

Laws and Policies Affecting Volunteerism Since 2001



A Research Report for the United Nations
Volunteers (UNV) programme submitted by
the International Center for Not-for-Profit
Law (ICNL) and the European Center for
Not-for-Profit Law (ECNL)



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Responsibility for the ideas, facts and opinions presented in this research report rests solely with the authors, whose opinions and interpretations do not necessarily reflect the views of United Nations Volunteers.

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This study was commissioned by the United Nations Volunteers

The United Nations Volunteers (UNV) programme is the UN organization that contributes to peace and development through volunteerism worldwide. Volunteerism is a powerful means of engaging people in tackling development challenges, and it can transform the pace and nature of development. Volunteerism benefits both society at large and the individual volunteer by strengthening trust, solidarity and reciprocity among citizens, and by purposefully creating opportunities for participation. UNV contributes to peace and development by advocating for recognition of volunteers, working with partners to integrate volunteerism into development programming, and mobilizing an increasing number and diversity of volunteers, including experienced UNV volunteers, throughout the world. UNV embraces volunteerism as universal and inclusive, and recognizes volunteerism in its diversity, as well as the values that sustain it: free will, commitment, engagement and solidarity.

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On the cover: volunteers from the Baobab Trust (Kenya) celebrate World Environment Day 2006 by planting trees at the Nguuni Nature Sanctuary.

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Preface

Since the International Year of Volunteers (IYV) in 2001, governments, the United Nations system, civil society partners and other stakeholders have increasingly recognized that volunteerism makes significant contributions to peace and development. The United Nations General Assembly specifically noted the importance of legislative and fiscal frameworks for the growth and development of volunteerism, and encouraged governments to enact such measures.¹

UNV commissioned this global research study to consider trends and lessons in the development of supportive volunteerism policies and legislation. An overall review was conducted in seven regions, complemented by country-specific case studies in each region. The study analyses considerations in drafting and implementing volunteerism laws and policies, and highlights the need to tailor them to specific local, national and regional contexts.

We were especially pleased to see that more than 70 laws or policies on volunteerism have in fact been adopted since the International Year of Volunteers in 2001 – a tremendously encouraging accomplishment.

As we mark the Tenth Anniversary of the International Year of Volunteers (IYV+10) in 2011, we wish to share the lessons in these pages with governments, UN, civil society and academic partners. We hope also to strengthen support for volunteerism and help realize its potential for the Millennium Development Goals (MDGs). Achieving the MDGs by 2015 is a task for everyone, and voluntary action will be critical.

UNV is deeply grateful to the Canadian International Development Agency (CIDA) for funding this study, and thanks the International Center for Not-for-Profit Law (ICNL) and the European Center for Not-for-Profit Law (ECNL) for leading the research.

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¹ A/RES/63/153 Follow-up to the implementation of the International Year of Volunteers, 18 December 2008

Executive Summary

The United Nations General Assembly declared 2001 the “International Year of Volunteers,” and marked the occasion with events highlighting the importance of volunteerism and the connection between volunteerism and development in over 100 countries. Since then, governments all around the world have come to recognize the importance of volunteerism as a driver of political, economic, and social development. Indeed, volunteerism is one of the primary mechanisms by which the Millennium Development Goals will be achieved; as Secretary General Ban Ki-moon stated, “achieving the Millennium Development Goals will require the engagement of countless millions of people through volunteer action.”² Thanks to the efforts of civil society organizations, multilateral agencies, and the United Nations, many governments have gone further and moved from acknowledgment of the importance of volunteerism to adoption of laws and policies designed to support and promote volunteerism in their countries.

This Research Report represents an attempt to synthesize lessons learned over the last eight years in order to promote best practices and analyze obstacles and impediments that continue to block the development of volunteerism law and policy. We have considered a host of cross-regional developments, including the adoption or amendment of laws and policies to support volunteerism; the creation of national volunteer centers, and the establishment of civil society / government / private sector partnerships. We have also examined trends in seven regions of the world (Africa, the Arab States, Asia, the Commonwealth of Independent States / former Soviet Union, Europe, Latin America and the Caribbean, and the Pacific), and conducted in-depth case studies on three countries from each of these seven regions. It is our hope that the report which follows will serve as a useful guide for governments, civil society activists, and other stakeholders considering the adoption of new laws and policies or the amendment of existing laws and policies in order to further support and promote volunteerism in their countries.

² Report of the Secretary General (A/63/184 of 28 July 2008).

I. Introduction

This Research Report examines the development of laws and policies on volunteerism since 2001, designated by the United Nations General Assembly as the “International Year of Volunteers.”³ The Report was prepared for the United Nations Volunteers (UNV) by the International Center for Not-for-Profit Law (ICNL) and the European Center for Not-for-Profit Law (ECNL), in collaboration with a team of experts and researchers from around the world.

Our research team examined the laws and policies on volunteerism that have been enacted since 2001 in Africa, the Arab States, Asia, the Commonwealth of Independent States (CIS), Europe, Latin America and the Caribbean, and the Pacific in order to identify best practices and lessons learned from each of these regions. We also reviewed the findings of national and international studies on volunteerism policy and legislation made by multilateral organizations, governments, and civil society organizations (CSOs) in order to identify regional and international trends in the regulation and promotion of volunteerism. Finally, our researchers considered recent developments in laws and policies that indirectly impact volunteerism, such as labor and tax codes, social welfare laws, immigration laws, laws on nonprofit organizations, disaster management policies, and national development policies.

Our extensive study of laws and policies that impact volunteerism revealed several international and regional developments which are presented below.

A. Overview of Project Goals and Results

The objectives of this Research Report are to examine advances made in volunteer legislation and policy across regions of the world, assess the effectiveness of these laws and policies, consider steps that can be taken to further raise awareness of the need for volunteerism-enabling laws and policies, and develop resources for the support of additional successful initiatives. Toward these ends, our **Research Report** aims to:

- (1) Identify new and amended laws, regulations, and policies on volunteerism since International Year of the Volunteer in 2001 (IYV 2001);
- (2) Provide an overview of the different legislative and policy approaches that support an enabling framework for volunteerism, analyzing the effectiveness of different approaches and considering steps that would further their success; and
- (3) Highlight the lessons learned from the development, enactment, and implementation of volunteer laws, regulations, and policies.

The results of this report have in turn been used to generate a **Guidance Note** for use by government officials, parliamentarians, CSOs, volunteers, the UN system, and other stakeholders that will provide practical summaries of the best practices in laws and policies on volunteerism and advice on the successful drafting and implementation of such laws and policies.

Three outputs of this project are included as appendices to the Research Report:

³ UN General Assembly Resolution A/RES/52/17 (15 January 1998).

- A series of short **Case Studies** on the experiences of selected countries in developing and implementing laws and policies on volunteerism appears in Appendix A.
- A **Resource Group** made up of experts who can consult with policymakers and analysts on the development of volunteerism law and policy appears in Appendix B.
- A **Research Template** to assist in the analysis of future law and policy reform initiatives, as well as a summary of our methodological approach for this report, appear together in Appendix C.

B. Definitions

Because there is no single universally-accepted definition of the term “volunteerism,” it is necessary at the outset of this paper to explain the concepts that have guided our analysis of laws and policies affecting volunteerism. In considering the effects of a specific law or policy, it is of course best to rely upon the definition of volunteerism articulated in that law; however, for the purposes of comparative analysis across countries and regions, it is essential to recognize the various ways that different countries and regions define volunteerism.

The International Labor Organization (ILO)’s November 2008 *Manual on the Measurement of Volunteer Work* provides a useful guide to the various definitions of volunteerism that have been enshrined in local law. It allows comparison, for example, of Canada’s definition -- “service without pay, on behalf of charitable or other non-profit organizations” -- to Mexico’s -- “work a person does out of free will... for the benefit of others or for a cause that is not profit-seeking.”⁴ The UN General Assembly embraced an open-ended concept of volunteerism, defining it as “a wide range of activities, including traditional forms of mutual aid and self-help, formal service delivery and other forms of civic participation, undertaken of free will, for the general public good and where monetary reward is not the principal motivating factor.”⁵ The European Parliament has adopted a similarly broad definition, calling volunteerism an activity that “is not undertaken for financial reward... is undertaken of one’s free will... brings benefit to a third party outside the circle of family and friends [and] is open to all.”⁶ **Finally, the ILO itself proposed as a working consensus definition “activities or work that some people willingly do without pay to promote a cause or help someone outside their household or immediate family.”⁷**

The ILO’s “working consensus definition” highlights the most common elements of the definitions of volunteerism used across countries and regions, namely that:

1. **Volunteerism is an activity or work.** Volunteering is a contribution in-kind (i.e. time, skills, or services) and should be distinguished from donations in goods, cash, or other valuable assets.
2. **Volunteerism is done by people.** Volunteers may act individually, as groups, or through associations and other formal organizations; but in all cases, a “volunteer” is a human being.
3. **Volunteerism is done willingly.** Individuals must make a free choice to volunteer. If an individual is compelled or coerced, then he or she is generally not considered a volunteer. Within many cultures and religious faiths, certain types of volunteer activities may be

⁴ International Labor Organization, *Manual on the Measurement of Volunteer Work* (November 17, 2008), p. 10 - 11.

⁵ *Id.* at p. 11.

⁶ European Parliament, *Report on the Role of Volunteering in Contributing to Economic and Social Cohesion* (2007) p. 10.

⁷ International Labor Organization, *op. cit.* at note 3, p. 11.

considered a social or religious obligation; rural villagers in Africa, for example, may consider it a societal imperative to care for the elderly of the village and would not necessarily characterize such work as “volunteering.” However, as the ILO explains, “social obligation, such as peer pressure, parental pressure, or expectations of social groups, does not make the activity compulsory.”⁸ Depending on the local context and custom, social or religious obligations may or may not be seen as “volunteering” by those engaging in the activity.

4. **Volunteerism is done *without pay*.** Confusion often arises surrounding the idea that volunteerism is done without pay. In some contexts volunteers would not be expected to receive any kind of monetary compensation whatsoever, while in other places volunteers might be entitled to stipends intended to help cover their living expenses or reimbursements of expenses incurred (such as the cost of traveling back and forth to the volunteer location). As the ILO explains, “the test is whether the compensation can be considered to be ‘significant’... [this] will likely vary from place to place,” and “each country should determine what level of payment should be considered ‘without pay.’”⁹
5. **Volunteerism is done to *promote a cause or help someone outside of the volunteer’s household or immediate family*.** Volunteer activity is usually done to benefit the larger community, an organization representing community interests, a public body, or the common interest. While the individual volunteer’s household or family might benefit from the volunteer work, some other person outside the family should benefit as well. Thus, spending several hours cultivating a garden in one’s own home would not count as volunteerism, even though the same work done for a neighborhood might. Of course, cultural differences may arise concerning the concept of household or immediate family.

As a final note, the ILO definition embraces both formal volunteerism (that is, volunteering done through an organization or institution such as a school or CSO) as well as informal volunteerism (that is, volunteer work done on an individual basis). Many countries will regulate as “volunteerism” only work done through formal institutions, seeing no need to intervene with a law or regulation for informal volunteerism; whereas other countries (especially those with relatively fewer established civil society organizations) will adopt a more expansive view, including both formal and informal volunteerism within the scope of a law or policy.

For the purposes of this research, ICNL and ECNL have attempted to review laws and policies affecting the broadest possible conception of volunteerism. Rather than apply any one definition, we have sought to keep the ongoing debates about the nature of volunteerism in mind and have given primary consideration to local contexts and local considerations. Our purpose, above all, has been to consider the practical effects of volunteerism legislation. For further reference, we recommend a review of the definitions adopted by the United Nations and other international bodies.¹⁰

⁸ *Id.* at p. 13.

⁹ *Id.* at p. 12.

¹⁰ *See, for example*, “Recommendations and Conclusions on Legal Issues Affecting Volunteers” developed by experts at the meeting on Legal Issues Affecting Volunteers and Volunteering in Europe, Warsaw, Poland January 23-26, 2002; Katerina Hadzi-Miceva, “Comparative Analysis of European Legal Systems and Practices Regarding Volunteering”, *International Journal for Not-for-Profit Law*, Vol. 9, Iss. 3 (2007); Inter-Parliamentary Union, *International Federation of Red Cross and Red Crescent Societies*,

II. Analysis of Developments

As many commentators have recognized, volunteerism is “a universal human phenomenon”¹¹ and contributes important social and economic benefits to society.¹² Nonetheless, prior to IYV 2001, few governments had laws or policies that specifically addressed volunteerism in a unified or comprehensive manner. This lack of enabling laws and policies impeded the full realization of the social and economic benefits associated with volunteerism in many countries. For example, several countries’ employment and minimum wage laws failed to distinguish between volunteers and employees, making unpaid volunteer activity technically illegal. In others, an absence of government programs to promote, support, and recognize the achievements of volunteers represented missed opportunities to unleash volunteerism as an important driver of economic and societal development.

IYV 2001 and the subsequent actions of national and international CSOs precipitated a major change in the way governments think about volunteerism issues. By the end of 2001, more than 125 national committees on volunteerism had been formed in countries around the world – creating organized constituencies that immediately began lobbying for volunteerism laws and policies in their home countries.¹³ Research projects on the value of volunteer contributions were undertaken in dozens of countries, from **Ethiopia** to **Israel** to **Canada**, leading eventually to government support for laws and policies to further promote volunteerism.¹⁴ Policies or laws governing volunteerism were passed that year in, among many others, the **Czech Republic**, **Colombia**, and **Madagascar**.¹⁵

Today, the processes set in motion by IYV 2001 have led to an enhanced profile and understanding of volunteerism and the ways in which laws and policies can enable volunteerism. Since IYV 2001, at least 70 new national laws or policies on volunteerism have been passed around the world. Our researchers have endeavored to examine as many of these new laws and policies as possible in order to determine the major trends and lessons learned. We begin below by considering the major international trends in volunteerism law and policy since 2001.

