblies, demonstrations, processions, pickets, and other events to make a stand for a social position.

Before describing these public actions, it is necessary to identify the best way to achieve the change in a law in this case. This is a serious decision that is to be a part of the overall strategy (on par with the influence on the deputy's position or official's decision). However, one needs to remember that, in any case, the final objective is the change of a law or legislative act. When, in order to change a law or influence society, a decision is made to establish a public association or a political party, it is necessary to refer to relevant laws

describing in details their formation and registration procedure. Establishing an organization or an initiative group that will be dealing with this or that issue for a long period of time (e.g., support of draftees' rights) may be much more efficient than going out to streets, because citizens united by a common goal can do more together than a well-organized mass public action.

However, one should not underestimate the importance of peaceful assemblies. Belarus has a special procedure of holding demonstrations to make the community aware of certain problems. Only registered political parties or public associations may file an application to hold a demonstration. That is why a membership in political parties or public associations may be a beneficial factor enabling changing a law through mass events.

Before and during public actions and other campaigns to influence a change of a law, one needs to spread information on the activities, problem, or initiative. This is best done through the mass media. The mass media may be used together with the influence via deputies, officials, and through public actions. It is good to write and send an article to the mass media, describing the problem, giving the arguments and appending a copy of the petition or other appeal to official authorities and their feedback.

Of course, there may be obstacles to holding public actions in our country (like in any other country). However, remember that this is a constitutional right of Belarusian citizens. It is quite another thing how efficient these actions will be in influencing the change of a law. Remember, however, that sometimes public actions are not sufficient for success because their influence on the law may be very small or only partial. Only combining the influence on deputies with well-prepared public actions (in other words, our public activity!) will give beneficial results.

We have found that laws are living things that can be changed and you are able to influence them. You can influence the change of a law or other legislative acts in different ways. The most efficient way is influencing deputies who adopt laws and have an impact on decisions made by officials to fulfill the laws through community pressure (peaceful actions) with the help of the mass media. The set of methods may be different; however we called this **a strategy to influence a change of a law**. We may and we must influence the change of laws using all methods at the same time efficiently. However, in the long run everything depends on the relevant law on the deputy or the official who make decisions and on your active social position as a citizen of your country who is willing to use his or her constitutional right and is willing to do a lot to build up a democratic state.

Homework assignment:

1. Imagine that the Parliament in the nearest sitting is going to consider changing the Law on the Military Service in the part of introducing the alternative service in Belarus. Determine your affirmative or negative attitude to the proposed amending of the Law on the Military Service in introducing the alternative service in Belarus. Think up and write down three or more pros and cons of introducing the alternative service in Belarus that will help you to work out an efficient strategy of actions to change this law.
2. To whom and where would you send a written appeal in support of your position?
3. Write an example of a petition (or a similar written appeal) in your exercise book using arguments from Assignment 1.
4. Analyze which form of public participation will be the most efficient in influencing the change of the Law on the Military Service in the part of introducing the alternative service.

5. What specific steps would you take? Put them down and give substantiation.