A. Cross-Regional Developments

In every year since IYV 2001 an increasing number of new laws and policies on volunteerism has been adopted and implemented in countries around the world, and as international and domestic attention on volunteerism issues intensifies in the run-up to IYV + 10 in 2011, it seems reasonable to expect that this trend will intensify and extend to additional countries. This trend, which occurred across countries with diverse governmental and legal systems, demonstrates the success of efforts made by international and domestic CSOs to carry forward the message of IYV 2001 by showing that volunteerism is an integral

and UN Volunteers, “Volunteerism and Legislation: A Guidance Note;” Communication from the Commission to the Council, follow-up to the “White Paper on a New Impetus for European Youth – Proposed Common Objectives for Voluntary Activities Among Young People in Response to the Council Resolution of 27 June 2002 Regarding the Framework of European Cooperation in the Youth Field,” COM/2004/0337; Council of Europe Convention on the Promotion of a Transnational Long-term Voluntary Service for Young People (2000).

¹¹ UN Volunteers, “Developing a Volunteer Infrastructure: A Guidance Note,” p. 8.

¹² United Nations Development Programme, “Essentials: Volunteerism and Development,” No. 12 October 2003, p. 1.

¹³ Report of the Secretary General A/57/352 p. 4.

¹⁴ *Id.*

¹⁵ *Id.* at p. 5 para 19.

part of national development. It is also a testament to the growing power and influence of domestic and international civil society and the support that has been provided to these movements by multilateral organizations such as the United Nations Volunteers.

1. Adoption of New Laws and / or Policies to Define and Promote Volunteerism

Since IYV 2001, governments around the world have recognized the necessity of laws and policies to enable volunteerism, leading to the adoption of over 70 new laws or policies designed to promote volunteerism.¹⁶ These laws and policies are focused exclusively on the promotion of volunteerism, and generally define volunteer or volunteerism and address particular issues related to voluntary activities. Legislation to promote volunteerism has been adopted in **Poland, Hungary, Latvia, Macedonia, Croatia, Philippines, South Korea, Australia, New Zealand, Nicaragua, Argentina, Brazil, Uruguay, Bolivia**, and dozens more countries all around the world; policies on volunteerism have been adopted in many of the same countries, as well as in countries where no volunteerism law has been passed, such as **Lebanon** and the **United Arab Emirates**. Why have so many countries chosen to adopt new laws or policies defining or promoting volunteerism?

In general, these new laws and policies are the results of successful campaigns launched by domestic CSOs, often but not always with UN or other international support. In some circumstances, governments have been the primary instigators (more on this below), but most commonly it has been civil society leading the way.

Creating Political Will for Volunteerism Laws and Policies

Economic Impact. CSOs have taken up the issue of the legal framework for volunteerism partly out of self-interest, because without an enabling legal and regulatory environment for volunteerism, CSOs are unable to attract and retain qualified volunteers. As a result, many CSOs may suffer from a deficit of leadership, funding, and manpower. An environmental organization may not be able to afford to organize volunteer neighborhood cleanups when the law treats volunteers as paid employees and requires organizations to pay into social security and welfare systems when making use of volunteer labor, as is the case in several nations, especially in the former Soviet Union.

Similarly, when several studies demonstrated in concrete terms the economic impact of volunteerism, governments were motivated by rational self-interest to pursue volunteerism legislation and policies. For example, one UN study estimated the value of volunteer labor donated in the 2000 Global Polio Eradication Initiative as more than \$10 billion dollars, an “amount far beyond the reach of governments or international and national organizations.”¹⁷ This study, and others similar to it, may have contributed to governments’ decisions to adopt laws and policies designed to promote volunteering and remove legal obstacles to volunteerism.

Disaster Response. Political will in support of new laws and policies on volunteerism often develops in the wake of a critical political, economic, social, or natural crisis or disaster that demonstrates the value

¹⁶ “Follow-up to the Implementation of the International Year of Volunteers, Report of the Secretary-General”, developed in response to General Assembly Resolution 60/134, A/63/184, July 28, 2008.

¹⁷ Interview with Ad de Raad, <http://www.unv.org/en/news-resources/archive/unv-news/unv-news-october-2004/doc/volunteering-for-development.html>.

of organized volunteerism. In **Argentina**, the 2004 *Law on Social Volunteerism* was passed after a major economic crisis from 1998 – 2002 led to a surge in community action and volunteerism and, eventually, a call by major stakeholders for organizing legislation. **El Salvador** launched a volunteerism law drafting initiative in the wake of a major 2001 earthquake. **China** did so as well after the 2008 Sichuan earthquake, leading to calls for a national *Volunteer Service Law* from provincial officials, the Communist Youth League, national legislators, academics, and others. Similarly, in **Pakistan**, a devastating 2005 earthquake in Kashmir provoked such an enormous spontaneous volunteer response that “there were traffic jams for 1,000 kilometers, from Karachi to the northern areas, the whole length of Pakistan.”¹⁸ Although the spontaneous response of Pakistani citizens was commendable, it also completely overwhelmed existing structures and led to mass confusion and disorganization in the volunteer efforts. To remedy this situation and ensure that future disasters could draw upon rapid and organized volunteer mobilization, the government created a National Volunteer Movement.¹⁹

International Advocacy Efforts. In some cases, international support and mobilization on volunteerism issues has been an important driving factor of volunteerism laws or policies. For example, in **Nicaragua**, the *Law on Social Volunteerism* (2005) came about, according to government officials and domestic CSOs, in large part because of lobbying efforts made by domestic actors as well as the support of the Inter-American Development Bank and the United Nations. Similarly, in **Lebanon** domestic CSOs were able to create, in consultation with the government, a National Permanent Committee on Volunteerism – an institution that they had long desired – in large part because of global advocacy efforts associated with IYV 2001 combined with the support and coordination of UNV offices in that country. International involvement can thus bring several benefits, including the generation of political will, the sharing of comparative expertise, and the ability to draw upon lessons learned from previous volunteerism initiatives. However, there are potential downsides as well, for if international involvement is heavy-handed or is not carefully calibrated to ensure local ownership and buy-in, it may result in implementation problems with government officials and / or volunteers further down the line.

Volunteer Engagement. Volunteerism laws and policies have been “supply-driven” in some countries – i.e., the need for a law or policy stems from an increase in the number of volunteers. The Emirates Foundation, a CSO based in the **United Arab Emirates**, has successfully recruited so many volunteers that it has been unable to place them all in positions in the country’s CSOs, leading to grass-roots pressure for the passage of a law or policy on volunteerism. **China’s** draft *National Law on Volunteerism* is also a result of the growing calls for a national law from increasing numbers of volunteers – calls that intensified after the response to the Sichuan earthquake and the 2008 Olympic Games, both of which relied upon massive volunteer turnouts.

Issues Considered in Volunteerism Laws and Policies

Because volunteerism laws and policies are driven by domestic needs and concerns, there is no single solution or set of issues that is considered in every context. In countries where volunteerism traditions are not well established, for example, policies may focus on promoting public awareness of the need for

¹⁸ Nasreen Khattak, opposition member of Provincial Assembly of North Western Frontier Province. <http://www.csmonitor.com/2005/1115/p01s01-wosc.html>.

¹⁹ <http://www.worldvolunteerweb.org/news-views/news/doc/undp-unv-to-fully-1.html>.

volunteerism and the value and purpose of volunteerism. In countries with strong social safety nets, volunteerism laws may focus on clarifying the distinction between paid employees and unpaid volunteers, thereby removing obstacles that may arise when volunteerism is treated as a form of standard employment. Industrializing or low- and middle-income countries might focus on promoting volunteerism to achieve specific development goals.

In other words, as with other legislation and policy, it is the aim that the government and constituents hope to achieve that determines the scope of regulation, the specific form of volunteering regulated, and the benefits, incentives, and protections that might apply. Successful legislation is carefully tailored to these factors and responsive to defined goals. If volunteerism laws or policies promise more than can be delivered or address areas that are socially or culturally irrelevant, they will be ignored at best and might actively discredit volunteerism or harm volunteers at worst.

Implementation Issues and their Resolution

Implementation is sometimes neglected, but the way in which a new law or policy is implemented is as important as the content of the law or policy itself. When implementation of a law or policy is successful, initiatives can make a major impact on society and set the stage for increased volunteerism. In **New Zealand** for example, a well-defined and implemented 2002 volunteerism policy set the stage for

Macedonia
Implementation of the Law on
Volunteering

Upon adoption of the *Law on Volunteering*, Macedonia's Ministry of Labor and Social Affairs developed after discussion with CSOs: (1) regulations on foreign volunteers, (2) regulations on record keeping, and (3) a volunteer booklet to ensure that key provisions of the law are correctly implemented. To further support implementation, the Ministry worked with several CSOs to develop and publish a *Guide to the Application of the Law on Volunteering*.

a long and successful partnership between government and civil society that resulted in several new laws and policies over the next six years. By contrast, without clear guidelines and the political will to implement, new laws or policies can flounder.

According to persons interviewed in connection with this survey, certain laws and policies on volunteerism have not been successfully implemented. For example, **Nicaragua's Law on Social Volunteerism (2004)** explicitly calls for the drafting of implementing regulations, the creation of a Commission on Volunteerism, and budgeting of government funds to support social volunteerism – but as of this writing, none of these requirements have been fulfilled due to economic and political pressures (discussed more fully in Section II (B)(6)). Similarly, **Bolivia's Law on Volunteerism** was

passed in December 2005, but national elections one year later produced a substantially different government with different legislative priorities that has thus far failed to issue implementing regulations or otherwise follow up on the law. If there is a silver lining to these experiences, it is that they have led to several key lessons learned concerning how to ensure that new laws or policies are actually implemented properly. Specifically, we have seen that the following factors tend to produce implementation issues:

- Lack of ownership over volunteerism initiatives or lack of awareness about the importance of volunteerism on the part of government officials. When governments undertake volunteerism initiatives in response to pressure from CSOs without fully investing in the process or becoming informed or engaged in the drafting process, officials may become more reluctant to enforce the law. It is therefore important that lobbying for a law or policy be preceded by education and outreach campaigns that fully inform and engage responsible and relevant government officials.
- Lack of consultation and feeling of ownership by CSOs. CSOs are sometimes faced with volunteerism laws or policies that are adopted fairly rapidly and without consultation. The lack of consultation with civil society often prevents CSOs from fully understanding a law and contributing to its development. They may be unaware of relevant provisions or be strongly opposed to them, and as a result will not take advantage of provisions of the law or policy. In addition, the lack of ownership or understanding of the law inhibits CSOs from engaging actively and continuing post-adoption advocacy activities to make sure that further steps are undertaken to implement the law.
- Lack of political will. Often, there is a lack of political will to follow through on the implementation of a law or policy. A lack of consultation, as discussed above, may contribute to lack of political will. For example, if a volunteerism law or policy is the initiative of a limited number of individuals in government, when the time comes for implementation (which necessarily requires coordination among greater numbers and possibly actors in other executive branch ministries) some provisions may remain unimplemented. Political will may be generated through international and domestic advocacy and lobbying campaigns and it should be sustained after the new law or policy is passed.
- Change of governments. Laws adopted by outgoing or unstable governments may face severe difficulties as any new government may not be willing to follow through on commitments made

Estonia

Implementation of the National Development Plan for Volunteering

The Implementation Plan for Estonia's policy promoting volunteerism, the *National Development Plan for Volunteering*, proposes several specific actions. For the years of 2007 and 2008 the following activities were planned:

Recognition: Celebrations of International Volunteers Day led by the President of the Republic of Estonia.

Promotion: Gathering case studies on volunteerism from volunteers, CSOs, local governments, and enterprises; media promotions on volunteerism; Information and promotion campaigns.

Facilitation/Support: Organizing volunteer management trainings and development and maintenance of the internet portal "Volunteer Gate."

Networking: Organizing the Third Volunteering Forum in Estonia; Stakeholder networking at the national level and participation in international events (including the European Volunteer Center and the CEV General Assemblies twice a year).

by its predecessors. The timing of volunteering law or policy initiatives relative to elections or other changes in government is thus an important issue.

All of these reasons for unsuccessful implementation of laws or policies should be considered important factors in the process of conceptualizing and drafting laws and policies on volunteerism.

There are a variety of steps governments can take to ensure effective implementation, but perhaps none is as important as ensuring a participatory drafting process and maintaining good relations and open communication between government and civil society thereafter. Among other steps, governments and CSOs can:

- Establish initial working and consultation groups composed of all parties;
- Utilize email, websites, blogs, and discussion forums to facilitate cooperation and communication between government and civil society; and
- Use the print and broadcast media to promote volunteerism and disseminate information about draft laws and policies.

Law, Policy, or Both?

What factors inform a government's decision to adopt a law or a policy on volunteerism? As with the question of the content of volunteerism laws and policies, governments generally approach the question of whether to adopt a law, policy, or some combination of the two based upon the goals which are intended to be achieved.

Laws, which are enacted by the legislative branch, and regulations, which are adopted by the executive branch, have the force of law and can be enforced by government. Policies, on the other hand, are documents which tend to explain the government's preferences or attitudes toward a specific topic. Thus, laws and regulations are normally needed to address the *legal issues* that affect volunteerism – for example, by removing obstacles that might be present in existing legislation. Policies, which tend to be easier to adopt, generally address broad aspects of volunteering, defining and promoting specific societal goals for volunteers, and setting up measurement indicators that the government can use to review the impact of its actions.²⁰ Because laws and policies tend to have different operational objectives, they can be adopted in tandem or following one another.

For example, in rural parts of **Egypt**, volunteerism traditionally takes place within a religious context or on the basis of long-standing social obligations. As a result, a law removing obstacles to CSO-based volunteerism would not necessarily have the desired effect of increasing the level of social involvement. As a result, the Egyptian government has to this point used policies designed to promote popular awareness of volunteerism in formal CSOs in a bid to increase the number of volunteers in the country. By contrast, in many European countries, where volunteerism tends to take place through formal CSOs, government and civil society focused on law reform that ended the taxation of volunteer

²⁰ See, e.g., *Black's Law Dictionary, Fifth Edition* (West Publishing Co. 1979), which defines law as "... a body of rules of action or conduct prescribed by controlling authority, and having binding legal force;" and policy as "the general principles by which a government is guided in the management of public affairs."

reimbursements, thereby creating new incentives to expanded volunteerism in established organizations.

Policies on volunteerism can be adopted prior to laws on volunteerism to mobilize political will for the subsequent adoption of a law. These types of initial policy documents often call for the government to recognize volunteerism's impact, whether through the creation and dissemination of studies on volunteerism, the establishment of government programs to promote volunteerism, or the expansion of volunteerism in government and civil society. **New Zealand's 2002 *Policy on Volunteerism*** provided for governmental and societal recognition of volunteerism, promotion of formal volunteerism among indigenous communities as a path to social and economic development, and expanded use of volunteers by government agencies. The 2002 policy created organic constituencies in government and civil society in favor of increased volunteerism. For example, a Support for Volunteering Fund was created in the Department of Internal Affairs that mobilized and expanded volunteer centers in government, civil society, and indigenous communities – and these constituencies subsequently called for follow up legislation that was passed in 2003, 2004, and 2007.

However, it is also quite common for policies to follow and reinforce volunteerism laws. These kinds of policies are usually issued at the national (cabinet or ministerial) level or the local level and are designed to encourage government actors to make use of existing laws and increase their use of volunteers. This is the case in **South Africa**, where the Department of Health's 2001 *National Guidelines on Home-Based Care and Community Based-Care* proposed measures to bring government agencies and CSOs together to select, train, and provide support for volunteers in the healthcare system. **India's 2006 *National Policy on the Voluntary Sector*** is similar, stating that "the Government will encourage involvement of volunteers in public services, such as at family welfare centers, primary health centers, hospitals, schools, vocational training centers, sanitation campaigns, etc." Policies that follow laws on volunteerism also tend to create operational or implementation plans that ensure an increased likelihood of success in implementation, help to measure achievements, and provide an early warning system for obstacles or problems with implementation.

Volunteerism policies can also be adopted at the *regional* level to call on governments to implement *national* volunteerism laws or policies. This is an important tool to promote volunteerism in areas of the world where regional coordination in development is seen as desirable. For example, the League of Arab States is currently working to draft a volunteerism policy for Arab states that may lead to the eventual adoption of volunteerism laws in Arab countries; and the South Pacific Forum, a grouping of Pacific island nations, has been promoting a Regional Volunteer Scheme as part of a broader "Pacific Plan" for development in the region.

Finally, volunteerism policies are sometimes written into broader policy documents. **Moldova's *National Strategy for Enabling Civil Society in 2008 – 2011*** includes detailed objectives regarding the development of the legal framework for volunteering within a document that is more broadly focused on public policy related to the development of civil society.

2. Amendment of Existing Laws to Support Volunteerism

Not all countries have found it necessary (or sufficient) to put in place stand-alone laws or policies on volunteerism. Some have instead (or in tandem with a new law or policy on volunteerism) amended existing laws that affect volunteerism. This approach is often adopted in countries where particular legal obstacles to volunteering have been identified; the amendment of these laws is therefore designed to remove specific obstacles to volunteering. For example,

- **Australia** amended the *Civil Liability Act* in 2003 to protect volunteers from civil liability while doing community work.
- **South Africa** amended the *Immigration Act* in 2004 to provide a procedure on granting visas for international volunteers.
- **New Zealand** amended tax legislation to exempt from income tax reimbursements to volunteers of their actual costs.

Of course, volunteering issues can be addressed in laws dealing with other matters at the time they are initially enacted as well. For example, the **United Kingdom's National Minimum Wage Act** of 1998 introduced the term “voluntary worker,” defined as a “type of worker who has a specific exemption from qualifying for the national minimum wage.” In order to qualify as exempt, two conditions must be met: the voluntary worker must provide services for a charity, voluntary organization, or associated fundraising body; and the voluntary worker may not receive any monetary payment apart from the reimbursement of expenses actually incurred or reasonably estimated to have been incurred in the performance of his or her duties. Without this change, volunteers would technically have been violating England’s minimum wage rules.²¹

3. Creation of National Volunteer Centers

Creation of national volunteer centers or councils has served to promote and facilitate volunteerism and provide information, training, education, and CSO-volunteer matching services in various countries. This is by far the most common step to promote volunteerism, taken in dozens of countries including **Australia, Argentina, Barbados, Brazil, Croatia, Cyprus, Egypt, El Salvador, Lebanon, Luxembourg, Madagascar, Peru, South Korea, Ukraine, the United Arab Emirates, and Zambia**. In **Thailand** alone, more than 75 centers were established – one for each province in the country.²²

The purposes, responsibilities and structures of these bodies differ and depend upon the reasons for their establishment and the functions they perform. In general they are responsible for implementation of a law or policy and coordination of activities regarding promotion of volunteering. Often they are composed of representatives from government, civil society, and the private sector – thus ensuring that different needs and positions are represented and considered in the implementation of activities. For example,

²¹ “National Minimum Wage Guide,” by the Department for Business Enterprise and Regulatory Reform (revised September 2008), <http://www.berr.gov.uk/files/file47736.pdf>. For a discussion on the implication of these provisions on volunteering see Mark Restall, “Volunteers and the law,” published by Volunteering England, 2005.

²² A/57/352 para 28.

- **Croatia's** *Law on Volunteering* (2007) created a *National Board of Development for Volunteering* to recommend means for improving the position of volunteers in society as well as new regulations to govern volunteer activities. The Board is composed of nineteen individuals: six from government, seven from civil society, and an additional six experts on the field of volunteerism from academia.
- **England's** *Volunteering Development Council* engages with government and opposition parties in order to steer government policy and community action in the field of volunteering.
- **The Philippines'** *National Volunteer Service Coordinating Agency* is responsible for implementing the *Act on Institutionalizing a Strategy for Rural Development, Strengthening Volunteerism, and Other Purposes* (2006) by reviewing and formulating policies and guidelines concerning national volunteer service, and providing technical services and capacity building assistance to volunteers and volunteer organizations.
- **Lebanon's** *National Council on Volunteering* facilitates contact and coordination between every government ministry, the Prime Minister's office, and CSOs to promote volunteerism throughout the country. The committee is composed of 26 individuals drawn from government ministries, international and domestic CSOs, major universities, and the United Nations.

National volunteer centers facilitate contacts between government and civil society, and have been adopted both in countries that have implemented volunteerism laws and policies as well as those which have not. A national volunteer center can be an effective mechanism to promote volunteerism and enhance the volunteering experience for both volunteers and the organizations that they serve.

4. Establishment and Strengthening of CSO / Government / Private Sector Partnerships

Ad-hoc and informal CSO / government / private sector partnerships can contribute to the promotion of volunteerism in countries which have not yet adopted or amended laws or policies. These ad-hoc activities tend to be promotional or educational in nature and are often indicative of a desire by government officials to "test the waters" before going further to implement new laws or policies on volunteerism.

Promotional Activities

Several countries that have not adopted formal laws or policies on volunteerism have nonetheless sponsored or co-sponsored promotional activities designed to raise public awareness of and support for volunteerism. A prominent and successful example of such an activity comes from **Egypt**, where a program called "**Sailing the Nile for the Millennium Development Goals**" has been held every October since 2006. This program – a partnership between private companies, United Nations agencies, CSOs, and Egyptian government offices – draws on traditional elements of Egyptian culture and society to raise public awareness of the Millennium Development Goals as well as the importance of volunteerism. Several *feluccas*, traditional Egyptian wooden sailboats, sail up and down the Nile River from Cairo to Aswan (approximately 400 miles south) in a round-trip journey that lasts almost two months. At each major city along the Nile the *feluccas* dock and public concerts, plays, and other events promoting

volunteerism are staged.²³ In 2007, the program was capped by a free concert in Cairo that drew over 17,000 individuals – the first of its kind in Egypt.²⁴ As the Chairman of the Egyptian CSO “Youth Association for Population and Development” said in 2007, the effect of this program has been to transform the public understanding of volunteerism:

*The word volunteerism in Egypt used to mean either volunteering in the military or to volunteer donations, but I see advancements in its definition as it has become associated with development. All the work that took place within Sailing the Nile for the Millennium Development Goals... was based on that.*²⁵

Since 2006, each year’s Sailing the Nile has expanded in terms of scope, reach, and level of governmental participation and support. In 2008, for example, the program was expanded for the first time to include trains and “IT buses” in addition to the *feluccas* from previous years, and the program also reached Alexandria, Egypt’s second most populous city, for the first time. According to several Egyptian government officials, it is likely that the program will eventually lead to enactment of a formal law or national policy on volunteerism to reinforce its accomplishments.

A similar example comes from **China**, where the government used the **Olympic Games** to launch a massive volunteer training and recruitment effort. Chinese authorities promulgated a special regulation on volunteering in the Olympic Games and launched a massive advertising campaign and competitive volunteer application process that resulted in more than half a million volunteers being selected from an applicant pool of more than one million people.²⁶ The Beijing Volunteer Association is ensuring that the massive volunteer turnout for the Olympics is extended into volunteerism for development by training more than 10,000 volunteer leaders to facilitate post-Olympic Games opportunities through June 2010.²⁷ As in the Egyptian case, these activities have reinforced a demand for volunteerism laws and policies from both civil society and the government. Indeed, the Chinese government is now moving forward in the drafting of a new national *Volunteer Service Law*.

Finally, in **South Africa**, the 2010 FIFA World Cup led directly to the development of a *World Cup Volunteer Policy*. The *Policy*, which applies to any official FIFA event between 2007 and 2010 that requires a volunteer program, defines a volunteer as, “a person who voluntarily takes part in an enterprise or offers to undertake a task voluntarily.”²⁸ It is quite detailed, providing several provisions for volunteers, and appears likely to encourage the eventual adoption of a broader national volunteer policy.

²³ “Sailing the Nile for development stops in Sohag for Universal Primary Education.” *World Volunteer Web: Volunteerism worldwide: News, views, & resources*. 13 November 2006. <http://www.worldvolunteerweb.org/events/doc/sailing-the-nile-for-1.html>.

²⁴ Singer, Michaela. “All Hands on Deck: NGOs Unite to End Poverty.” *Daily News Egypt*. 18 October 2007. <http://dailystaregypt.com/article.aspx?ArticleID=9829>.

²⁵ “Sailing the Nile for the Millennium Development Goals Reach their Final Destination.” *Sailing the Nile 2007*. <http://www.sailingthenile.org/Default.aspx?tabid=61>.

²⁶ “Beijing Olympic Games Help Promote Volunteering Spirit in China.” *International Olympic Committee: News*. 4 July 2008. http://www.olympic.org/uk/news/olympic_news/full_story_uk.asp?id=2624.

²⁷ *Id.*

²⁸ 2010 FIFA World Cup Organizing Committee South Africa Volunteer Policy, www.fifa.com/mm/document/tournament/volunteers/fwc2010_loc_volunteer_policy_54952.pdf

A more general source of informal activities on volunteerism is the celebration in countries around the world of **International Volunteer Day (IVD)**. IVD was established through Resolution A/RES/40/212 of the UN General Assembly on December 17, 1985, and is today observed with events in at least 100 countries from every region of the world.²⁹ IVD celebrations have been highly successful methods of focusing public attention on volunteerism for development, and as with “Sailing the Nile” in Egypt or the Olympic Games in China, IVD celebrations are drivers of increased demand from government officials and civil society alike for formal legislation or policies on volunteerism.

B. Regional Trends and Challenges

The international developments identified above do not tell the whole story with regard to volunteerism law and policy since 2001. Several trends in volunteerism have been identified at the regional level, and the following section accordingly considers volunteerism issues that are specific to (1) Africa, (2) the Arab States, (3) Asia, (4) the Commonwealth of Independent States, (5) Europe, (6) Latin America and the Caribbean, and (7) the Pacific.

1. Africa

In general, sub-Saharan Africa is one of the largest and poorest regions of the world. Perhaps because of their unique political and economic challenges, African governments have embraced volunteerism law and policy faster and earlier than many other parts of the developing world. **Burkina Faso**, for example, has hosted a United Nations Volunteers office and received international volunteers for development every year since 1973. Since 2001, laws and policies on volunteerism have been passed in **Burkina Faso, Liberia, Namibia, Niger, Nigeria, South Africa**, and **Tanzania**, among others; draft laws have been introduced and are currently being debated in **Benin, Mauritius, Mozambique, Senegal**, and **Togo**.

A trend that is especially pronounced in the African region is the use of volunteerism laws and policies as a part of broader programs that address specific issues identified as national priorities – most often, poverty reduction, HIV/AIDS prevention, post-conflict reconstruction, health, and education. This is in contrast to regions such as Western Europe, which tend to pass framework laws without reference to specific initiatives or programs.

In **South Africa**, for example, the government has not defined the term “volunteer” in any legislation or policy. Instead, several laws and policies make reference to the rights or obligations of volunteers as well as the volunteer and charitable purposes that the government seeks to encourage. A case in point is South Africa’s *Disaster Management Act (2002)*, which creates a national framework for responding to and preventing “disasters,” a major component of which is the enrollment, training, and deployment of volunteers in various municipalities and districts. The *Disaster Management Act* also requires South African municipalities to establish volunteer units and creates a “National Centre” to coordinate and keep records of these units.

Like the national government, the South African Department of Health has issued *National Guidelines on Home-Based Care and Community-Based Care (2001)* in which support and standardized measurement and evaluation indicators are provided to volunteers responding to family and community health care

²⁹ UNGA Report A-63-184 p. 16. para 43.

needs. The *Guidelines* were created specifically as part of a national effort to alleviate severe burdens to the formal health care sector stemming from the HIV/AIDS pandemic and the rapid aging of the general population.

Similarly, in **Burkina Faso**, a report of the Ministry of Youth and Employment to the Council of Ministers indicated the government's main justifications for building a national volunteerism system – namely, that it would reduce unemployment by creating a mechanism for professional training.

The South African and Burkinabe approaches are representative of an approach taken in several African countries, including **Namibia, Liberia, Nigeria, and Niger** – that is, to promote volunteerism through individual policies and laws responding to specific national priorities rather than through a holistic national policy on volunteerism. It is possible that by addressing the use of volunteers only as part of specific programs, these laws and policies miss important opportunities to mobilize volunteers for other charitable works; on the other hand, one-off policies and laws tend to be easier to design and implement than broader national policies.

The **Tanzanian** Ministry of Labour, Employment, and Youth Development, in an exception to the broader African trend, is now considering adoption of a *National Volunteer Policy* that would take a comprehensive series of measures to ensure recognition of volunteers and the promotion of volunteerism in Tanzania, including the passage of new laws and the review by executive ministries of needed administrative actions to support volunteerism. The *National Volunteer Policy* is intended to promote volunteerism and ensure that “it plays its rightful role in shaping the destiny” of the country, specifically by helping to achieve national development goals and the UN Millennium Development Goals. Among other things, the *National Volunteer Policy* directs the Ministry of Labour, Employment, and Youth Development to serve as a coordinating agency among various national government ministries, regional and local government authorities, CSOs, and the donor community. The Policy recognizes the responsibility for “development, implementation, coordination and evaluation” of volunteer action of CSOs, communities, the private sector, and many levels of government, and would implement goals for individual service (two years of volunteer work over the course of a lifetime). The *Policy* also contains a specific commitment to “support funding for research into issues that affect volunteers and volunteering” by the national government. Significantly, the *Policy* recognizes the importance of a participatory process and the need for inclusion of affected stakeholders, in partnership with government, in executing the various commitments included in the Policy.

Another notable African trend has been respect for and reinforcement of indigenous, informal volunteer traditions. Several **South African** laws make reference to the philosophy of *ubuntu*, roughly translated as caring for the community around you – or what Archbishop Desmond Tutu has described as “a person with... proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished.” The South African *Guidelines* reaffirm the familiar and traditional practices of *ubuntu* with which many people are familiar but direct these energies toward the national priority of boosting healthcare delivery. This method of integrating traditional practices with volunteerism for development may have applicability in other parts of the world where traditional practices remain strong, especially Asia, the Pacific, and the Arab region.

2. Arab States

The Arab States are a diverse set of nations spanning North Africa and the Middle East region united by a shared history, language, and sense of solidarity. Although Arab states have been proponents of volunteerism for development in the UN system, **as a region, the Arab states have been an exception to the broader international trend of adopting new domestic laws and policies on volunteerism.**³⁰ A small number of states have adopted or considered adopting policies to promote volunteerism,³¹ references to the contributions of volunteers have been made by government officials, and advocacy efforts have been launched by international institutions and domestic organizations—but not a single Arab country has adopted a national law on volunteerism or addressed volunteerism issues in other legislation. This circumstance appears to be closely related to the fact that, in general, the Arab region is characterized by a high degree of government supervision and centralization over volunteerism and civil society generally.

With the exceptions of **Lebanon, Morocco**, and to a certain extent **Yemen** and **Palestine**, the Arab region is characterized by laws on civil society organizations that do not meet standards set forth in, e.g., the *International Covenant on Civil and Political Rights* and other applicable international conventions. The **Egyptian Law on Non-Governmental Societies and Organizations** (Law 84 of 2002) is a representative example of the overall Arab environment for civil society: informal, unregistered organizations are prohibited and the process of obtaining a formal license can be difficult, arbitrary, time-consuming, and expensive.³² Registration applications can be denied at the discretion of the Ministry of Social Solidarity, and foreign NGOs cannot operate in Egypt without a specific grant of permission from the Ministry of Foreign Affairs. Both foreign and domestic NGO employees and volunteers are subject to severe criminal punishments, including up to six months imprisonment for receiving or sending funds abroad without government approval and three months imprisonment for “affiliating” with a foreign NGO or NGO network without prior government approval. The government retains substantial rights to intervene in the internal management of all organizations by dissolving their boards of directors, replacing individual board members, and participating in any general meeting of members or officers.

Needless to say, such restrictions have a negative effect on civil society generally, and by extension on volunteerism for development. Civil society is an important vehicle by which volunteers can organize with one another to make contributions to their societies and pursue their shared interests. With most of the region’s CSOs unable to function or operate to their fullest ability because of a disabling legal environment, it is difficult for the volunteers who form the core of such organizations to effectively

³⁰ For example, Egypt and Yemen have been strong proponents of volunteerism for development at the UN General Assembly, co-sponsoring with 141 other member states the ratification of UN General Assembly Resolution A/RES/57/106 (adopted 26 November 2002) calling upon stakeholders to support volunteerism as a strategic tool to enhance economic and social development.

³¹ For example, in April 2008 the Syrian government expressed interest in setting up a National Volunteer Committee to organize, inform, and coordinate volunteer efforts. Subsequently the Syrian Commission for Family Affairs expressed interest in leading an effort to draft volunteerism legislation. UNV is continuing to work with Syria to respond to these requests.

³² Applicants are required to present an occupancy deed demonstrating that the organization is in possession of physical headquarters, a requirement that effectively makes it impossible for new organizations without the funds to rent an office to become officially registered.

pursue formal volunteerism. Individuals who wish to donate their time and efforts to contribute to their societies face broad disincentives and as a result are less likely to form new volunteer organizations or join existing volunteerism initiatives. Although legal restrictions may only be deployed against CSOs involved in political or human rights issues, the overall effect of the existence of these laws is to chill the volunteer sector and discourage average citizens from becoming involved in volunteer organizations. Furthermore, when the civil society sector is underdeveloped due to restrictive laws, there are far fewer opportunities for volunteers to become involved in development organizations.

A case in point is the **United Arab Emirates (UAE)**. The *Law Concerning Public Associations* (Federal Law 6 of 1974) creates substantial obstacles to CSO sustainability; the government is given the right to “technically supervise and direct the programs” of any association in the country and no CSO fundraising can take place without prior approval from the Ministry of Labor and Social Affairs. As a result of this law, the UAE’s civil society sector is relatively small and underdeveloped. At the end of 2006, the UAE’s government-run Emirates Foundation organized a national symposium on volunteerism designed to raise the profile of volunteers and volunteerism in the country. The outcome of this symposium was the creation in April 2007 of a national volunteer center called *Takatof* (Arabic for “shoulder-to-shoulder”). *Takatof* was primarily created to connect Emirati citizens to volunteerism opportunities and to raise the profile of volunteerism for development in the UAE, and in this regard it was extremely successful, recruiting large numbers of Emiratis, especially college students and recent graduates, to serve as volunteers. Unfortunately, the limited number of civil society organizations in the UAE, as well as the lack of capacity within the existing organizations to utilize large numbers of volunteers, meant that the number of volunteers recruited by *Takatof* far exceeded the number of available opportunities. This is a clear indication of the important relationship between a positive and enabling legal environment for civil society and the success or failure of volunteerism initiatives.

Takatof is also representative of a broader regional trend across the Arab world to **eschew national laws and policies on volunteerism and instead promote volunteerism through ad-hoc initiatives implemented in cooperation between government, the private sector, and civil society**. Rather than issue a national policy or law on volunteerism, the **UAE** has concentrated on funding a national volunteer center that connects volunteers to civil society organizations that are working in areas that are consistent with the government’s national priorities. **Egypt’s** “Sailing the Nile” program, discussed earlier, is a similar example – volunteers are recruited on an ad-hoc basis to work for either government-run initiatives or ‘approved’ CSOs that have been invited by the government to take part in the recruitment programs, but no broader national law or policy on volunteerism has been implemented. In **Lebanon**, a civil-society led movement to establish a national volunteer center was embraced by the Ministry of Social Affairs, which went on to create a permanent National Committee for Volunteerism that includes representatives from Lebanese government ministries, major universities, the United Nations, and domestic and international CSOs. Typically for the region, each of these initiatives reflects a high degree of government control and centralization. To the extent that these initiatives are innovative models of partnership and promotion of volunteerism in countries with relatively restrictive political environments, they may also be models for similar governments in other parts of the world.

A final characteristic of the Arab states is the large number of initiatives that are designed to promote understanding of the nature and goals of organization-based volunteerism. The Arab world has long been characterized by a high degree of informal volunteerism, driven by a sense of obligation to family, clan, and religion—and perhaps as a result of these traditions, there is relatively little participation in volunteerism through CSOs. As an example, the majority of Arab volunteerism takes place within the mosque or church rather than through CSOs, and many of the individual volunteers thus view their participation as religious obligation rather than a separate and distinct activity known as “volunteerism.” As the Egyptian National Council for Childhood and Motherhood’s April 2008 *Working Paper on the Reality and Prospects of Volunteer Work* states, the major challenges to formal volunteerism in Egypt include an “absence of social awareness about the concept and value of [formal] volunteer work,” the fact that “most families think volunteer work would affect negatively on the education of their children” by taking away time from studying, and “the weakness of social appreciation for the volunteer and not regarding highly this activity.”

The National Council on Childhood and Motherhood (NCCM) has thus devoted a large portion of its activities to expanding public awareness about the value and purpose of formal volunteerism. Indeed, the “first strategic goal” set by the NCCM in its 2008 *Working Paper* is to “raise awareness of the value and impact of volunteer work” by implementing training programs in the schools, training media and clergy on including messages about volunteerism in their work, and reaching out to parents and students to demonstrate the benefits of volunteerism to the nation and to themselves. Through its Volunteer Coordination Unit, NCCM is piloting an approach that may ultimately come to be adopted at the national level through the promulgation of national volunteerism laws or policies.

Similar efforts are underway in **Lebanon**, where the Ministry of Social Affairs has for many years administered summer camps on volunteerism as a way of bridging sectarian divides and promoting a national model of volunteerism and development. Each summer, 500 young men and women between ages 18 and 25 take part in an 18-day camp in Beirut to promote volunteerism and to actually volunteer for communities across Lebanon on a non-sectarian basis. The Ministry of Social Affairs has taken up a similar cause, and a formal letter was sent to the Ministry of Education from the Ministry of Social Affairs in October 2008 requesting an adjustment to the national curriculum that would provide for a “day of volunteerism” in which students would learn about volunteerism and take part in volunteer projects of their own. As one Lebanese NGO wrote, by teaching students from a very young age about volunteerism, Lebanon hopes “to move from obligation-based volunteerism to your family and church and mosque to a more professional sense” of national volunteerism. No change has yet been made to the Lebanese curriculum, but this model of expanding knowledge about formal volunteerism is expected to be adopted in Lebanon and could very well spread around the region.

As a final note, it should be mentioned that a “**Global Forum for Volunteer Work**” sponsored by Prince Faisal bin Khalid bin Abdul Aziz Al-Saud was held in the Kingdom of **Saudi Arabia** from April 11 – 15, 2009. The Global Forum included representatives from around the world with a large delegation from neighboring Arab states. While it is too soon to tell what effect the Global Forum and related follow-up activities may have, given the longstanding Arab preference for regional solutions there may be a noticeable increase in political will for volunteerism laws and policies in the region in the wake of the

meeting. International dialogues like this may be appropriate for other parts of the world with similar preferences for region-wide coordination, including Asia, Africa, and the Pacific.

3. Asia

Throughout Asia, volunteerism has a long and well-established history – a reflection of local practices, community self-management, religious encouragement and practice, and government support. Perhaps because of this long history, when volunteerism issues began to be raised by the international community and domestic CSOs in the wake of IYV 2001, the result was the rapid proliferation of volunteerism laws and policies across Asia. However, **Asia is distinct from other parts of the world where volunteerism laws have proliferated, such as Europe, because of the high degree of centralization and control over civil society and volunteerism initiatives.** In this respect, it appears quite likely that parts of the world with similar highly-centralized political systems (notably the Arab states) may follow in Asia’s footsteps if and when they adopt volunteerism laws of their own.

Asian volunteerism laws tend to channel and direct volunteerism toward government priorities. The approach of the Chinese government is in many ways emblematic of the overall Asian approach, though clearly the Chinese government is among the most centralized and authoritarian in the region. In **China**, as with other communist and formerly communist regimes, “volunteer” activity has long been encouraged (and sometimes mandated) by both the Communist Party as well as the state itself. As a result, volunteerism had somewhat negative connotations for the great mass of people and the emergence of truly voluntary (i.e. unforced) activities was hampered for many years. In China, *voluntary* volunteerism did not emerge until well after the end of the Cultural Revolution in 1976. The level of volunteerism slowly increased from that point forward, and the first regulatory document on volunteering was issued in 1999 on the subject of youth volunteering at the provincial level. Volunteerism initiatives picked up steam after IYV 2001 and the 1999 regulatory document was replaced by the Communist Youth League’s 2002 *National Methods for Registering Youth Volunteers*, which were in turn replaced by the *National Methods for Registration of Volunteers* in November 2006.

The *National Methods* allow a wide variety of public and private organizations to register volunteers for permitted volunteer work, defined as “poverty alleviation, urban construction, environmental protection, large scale competitions, emergency relief, overseas service, and other [forms of volunteer service].” Notably, advocacy is excluded from the definition of permitted volunteer work.

Similarly, the September 2007 *Beijing Regulations for the Promotion of Voluntary Service* promulgated by the Standing Committee of the Beijing Municipal People’s Congress stipulates that all “volunteer organizations” must have charters and be organized by government institutions, enterprises, academic and other service institutions, and other groups (Article 4). The city is responsible for managing volunteer work in Beijing through the Beijing Volunteers Association (Article 6) and organizations using volunteers are responsible for providing safety, health, and medical precautions and treatment (Article 16).

As discussed in Section II (A), above, the 2008 Olympic Games and Sichuan Earthquake both prompted the Chinese government to move toward replacing existing policies with a single *Volunteer Service Law*.

The draft law is being finalized as of this writing, but while some aspects of the law remain subject to debate (for example, the level of compensation for families of volunteers who are injured or killed while volunteering), it appears clear that the law will build on previous policies to continue channeling volunteers toward the type of work the government is most interested in promoting.

Most Asian democracies do not engage in the same level of direct control over volunteer activities, but their volunteerism laws are nonetheless distinctive for seeking to manage and channel volunteer work to a degree not seen elsewhere. For example, **South Korea's** 2006 *Basic Law on Promoting Volunteer Services* follows the Chinese model by delineating a list of permissible volunteer activities. To be sure, the list is much more expansive than in the Chinese case, including “protection of human rights and embodiment of... democracy”; promotion of culture, art, tourism, education, and sports; and “international cooperation and volunteer service in foreign countries.” But engagement by volunteers in election campaigning is prohibited and subject to criminal sanction. Similarly, the South Korean *Basic Law* provides for a definition of the term volunteerism and establishes a national Volunteer Service Promotion Committee charged with volunteer policy, coordination, and planning. The *Basic Law* also requires that schools and workplaces facilitate volunteerism, and instructs the Ministry of Government Administration and Home Affairs to draw up a *National Basic Plan for Promotion of Volunteer Service* in consultation with the Volunteer Service Promotion Committee. Whether because of or despite the close regulation of the voluntary sector provided by South Korean law, volunteerism has by all indications grown exponentially. As just one example, according to a government report filed with the International Association of Volunteer Effort “more than 1 million volunteers worked more than three million hours to clean sea shores and help victims in the area” after an oil spill near the city of Taen, a “massive volunteering [that has] never happened in Korean history.”³³

As with the Chinese and South Korean approaches to volunteerism, **the Philippines** has also taken steps to manage and channel volunteer activity through *Act No. 9418 on Strengthening Volunteerism*, adopted in 2007. *Act No. 9418* solidifies the role of and sets out additional responsibilities for the Philippine National Volunteer Service Coordinating Agency, originally founded in 1964, providing that the agency begin immediate activities to coordinate volunteerism in the Philippines and set in place a system that will register all domestic volunteers. The act seeks to provide “a policy framework on volunteerism that shall underscore the fundamental principles necessary to harness and harmonize the broad and diverse efforts of the voluntary sector into an integrative and effective partnership for local and national development.” As with the Chinese and South Korean laws, the Philippines’ *Act No. 9418* defines the terms “volunteerism” and “volunteer,” and goes further to provide different definitions of “volunteerism” dependent on which sector – academic, corporate, or nonprofit – is engaged in the work. The National Volunteer Service Coordinating Agency, like South Korea’s Volunteer Service Promotion Committee, is mandated to work with government institutions – in this case, a Multi-Sectoral Advisory Body composed of representatives from the presidency; the corporate, academic, and nonprofit sectors; the National Economic and Development Authority; and the Departments of Foreign Affairs, Justice, the Interior and Local Government, and Social Welfare and Development.

³³ Report by Mr. Kim Jin-Soo, Senior Manager, Civil Sector Cooperation Team, Ministry of Government and Home Administration, www.iave.org/ResourceView.asp?resourceID=318.

Identification and registration of volunteers is another priority in the Philippines – through efforts beginning with the 2004 *Guidelines for the Registration of Volunteer Service Organization and Volunteer Service Workers* and continuing with the 2007 *Act No. 9418*, a national system to register all volunteers and provide networking and coordination systems has been mandated. Finally, *Act No. 9418* requires the Philippine National Volunteer Service Coordinating Agency to organize the work of foreign volunteers and to decide whether or not foreign volunteers should be granted a “47(a)(2) visa” and its corresponding exemption from immigration fees and charges.

4. The Commonwealth of Independent States (CIS)

The Commonwealth of Independent States (CIS) is a loose confederation of twelve former Soviet Republics.³⁴ Though these countries have grown apart in many respects since the fall of the Soviet Union, they nonetheless retain significant historic ties and shared characteristics. **Indeed, the CIS’ shared legacy of a communist and Soviet past has left behind two major obstacles to modern volunteerism.** First, because volunteerism was a significant aspect of communist ideology, and because volunteering in the Soviet Union often consisted of forced or mandated work, many individuals in the CIS understood the concept of volunteerism with strongly negative connotations. This has diminished somewhat in the last few years but is still a very real obstacle to volunteerism.

A second and related obstacle to volunteerism in the CIS region is the fact that almost without exception, CIS Labor Codes prohibit any person from working without pay or without a written contract. Even in CIS countries where the level of volunteerism is high, this legal obstacle to volunteerism is usually present and can have a chilling effect on the activities of volunteers and the CSOs they are affiliated with.

These two factors combine to make the need for a legislative or policy framework for volunteerism in the CIS region especially acute. Without legislative changes to remove obstacles to volunteerism, the volunteer sector will remain precarious and tentative – and this is true despite the fact that volunteerism is clearly on the rise across the CIS region. Similarly, without a concerted effort by government and civil society together to “rehabilitate” the concept of volunteerism, the full potential of volunteers to contribute to national development will not be met.

As of this writing the only CIS region national government to have passed a new law or policy promoting volunteerism is Azerbaijan, though some local governments have acted as well, and the national governments of **Belarus, Kazakhstan, Moldova, and Ukraine** have all begun the process of writing draft laws on volunteerism.³⁵

An example of local government action comes from **Russia**, where the evidence suggests that the absence of a national government law or policy on volunteerism has led several local governments to act on their own initiative. The local government of Saint Petersburg city passed a *Concept on Social*

³⁴ There are nine “full members” (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, and Uzbekistan). Turkmenistan is classified as an “associate member,” Georgia is a full member that declared its withdrawal on 18 August 2008 (effective 17 August 2009), and Ukraine is a participating country that is not legally a member country.

³⁵ Azerbaijan’s parliament approved a law on volunteerism in June 2009 but as of this writing the law has not been signed by the President or come into force.

Volunteering Promotion (Decree Number 45 of January 23, 2008) which seeks to advance cooperation between volunteers, CSOs, churches, and regional government agencies in providing social services to Saint Petersburg residents – specifically by providing dedicated funding to volunteer-involving organizations, creating a local infrastructure which volunteers can utilize for training, coordination, and management, and providing for the promotion and development of volunteering among youth. The *Concept* also provides for sharing information and coordination of volunteer-involving activities by eleven city-wide agencies, and establishes a “Coordination Council” consisting of over 700 CSOs providing service delivery in Saint Petersburg. A uniquely innovative feature of the *Concept* is its focus on youth: among other things, it establishes volunteer awareness programs in local schools, creates student internships in public social facilities, and supports a series of mass youth activities, including a Youth Service Day, Spring Week of Virtue, Volunteer Day, and Day of Voluntary City Service. The efforts of Saint Petersburg’s city government are starting to be replicated across Russia, but at this time no similar laws or policies have yet been passed.

Despite the fact that regional Russian governments are developing their own policies and laws to promote and support volunteerism, federal law still acts as an obstacle to volunteerism. It is, for example, unclear whether or not Russian tax regulations distinguish between employees and volunteers – indeed, *Federal Service of Public Statistics Decree No. 34 of April 18, 2007* requires CSOs to report their average number of volunteers as part of their overall “number of employees.” This provision creates uncertainty for volunteer-utilizing organizations, and could be interpreted to mean that these organizations must pay social security and other tax contributions for their volunteers. Similarly, several laws seem to suggest that any payment to a volunteer (such as reimbursement of expenses) renders that person an “employee,” who then must have a written employment contract and pay taxes on his income. Thus, a recurring theme of our interviews with Russian volunteers and civil society activists was the pressing need for volunteerism issues to be taken up at the federal level.

Draft laws are being considered by several CIS countries at the national level. The National Assembly of **Belarus** is poised to pass a draft *Law on Youth Policies* that will define the terms “volunteer” and “volunteer movement” for the first time. In **Moldova**, a draft *Law on Volunteering* is now being finalized by the Ministry of Education and Youth. This law will “govern promotion and facilitation of citizen participation... in volunteering activities”³⁶ by guaranteeing certain benefits and facilities to volunteers, creating more opportunities for volunteers, and providing funding and recognition for volunteer activities. The Moldovan draft is notable for providing thorough consideration of almost all the issues that can affect volunteerism, including employment, tax, immigration, workplace safety, and liability law issues.

Similarly, a draft *Law on Volunteer Movement* was passed by the Parliament of **Ukraine** in March 2006, but immediately vetoed by the President; a new draft is now being prepared by the Ministry of Labor and Social Welfare. The March 2006 draft was prepared by several government ministries and executive agencies, but civil society groups were generally excluded from participation at the outset and subsequently issued strong condemnations and criticisms of the law for, among other things, containing

³⁶ Article 1.

rhetoric supportive of volunteering rather than making real legislative changes that would promote and protect the volunteer sector. These critiques were echoed by the President of Ukraine when he vetoed the draft law. This experience highlights the need for participatory processes of drafting (as discussed above in Section I(A)1).

As in Russia, the need for a law on volunteerism is especially pressing because the Ukrainian Labor Code (of December 22, 1971) requires any individual delivering services to a legal entity to be treated as an employee required to pay taxes.³⁷

5. Europe

Our study reflects at least three European approaches, broadly speaking, to laws and policies on volunteerism.

In Northern European countries like **Norway, Sweden, Denmark, Germany, the Netherlands, the United Kingdom, and Ireland**, volunteerism tends to be based upon well-established traditions and cultures – and governments have generally sought to regulate by removing obstacles to volunteerism and creating policies on volunteering. However, for the most part, these countries have not adopted comprehensive unified volunteering laws. Countries of the Mediterranean, like **Italy, Spain, Portugal, and France**, often have rich traditions of informal volunteering and have used volunteerism laws and policies to support and further expand these existing traditions. Finally, in Eastern Europe, many countries have suffered from weak traditions of volunteering, whether formal or informal, and have sought to use law and policy to define and promote volunteerism.

Laws specifically on the topic of volunteerism have been passed in **Croatia, the Czech Republic, France, Hungary, Italy, Lithuania, Luxemburg, Macedonia, Poland, Portugal, Romania, Spain**, and several additional countries. As of this writing, other countries, including **Bulgaria, Bosnia and Herzegovina, Estonia, and Serbia**, are either drafting legislation on volunteerism or considering whether to initiate a process of legal drafting.

In a number of European countries, adoption of volunteerism laws and policies was driven in large part by the recognition that strict European welfare and labor codes had the unintended effect of creating major obstacles to volunteerism. For example,

- In **Latvia**, CSOs were not allowed to reimburse volunteers' expenses because any reimbursement would subject volunteers to employment laws and minimum wage rules – converting them from volunteers to paid employees.³⁸
- In **Croatia** and **Macedonia**, state inspectorates could prohibit any kind of work (including volunteer work) if there was no written, signed employment agreement between the parties – greatly limiting the possibility of spontaneous volunteer engagements.
- In the **Czech Republic**, unemployed citizens who volunteered could lose their unemployment benefits, because volunteerism was deemed to be illegal work.³⁹

³⁷ A written contract is required if any individual delivers services for more than five days.

³⁸ Raymond Stephens, "Latvian Volunteerism: In Search of a Favorable Environment," SEAL, Autumn 2001.

³⁹ Vojtech Tutr, "A draft Law for Czech Volunteers," SEAL, Autumn 2001.

- In **Switzerland** and **Belgium** volunteer reimbursements were taxed, creating disincentives to expanded volunteerism.

All of these issues were remedied through legislation on volunteerism – from the **Czech Republic’s Volunteer Services Act (2002)** to the **Hungarian Law on Public Interest Volunteer Activities (2005)** to laws in **Portugal, Croatia, Poland, Spain**, and elsewhere. European volunteerism laws are among the most detailed of any region, generally including provisions on the following issues:

- Types of volunteerism subject to regulation;
- Definition of what types of organizations (hosts) may utilize volunteer services;
- Apportionment of rights and responsibilities between the volunteer and host;
- Requirements for content of volunteer agreements (where applicable);
- Liability issues; and
- International volunteer issues.

Volunteerism laws in the region generally prescribe specific rights and obligations for volunteers and CSO hosts that make use of volunteers. Most laws contain, at a minimum, the following rights for volunteers:

- disclosure of key terms of the volunteer arrangements, such as rights, obligations, and known dangers (e.g. **Macedonia**);
- receipt of reimbursement of certain expenses, such as travel expenses or a food allowances or other costs agreed upon by the parties (e.g., **Croatia, Latvia, Poland, Portugal, Romania**);
- expert assistance or support in work (e.g., **Croatia**);
- work in a safe environment (e.g., **Croatia, Hungary, Poland, Macedonia**);
- retention of unemployment benefits (e.g., **Macedonia**);
- receipt of other social benefits in order to create incentives for volunteering or to incorporate volunteers in the state-funded social security systems (e.g., **Poland, Portugal**);
- provision of indemnification or insurance for workplace related diseases or injuries (e.g., **Macedonia, Poland, Romania**);
- provision of medical examinations where necessary to carry out the volunteer service (e.g., **Poland**);
- protection of private information (e.g., **Macedonia**);
- training (e.g., **Croatia, Macedonia, Portugal**); and
- leaves of absence, daily breaks, etc. (e.g., **Hungary, Macedonia**).

A number of countries in Europe have sought to use national policies to promote volunteerism. For example,

- **Estonia’s Civil Society Development Compact (2002)** outlines ways the government can “support the idea of voluntary action being one of the essential features in acting as a citizen.” In addition, the *National Development Plan (2007)* defines volunteering and provides for an

implementation plan to ensure that the goal of promoting volunteerism in Estonian society is successfully implemented.

- **England's** *Strategy for Volunteering Infrastructure in England* (2004) outlines the vision and strategic goals of the government in terms of developing a national, regional, and local infrastructure for effective and cohesive support for volunteering in England.
- **Austria's** Federal Ministry of Social Security and Generations presented a *Volunteers' Manifesto – Seven Demands for the Promotion of Volunteer Commitment in Austria* to the Austrian Parliament to discuss problems and common concerns of CSOs and volunteers and to develop recommendations to strengthen voluntary commitment and facilitate voluntary work.⁴⁰

There are dozens of additional examples from all across Europe.

A final trend that is especially pronounced in Europe is the launch of programs and initiatives to encourage, establish, and facilitate cross-border volunteering, support networking among volunteer organizations from different countries, and influence policy concerning volunteerism on a regional (European) level.

One example is the UN Volunteers / UN Development Program “Regional Integration through Volunteer Exchanges for Reconciliation of South Eastern Europe” (RIVER SEE Program). This program is designed to contribute to regional integration, social cohesion, and poverty reduction in the Balkans through East-to-East volunteer exchanges, promotion of volunteerism and proactive citizenship, upgrading of the capacity of CSOs to deal with local development and governance processes, and establishment of regional cooperation in civil initiatives.⁴¹

Another example of cross-country networking and policy initiatives is the European Volunteer Centre (CEV). CEV is a European network of sixty-seven national and regional volunteer centers and volunteer development agencies across Europe that works to support and promote voluntary activity, research, advocacy, and policy development on issues concerning volunteering. The aims of the CEV are, among others, to promote and win recognition for volunteering as an expression of active citizenship in Europe; to act as a bridge for communication between volunteer organizations and the work of the European institutions; to develop policies; and to promote and support the role of volunteering infrastructure in advancing volunteering as an expression of active citizenship in Europe.⁴² In 2006, in collaboration with Volunteering England, CEV developed a *Manifesto for Volunteering in Europe* which explains why volunteering matters and proposes actions that representatives of EU institutions can take in their home countries in order to recognize, promote, and facilitate volunteering in the EU.⁴³

6. Latin America and the Caribbean

In Latin America and the Caribbean, new legislation on volunteerism has been passed since IYV 2001 in, among other countries, **Argentina, Bolivia, Brazil, Chile, Columbia, Ecuador, Guatemala, Mexico,**

⁴⁰ http://www.worldvolunteerweb.org/fileadmin/docs/old/pdf/2003/030303AUT_ivv_results.pdf and http://www.cev.be/data/File/Austria_06.pdf

⁴¹ www.riversee.org

⁴² For more information about CEV work and projects, see www.cev.be

⁴³ http://www.cev.be/data/File/CEVManifesto_EN.pdf

Nicaragua, and **Uruguay**. In addition, a Member of Parliament has prepared a draft law on volunteerism in the **Dominican Republic**, but it has not yet been introduced to the Parliament or vetted by civil society.

The rapid adoption of volunteerism laws and policies in Latin America and the Caribbean may be partially explained by the long history of formal volunteerism in Latin America, and the even longer history of indigenous volunteerism that predates the modern states of the region. This cultural context has helped Latin America and the Caribbean to avoid the problems of political will that have prevented the emergence of volunteerism laws and policies in other regions, such as the Pacific or Arab regions.

Andean indigenous customs of volunteerism were redirected and channeled through formal CSOs from as early as the arrival of the Catholic Church more than 500 years ago. The Church's cooptation of indigenous customs led directly to the formation of formal CSOs as early as 1823 (the year that the Argentine Charity Society was founded); by the early 1900s several organizations, including the Red Cross, the Scouts, the Lions, the Rotary Clubs, and the Argentine Israelite Mutual Association, had formed.

Laws supporting and expanding these existing sources of formal volunteerism may well have been passed in several Latin American countries years ago if not for the long periods of civil society repression brought on by military dictatorships. **Argentina's** 1976 military coup, for example, "was not just a coup to end the government... rather, it imposed a true social reorganization from the ground up... in this context there was a real struggle, a real war, a real battle against civil society, and civil society organizations, and groups of volunteers."⁴⁴ When military government finally ended in 1983, civil society in Argentina began to recover to that point that a national volunteer ethic could reemerge. This volunteer ethic produced a surge in collective community action and volunteerism in the wake of Argentina's major economic crisis from 1998 – 2002; the reaction of Argentines, along with initiatives of the UN and Inter-American Development Bank, led directly to the passage of a *Law on Social Volunteerism* in 2004.

Similarly, the conflict between the Somoza dictatorship in **Nicaragua** and the Sandinista National Liberation Front greatly influenced and shaped the development of volunteerism in that country.⁴⁵ The end of the Somoza dictatorship and the solidarity movements of the Sandinistas allowed a more evolved, professional, and less partisan volunteerism to emerge. Ultimately, the Nicaraguan government worked closely with CSOs and the UN to promote volunteerism in IYV 2001. With significant support from UNV, ten volunteer organizations joined the government's Youth Secretariat to form the Nicaraguan Volunteerism Initiative Group and begin working on the development of a volunteerism law. The Initiative Group submitted a draft *Law on Social Volunteerism* to the National Assembly in May 2004, and after holding a series of public meetings and presentations with virtually all political parties represented in the legislature the law was passed on June 22, 2005.

⁴⁴ Comments of Gabriela Cerruti, Minister of Human and Social Rights, Government of the City of Buenos Aires.

⁴⁵ Ana K. Carrion, "Social Volunteerism in Nicaragua," *LBJ Journal of Public Affairs*, Spring/Summer 2005, p. 18.

Argentina's *Law on Social Volunteerism* (No. 25.855 of January 8, 2004), as well as the analogous *Law on Social Volunteerism* (No. 2579 of 2007) passed in the autonomous city of Buenos Aires, are both typical of the types of laws on volunteerism that have been passed throughout Latin America and the Caribbean. Buenos Aires' law calls for the city to promote volunteerism by providing technical assistance, training, recognition of volunteer activities, and facilitation of complementary planning and activities by CSOs. The city of Buenos Aires' law has been influential across Argentina and in neighboring **Chile, Uruguay**, and beyond thanks to the city's sponsorship of an International Forum on Volunteerism and Public Policies in late 2006.

Nicaragua's *Law on Social Volunteerism* (No. 543 of June 22, 2005) is very similar, providing a legal framework for both formal and informal volunteering as well as national and foreign volunteers. The law establishes a National Network on Volunteerism and a National Commission on Volunteerism, each with a separate legal status and budget, to provide for coordination and participation between the government and civil society on volunteerism programs.

Bolivia's *Law on Volunteerism* (No. 3314 of December 16, 2005) emerged in a slightly atypical fashion. A series of violent conflicts in 2002 and 2003 between the Bolivian government and political opposition groups led to the mobilization of volunteers with Bolivia's Red Cross and fire and rescue squads. At one violent protest during this period, a volunteer fire and rescue worker, Daniel Manrique, was shot in the face. As a volunteer, Manrique had no insurance, no health coverage, and no way to pay for the multiple medical procedures he needed. The result was public outrage as volunteer firefighters from France were the ones who ultimately paid for operations to reconstruct Manrique's face. "From [that moment] forward," according to former Congresswoman Sylvia Cortez, "everything changed. Hundreds of young people worked with us to make a law on volunteerism," and the result was the passage of Bolivia's *Law No. 3314 on Volunteerism* in December 2005. Perhaps because of its origin as a response to the outcry over Manrique's injury, the Bolivian law is particularly expansive in the rights and incentives granted to volunteers. The law grants volunteers the right to short-term public insurance coverage and the right to academic credit in public and private universities for volunteer work, facilitates volunteer opportunities abroad for Bolivians, and provides assistance with visas for foreign volunteers working in Bolivia. The law also creates a National Council on Volunteers that is responsible for coordinating the activities of civil society organizations with public, private, and international organizations working in development and disaster prevention and response.

A significant issue that is especially evident in the Latin American context concerns problems in implementation that have plagued many volunteerism initiatives. In **Bolivia**, for example, soon after *Law No. 3314* was passed, elections cost the volunteerism movement several of its champions. A new president was elected, and his administration eliminated the Ministry that had previously taken the lead on volunteerism. Without effective leadership from the Congress or the Government, regulations were never issued for *Law No. 3314*; as of this writing, regulations to implement the law are not on the Government's legislative agenda. A similar electoral transition in **Nicaragua** was a factor in the absence of implementing regulations for that country's 2005 *Law on Volunteerism*. The government has not created the Commission on Volunteerism required by the law, and it has not budgeted funds to support social volunteerism despite a clear legal requirement. Finally, the volunteerism law of **Buenos Aires** also

remains unimplemented, despite a requirement in the text of the law that implementing regulations be issued no later than March 14, 2008 – a point of frustration for both civil society and government sponsors of the law.

These problems are not just failures of political will, although that is an issue in some countries. Rather, implementation issues also result from a lack of resources. Civil society laws and policies have been passed that promise much more than many governments in the region can deliver. For example, **Bolivia's Law No. 3314** contains a comprehensive list of volunteer rights, including short term Public Health medical coverage for all volunteers, free medical attention from the Public Social Security Agency for any accidents or illness that arise during volunteering, and work or academic credit from employers or schools for emergency response volunteer activities. Volunteer host organizations and national and local governments alike have found these requirements too expensive to implement and as a result have mostly ignored the provisions.

Latin American civil society organizations and many government officials are now leading campaigns to resolve implementation problems in the volunteer laws and policies that have been passed, and similar programs are underway in other countries. CSOs and government officials throughout the region are now renegotiating the requirements of implementing regulations for their law, creating more manageable burdens and expectations; and civil society coalitions in several Latin American countries are reaching out to government officials to develop a strategy to implement and revise their laws.

7. The Pacific

The Pacific Island region, often also referred to as Oceania, consists of dozens of countries and protectorates spread out among thousands of islands and coral atolls. The region is particularly unique because, with the exceptions of **Australia** and **New Zealand**, most countries rely on custom and tradition as much as, if not more so than, written law. **Only Australia and New Zealand, with their emphasis on formal written law, have passed laws or policies concerning volunteerism; the majority of Pacific Island nations have instead sought to promote volunteerism through mechanisms that are not related to law or policy.**

New Zealand. **Australia** and **New Zealand**, the most highly developed countries in the Pacific, together are home to more than 70% of the estimated 35 million inhabitants of the Pacific Island region. However, Australia and New Zealand are not necessarily representative of the majority of Pacific Island legal and cultural systems, as both countries employ a clearly 'Western' legal model and the majority of their citizens are of European ancestry. Nonetheless, Australia and particularly New Zealand wield major influence in the traditional Pacific communities spread throughout the region and as such close attention should be paid to the volunteering regimes that they have set up. Indeed, last year's publication by the New Zealand Office for the Community and Voluntary Sector of *Mahi Tahi – Maori Perspectives on Volunteering and Cultural Obligation* has provided a useful guide to understanding the Pacific concept of volunteerism for policymakers throughout the region (more on this below).

Since 2001, **New Zealand** has set about creating one of the most robust legal and regulatory environments to support volunteerism of any country we have surveyed. This regime began with the

Statement of Government Intentions for an Improved Community-Government Relationship signed by the Prime Minister and Minister of Social Welfare and Support in December 2001, which in turn set the scene for the *Government Policy on Volunteering* which was endorsed by the Cabinet in 2002. The 2002 *Government Policy* provided for the creation of an Office for the Community and Voluntary Sector (established in the Ministry of Social Development in 2003) and set specific targets for legal changes to support volunteerism for a host of government agencies, including the State Services Commission; the Departments of Labour and Internal Affairs; the Ministries of Social Development and Youth Development; and the government agencies Statistics New Zealand, Inland Revenue, Land Transport New Zealand, and the Accident Compensation Corporation. By and large these targets have been met, and several changes to support volunteerism have been made to existing law:

- In 2003, the *Health and Safety Employment Act* was extended to include most volunteers. The same year, the Department of Labour published *Working Safely for Your Community: Health and Safety Guidelines for Community and Voluntary Organisations*.
- In 2004, the Office for the Community and Voluntary Sector published *Keeping it Legal*, a resource kit to help volunteers manage their legal risks and responsibilities.
- In 2005, the Inland Revenue Department amended the Student Loan Scheme to enable student borrowers volunteering in specified charitable organizations to be eligible for interest free payments for two years. The Cabinet has agreed that several additional changes be made to the tax code to support volunteers, including treating reimbursement payments as exempt income and extending an exemption to expenses incurred in getting to and from the place of volunteering.
- In 2007, the Department of Labour and the Accident Compensation Corporation initiated a project to extend accident compensation coverage to volunteers in New Zealand and overseas (this project is still underway).
- Statistics New Zealand has developed a satellite account for non-profit organizations which measures the contribution of volunteering to the national economy, building support for volunteering at all levels of society by demonstrating conclusively its benefits. According to the government agency, in 2004 alone over one million volunteers gave more than 270 million hours of unpaid labor to non-profit institutions, a contribution that amounted to 4.9% of the GDP.

In the past year, the New Zealand government commissioned a report on *Government Support for Volunteering 2002 – 2008*; the recently published report recommends several additional far-reaching changes that would further support volunteerism, including additional tax law changes and consideration of issues surrounding foreign volunteers in New Zealand.

Pacific Island Nations. The robust use of law and policy to support volunteerism in New Zealand stands in contrast to the approach taken by other Pacific Island nations. This is not because of any opposition to volunteerism in these countries, but instead because the very concepts of written laws and policies (and indeed, the term volunteerism) have different understandings in traditional, rural Pacific Island cultures. Local community life in these highly dispersed subsistence economies is largely managed by village

councils and councils of chiefs rather than central government, and as a result written policy and law have been of less importance. In these areas, custom and tradition provide much the same function as written laws in other societies, setting the framework through which collective action can be carried out in an orderly fashion.

Although there is an absence of specific policies and legislation in these countries, a number of initiatives to strengthen government relations with civil society and to evolve unwritten traditions and customs are now underway. In **Samoa**, for example, CSOs have successfully held activities to celebrate International Volunteer Day for a number of years, attempting to use the occasion to spread knowledge about formal volunteerism with the assistance of international organizations and charities like the UNV, United States Peace Corps, AusAID, the Red Cross, and the Samoa Umbrella for Non-Governmental Organizations. Similarly, in the **Solomon Islands** the central government has established a *Memorandum of Understanding* (May 2008) between the government and Solomon Island CSOs designed to create a taskforce which will review laws and practices affecting CSOs and suggest ways to revise existing law and custom in order to better support volunteerism.

A significant issue in the South Pacific is the meaning of volunteerism. As described in Section I(B), many of the activities which are commonly considered “volunteerism” in a Western sense are not understood as such in cultures where there are clear social, religious, and cultural expectations of care for members of one’s tribe or village. Many traditional Pacific Island cultures lack clear boundaries between paid work and unpaid work or between cultural obligation and voluntary action. In these societies, almost all available time is devoted to family and village activities. Although most of this activity may be considered by outsiders to be “volunteering,” it is not seen as such by the participants themselves, which sometimes confuses government initiatives to further promote and expand volunteerism. Activity that benefits the community at large and does not receive financial reimbursement is simply part of normal village life; it is no more a separate form of activity than are normal household tasks within a family.

In urban areas of the Pacific Island region, these problems of interpretation are not as widespread. In these contexts volunteering may be seen as a distinct activity – most often, as a pathway towards gaining paid employment – rather than as one of a host of normal societal obligations. However, this understanding can be problematic as well, because many individuals may expect a temporary period of unpaid work with a CSO to lead to a paid position with that organization, whereas the CSOs expect volunteering to take place for its own sake without any guarantee of future paid employment.

The Western view clearly separates out the concept of volunteering from both household activity and paid employment. But in the **Solomon Islands**, and other Melanesian societies such as **Vanuatu** and **Papua New Guinea**, this distinction is not easily made. There are “customary” tasks (unpaid in terms of money, but rewarded in terms of food, family support, and social solidarity) and there are “introduced” tasks carried out for “others” including businesses, government, and CSOs. Introduced tasks have been determined from outside the customary structures and should, in the general view of most rural Pacific Islanders, be paid.

As one scholar has written, it seems that “the less economically developed the country the less formal its volunteering structures are likely to be and the greater the emphasis on informal support systems and networks of mutual aid and self-help.”⁴⁶ Should the South Pacific islands begin a process of industrialization and economic development in line with other parts of the developing world, understanding and practice of formal volunteerism may become more in line with practices in other parts of the world. However, for the time being it appears that what is most necessary is a flexible understanding of volunteerism tailored for this context. Even if the peoples of the South Pacific would not consider their family and village obligations a kind of volunteerism, the ultimate impact – economic and social development – may be the same.

The South Pacific Forum. At the regional level a proposal for a Regional Volunteer Scheme has been developed for the South Pacific Forum, an intergovernmental organization of sixteen Pacific nations. The Regional Volunteer Scheme is part of the Forum’s Pacific Plan⁴⁷ and it has been proposed that the South Pacific Commission manage its operations. There is no provision for region-wide legislation through the South Pacific Forum or any other agency, but this initiative may lead to subsequent developments within specific countries.

⁴⁶ Justin Davis Smith, ‘Volunteering and Social Development’ (Background Paper for Discussion at the Expert Group Meeting, New York, November 29-30, 1999), 5.

⁴⁷ “A key implementation strategy and Strategic Objective for the Pacific Plan is building strong partnerships with national and regional stakeholders. Specific initiatives to strengthen relationships with Pacific territories, NSAs, civil society and development partners include establishing regional volunteer schemes and other forms of regional exchanges for capacity building...”

III. Conclusions

This Research Report represents an effort to make a detailed record of the experiences and lessons learned from volunteerism initiatives launched all around the world since IYV 2001 seven years ago. The experiences of the dozens of countries that drafted and implemented volunteerism laws and policies varied, but the lessons learned can and should be used to support new and expanded initiatives as we approach IYV+10 in 2011. Several general conclusions from our study can be highlighted:

1. There is no single definition of volunteerism that is accepted at the international level. However, certain key elements and values can be emphasized, specifically that volunteerism consists of “activities or work that some people willingly do without pay to promote a cause or help someone outside their household or immediate family.”⁴⁸
2. Although some laws and initiatives concerning volunteering were drafted and implemented prior to 2001, IYV had a direct influence on the promotion of volunteering and the development of volunteering laws and policies around the world.
3. More than 70 laws or policies on volunteerism have been adopted internationally since IYV 2001. These laws and policies differ based on the overall goals and objectives they are meant to achieve – as they should in order to be tailored to local needs and the specific regional and national context. As a result, existing volunteerism laws and policies can serve as an example for other countries, but they should not be viewed as models which can simply be copied and adopted without further consideration.
4. Volunteerism laws and policies are motivated by different considerations in each context, including economic impact, removal of legal obstacles, increased numbers of volunteer initiatives, and responses to certain domestic circumstances. These factors determine the scope and impact of volunteerism regulations. While laws and policies are adopted by governments, they are often initiated by international organizations and domestic CSOs.
5. Laws and policies can achieve different ends and tend to have different implications and outcomes. Therefore, there is no single way to regulate volunteerism, and laws and policies can be adopted in tandem or following one another.
6. The success of laws and policies is measured not only by whether they have been adopted but also *how* they have been adopted and *whether* they have been properly implemented. The latter two issues have been a challenge for many countries. To ensure success of adopted laws and policies, it is crucial to utilize fully participatory processes based on (1) a comprehensive analysis of local needs and (2) carefully drafted concepts, aims and measures. In addition, it is important to plan implementation measures even during the drafting stage, and to invest efforts to ensure that those steps are undertaken after the document is adopted.

At the regional level,

⁴⁸ International Labor Organization, *Manual on the Measurement of Volunteer Work* (November 17, 2008).

1. Volunteering laws and policies have been a successful mechanism to remove legal obstacles, facilitate mobilization of citizens in local initiatives undertaken by different stakeholders, and devise specific measures which can further the development of volunteering in the country.
2. Volunteerism laws and policies have been used as a part of broader programs that address specific issues identified as national priorities (e.g., poverty reduction, HIV/AIDS prevention, post-conflict reconstruction, health, and education).
3. Many countries have established national volunteer centers or councils which promote and facilitate volunteerism and provide information, training, education, and CSO-volunteer matching services throughout that country or region.
4. Indigenous, informal volunteer traditions can and should be reinforced in national laws and policies.
5. Where the legal and political environment is not supportive of drafting and adopting a volunteerism law or policy, or where written law is not as relevant as tradition and custom, volunteerism can be promoted through ad-hoc initiatives implemented in cooperation among government, the private sector, and civil society. Such activities tend to be promotional or educational in nature (e.g., aim to increase an understanding of the nature and goals of volunteerism) and are precursors for new laws or policies on volunteerism.
6. In some specific regional contexts, volunteerism may best be approached through regional coordination mechanisms rather than domestic law. Among other things, regional groupings of states can push their members to adopt national legislation; build strong partnerships among national and regional stakeholders; or establish regional volunteer schemes, cross-border volunteering programs, and other forms of regional exchanges for capacity building.

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Appendix A: Case Studies

In this section abbreviated summaries of the case studies that ICNL and ECNL researchers conducted are presented. These case studies provided the 'raw' source material which informed the bulk of this report.

A. Africa

1. Burkina Faso

In a country marked by widespread poverty and severe unemployment, the promotion of employment and the mobilization of youth seem to be key components of the legal and political system. In pursuit of youth employment, the government of Burkina Faso identified national volunteerism as a promising solution.

Within Burkina Faso, national volunteerism is considered a component of government programs to promote employment. Volunteering provides a way for young people to acquire professional experience and to increase their competitiveness while contributing to the development of the country. The labor system of Burkina Faso, following the example set by other countries based on the French system, is formal and protective. These characteristics do not always improve access to work, particularly for young people without professional experience. It is thus important to find a strategy to facilitate access for young people to work while enabling them to acquire enough experience apart from a first professional contract.

In 2001, the Inter-Parliamentary Council adopted a resolution which asked the national parliament to define and adopt policies that encourage the development of volunteerism and establish a national legislative framework on volunteerism. Since then, the government has attempted to create a framework for national volunteerism.

During the International Days of Volunteerism in 2003 and 2004, civil society organizations asked the Government to institute legislation to mobilize human resources and national and local expertise within the framework of the fight against poverty. The completion of this legislation in 2007-2008 made Burkina Faso a model for the region and similar countries.

Volunteerism has long had a presence in Burkina Faso. The United Nations Volunteers has had an agreement with Burkina Faso since 1973, and more than 500 volunteers have been sent to the country since then. Since 2005, an average of 35 UNV workers has been permanently placed in the country providing technical support to a range of programs. Within the framework of the Program of National Volunteerism in Burkina Faso (PNVB), volunteerism is defined as a private contract which organizes collaboration between a volunteer and an entity. The contract specifies the duration of the volunteer initiative, the purpose of the volunteer mission, and the conditions and amount of any allowance.

Burkina Faso distinguishes between a formal volunteer with a contract (as outlined above) and someone who volunteers informally in a manner traditionally referred to as *faso baara*.⁴⁹ Both formal volunteering and *faso baara* require an engagement for an action of collective interest. However, under Burkinabe law and custom volunteering is for a given period of time, is full time, and a volunteer receives an allowance for his or her contribution. *Faso baara* may continue for an undefined period, occur during one's spare time, and the services are offered for free.

All Burkinabe youth aged 18 to 30 years must devote part of their time and resource to mandatory National Service. This is often seen as an obligatory path leading to the world of employment, because the certificate of national service is required when applying for public service posts. Thus, young people are eager to complete this civic obligation as soon as possible.

The legal framework of national volunteerism of Burkina Faso is based primarily on three legal documents that frame various dimensions of this sector. The *Law Number 031-2007/AN* institutionalized a body of national volunteerism in Burkina Faso. This law was adopted at the end of a collaborative process that involved several actors. A convention – the Constitutive Convention of the Grouping of Public Interest / National Program of Volunteerism in Burkina Faso – was adopted in April 2008 and governs various dimensions of the National Volunteerism Program.

In addition to this legislation, there is a connection between volunteerism and the mandatory National Service requirement. Volunteers who have at least a year of engagement as a volunteer can be exempted from National Service.

The primary legal support for national volunteerism, *Law Number 031-2007/AN*, provides for comprehensive legal recognition of volunteer status. This law provides a definition of national volunteerism that distinguishes it from similar concepts like *faso baara* and National Service. It creates safeguards for the volunteer and provides standards for working conditions.

National volunteerism could prove a successful way to increase employment and, ultimately, development, if the provisions contained within the legal and institutional framework are supported with adequate means. Volunteerism could better prepare young people for employment, and improve a sector that carries heavy risks in developing countries.

2. Republic of South Africa

There are no specific laws or regulations that relate to volunteers or volunteerism in South Africa. While there are some laws and policies that relate to volunteers within specific sectors, such as the *National Guidelines on Home-Based Care and Community-Based Care*, the *Disaster Management Act of 2002*, and the *Immigration Act of 2002* (as amended by *Immigration Amendment Act of 2004*), there has been no effort to coordinate volunteer policies across different sectors.

The *Disaster Management Act* is aimed at providing a national framework for preventing or responding to “disasters” (defined in broad terms), including arrangements for the enrollment, training, and

⁴⁹ Action by which people belonging to the same community are called out to work at a collective task like cleaning the street or a school yard.

deployment of volunteers in various municipalities and districts. The process leading to the enactment of the law involved a wide range of stakeholders.

The *Immigration Act* is aimed at controlling undocumented migration and deterring xenophobia while attracting skilled immigrants, including volunteers. The process leading to the adoption of this law was very inclusive, even though it hardly led to a consensus. Immigration in South Africa has long been a contentious issue. At the outset, within the Government, the views of the ruling party and those of the minister in charge of immigration (who was from a minority party) differed sharply. When a draft was eventually developed, multiple stakeholders, including members of the civil society, labor, and business communities, were able to express their views. The process of making the law took nearly eight years. By making provisions that facilitate the entry of international volunteers into South Africa, the *Immigration Act* enables such volunteers to enter and contribute their skills and efforts to South Africa.

Neither the *Immigration Act* nor the *Disaster Management Act* provides a definition of “volunteer.” The *Disaster Management Act* uses the word “volunteers” without ever defining it. The *Immigration Act* does not even use the word “volunteer” but in Section 11, reference is made to “a foreigner ... engaged in the Republic in ... voluntary or charitable activities.” This is officially accepted as a reference to volunteers. According to the *Immigration Act*, international volunteers must first be accepted by a host organization in South Africa. Then they must apply for a visa by providing a number of supporting documents. Upon obtaining the visa, the volunteer is free to enter and remain in the country for the stated purpose and duration.

The *Disaster Management Act* does relate to a specific category of volunteers - national volunteers trained and ready to be deployed for activities aimed at preventing or managing disasters. The *Immigration Act* does not regulate any type of volunteering but simply contains provisions that facilitate the entry of international volunteers into the country. The last important distinction is that *the Disaster Management Act* contemplates that the volunteers under it shall be devoted to disaster management alone. The provisions of the *Immigration Act* relating to international volunteers do not prescribe or limit the types of services they may render.

The *Disaster Management Act* permits only a municipality to establish a unit of volunteers, while a National Center is required to play a coordinating role that includes keeping records of the units of volunteers established in various municipalities. Given the reference to “voluntary or charitable activities” in the *Immigration Act*, it appears that the host or organizer has to be a not-for-profit entity.

While neither law seems to directly address contractual relationships, compensation and reimbursement, rights and obligations of volunteers and organizers, or taxation, the *Disaster Management Act* does indirectly touch on several of these issues. For example, it empowers the Minister to provide, by way of regulations, for “the defraying of expenses incurred by volunteers,” and it provides the Minister the right to make provisions in several respects, including on volunteer rights, obligations, and compensation.

In addition to these two laws, some South African policies peripherally address volunteerism. For example, in 2001 the South African Department of Health (“DOH”) issued the *National Guidelines on*

Home-Based Care and Community-Based Care. The Guidelines bring together government institutions at the national, regional, and local levels, as well as civil society organizations, in the selection, training, and support for volunteers, the monitoring and evaluation of the work of volunteers, and the integration of the role of volunteers into the regular healthcare system. The Guidelines reaffirm and draw heavily on the African traditional practice of providing care and assistance to members of the extended family and the community (a practice referred to in South Africa as *ubuntu*). However, the Guidelines also pertain to care workers and caregivers who are often *employed* by the state or CSOs and are not always volunteers. As such, the benefits of Guidelines do not go as far for volunteers as a comprehensive policy on the general topic of volunteerism might.

As part of the response to the HIV/AIDS pandemic and an ageing population which have imposed unusually heavy demands on the formal health sector, the Guidelines were designed to enable South Africans – as family or community members - to contribute more meaningfully to meeting the increased health care needs, especially for the aged and seriously ill. While this is a creative way to address national crises, some have raised concerns that individuals involved in voluntary care of this type might be receiving insufficient support from the state and therefore might not accomplish as much as could be possible.

The drafting process of the Guidelines was led by DOH, with the involvement of stakeholders from the various levels of government, universities, and civil society organizations, as well as experts from various institutions. The consultative meetings that were central in the process of developing the Guidelines were collaborative as well.

The latest policy on volunteering in the country is the *2010 FIFA World Cup Organizing Committee Volunteer Policy for South Africa*, which applies to any official FIFA event in the country between 2007 and 2010 that requires implementation of a volunteer program. The Policy defines a volunteer as “a person who voluntarily takes part in an enterprise or offers to undertake a task voluntarily.”⁵⁰ The Policy is quite detailed, going so far as to discuss the recruitment and training of volunteers, the responsibilities on the part of the volunteer and the host, and stipends and uniforms for volunteers.

In addition, the Department of Social Development’s Youth Directorate is currently involved in a process aiming to regulate and support volunteering in South Africa, with a special emphasis on youth volunteering. In 2008, the Youth Directorate established a Reference Team to oversee the process of formulating volunteer legislation. So far, the Department has embarked on a process of consultation with various stakeholders in the volunteerism sector through a series of roundtable discussions on three themes relating to youth volunteering. These themes were:

- Creating an enabling environment for youth volunteering by strengthening capacities of non-governmental organizations;
- Creating an enabling environment for youth volunteering in the public sector; and
- Creating an enabling environment for youth volunteering in the private sector.

⁵⁰ 2010 FIFA World Cup Organizing Committee South Africa Volunteer Policy, www.fifa.com/mm/document/tournament/volunteers/fwc2010_loc_volunteer_policy_54952.pdf.

These roundtable discussions were aimed at stimulating debate and paving the way towards the development of a National Youth Volunteerism Policy framework.

3. United Republic of Tanzania

In 2007, the Government of the United Republic of Tanzania released the *Draft National Volunteer Policy*, which is currently being reviewed by the Ministry of Labor, Employment and Youth Development. A final version is expected to be formally introduced soon. The Policy sets out a comprehensive package of measures to be taken to ensure the recognition of volunteers and promote volunteerism in Tanzania.

The objective of this policy is to promote volunteerism so that “it plays its rightful role in shaping the destiny” of the country, notably by helping to achieve national development objectives and the Millennium Development Goals.

The process leading to the development of this draft was quite collaborative. It began in 2001 with a study commissioned by the Government. The study recommended the formulation of a National Volunteer Policy. The same recommendation emerged from another study by UNV Tanzania in 2005. Over the next two years, the Government worked closely with UNV Tanzania to involve various stakeholders from within the Government, civil society, and the donor community to come up with the policy. While the relevant government ministry will play a coordinating role, various national government ministries as well as regional and local government authorities, civil society organizations, and the donor community are expected to be involved in implementation.

The draft provides several protections for volunteers. The role it prescribes for CSOs is to collaborate with and facilitate capacity building for local agencies and government entities. The draft also contains a commitment to supporting funding for research into issues that affect volunteers.

Perhaps most importantly, the draft states that the Government, in collaboration with stakeholders, shall put in place a legal framework that will provide guidance for volunteerism activities throughout the country. While it does not contain a plan for developing these laws, if such framework is provided, it would help to encourage public participation and increase volunteerism throughout Tanzania. Whether or not this policy is able to meet its goals seems to be a matter of implementation and how far-reaching the stipulations are.

There are currently no other laws in Tanzania that contain provisions that directly regulate or affect volunteers or volunteerism. Nonetheless, the following laws have provisions that may be construed in ways that indirectly affect volunteers and volunteering: *Immigration Act of 1995*, *Occupational Health and Safety Act of 2003*, *Employment and Labor Relations Act of 2004*, and *Social Security (Regulatory Authority) Act of 2008*.

The passage and implementation of the *Draft National Volunteer Policy* would make great strides towards encouraging volunteerism and protecting volunteers in Tanzania, as no other regulation exists to fill that role.

B. Arab States

1. Arab Republic of Egypt

Egypt is and has always been one of the most influential Arab states. It is the oldest continuously existing state in the Arab world, the first to gain independence from colonial powers, and the home of more than 75 million people (just under a quarter of the combined population of the twenty-two states of the Arab League). Within the UN system, Egypt has been a strong proponent of volunteerism as a driver of national and global development, and has co-sponsored with other 141 member states the ratification of the UN General Assembly A/RES/57/106 (adopted on 26 November 2002) calling upon stakeholders to support volunteerism as a strategic tool to enhance economic and social development. Despite its leadership at the international level, no laws or policies have been passed to facilitate volunteerism at the national or local level, and the CSO law (*Law No. 84 for the Year 2002*) is among the most restrictive in the world.

As is the case in many Arab states, government support for promotion of volunteerism is mostly limited to providing limited support to celebratory annual events – in the Egyptian case, yearly celebrations of the “International Day of the Volunteer” as well as a program called “Sailing the Nile to Promote the Millennium Development Goals” which took place in 2006, 2007 and 2008. These events are designed to raise public awareness of the importance of volunteerism, but while they are arguably quite successful in increasing public awareness about volunteerism it is not clear to what extent the increased public awareness translates into increased commitments to volunteerism.

“Sailing the Nile to Promote the Millennium Development Goals” is an innovative public-private partnership that may be an appropriate model for other countries that wish to promote public awareness of volunteerism and the MDGs. This program is a partnership between the United Nations Volunteers and United Nations Development Program; private companies like Vodafone and FedEx; domestic Egyptian NGOs; and Egyptian government agencies. Traditional Egyptian boats called *feluccas* sail down the Nile stopping in several cities, and in each city several public events including concerts, plays, and lectures are staged to promote volunteerism for development. In 2007 the “Sailing the Nile” program lasted more than 45 days, and in 2008 it was scheduled to last for 56 days. As a result of the dozens of public events and media attention associated with “Sailing the Nile,” thousands of Egyptians have been exposed to a message promoting volunteerism for development – at a single concert in 2007, for example, more than 17,000 people attended.

Another major program to raise awareness about volunteerism and increase the level of volunteerism was designed by Egyptian NGOs and administered with the support of the Egyptian government. Starting in December 2002, Egyptian NGOs organized an “Open Volunteer Day” to coincide with the “International Day of the Volunteer.” Egypt’s “Open Volunteer Day” is a volunteerism convention in Cairo open to the general public in which attendees can learn about volunteerism and civil society and sign up to volunteer for CSOs on the spot. The first “Open Volunteer Day,” attended by 300 people, was opened with a speech by the Egyptian Minister of Local Development Dr. Mostafa Abdel Kader and included several Members of Parliament and other government officials. As with “Sailing the Nile,” corporate sponsors (in this case, Coca Cola and Procter and Gamble) played a large role in funding the

festivities – demonstrating a model of corporate-government-NGO cooperation that can be emulated in other parts of the world. In 2003 the exhibition moved to Cairo University, where participation doubled to 600 visitors and 40 NGOs. Speakers included the Minister of Youth, several Members of Parliament, NGO activists, and UN officials. The program has continued to expand each year, and as with the first year and all subsequent years, state-run media including Egypt’s major newspapers and television and radio stations cover the events, expanding their influence and reach many times.

Only one government agency in Egypt has made a concerted effort to promote volunteerism as part of its internal policies, and that is the National Council for Childhood and Motherhood (NCCM). Through its Volunteer Coordination Unit, NCCM has relied upon volunteers to contribute to all of its programs, including Girls’ Education, Protecting Youth from Drugs, Combating Female Genital Mutilation, Protecting Street Children, and Combating Child Labor. The Volunteer Coordination Unit “aims at attracting and steering volunteers and evaluating their performance” and has had great success in doing so.

In many ways, NCCM is piloting an approach that may ultimately come to be adopted by several other Egyptian government agencies and ministries and which may inform future attempts to pass a law or policy on volunteerism or to amend other legislation (such as the NGO law) to be more supportive of volunteerism. Indeed, Amr Osman of the Volunteer Coordination Unit at NCCM published a “Working Paper on the Reality and Prospects of Volunteer Work” in April 2008 which distilled NCCM’s experiences and lessons for use by other Egyptian government agencies. This information sharing might lead to replication of the Volunteer Coordination Unit model in other government agencies or even at the national level.

The NCCM paper argues that volunteerism is necessary for the achievement of “government goals and desirable development... economic development... community participation and increasing the sense of belonging and building confidence in society.” It goes on to identify several obstacles to volunteerism in Egypt at the institutional and social levels; these obstacles, including “absence of social awareness on the concept and value of volunteer work,” a fear on the part of families that “volunteer work would negatively affect the educational process of their children,” and “the absence of a social framework to guide volunteers in the basic principles of volunteerism” have been echoed throughout the Middle East. Perhaps most important for our purposes, the paper points to the “need to review and develop laws related to volunteerism to free volunteers from bureaucratic and administrative barriers *taking into consideration that this revision should be done with the volunteers themselves,*” showing that there is a major need for the passage of a law on volunteerism and also demonstrating the possibility that such a law may be passed in the near future.

For the time being, there are no laws or policy documents promoting volunteering in Egypt. However, with the NCCM making a push throughout the Egyptian government for the utilization and support of more volunteerism programs, this situation may change in the near future.

2. Lebanese Republic

Lebanon has long been at the epicenter of regional tensions in the Middle East, as events in Iran, Syria, Iraq, and Israel/Palestine have had a significant effect on the Lebanese political system. Nonetheless, the Lebanese political system is among the freest in the Arab world, and this freedom has allowed civil society to flourish. Notably, the formal division of the Lebanese political system among 18 recognized religious faiths corresponds to an analogous sectarianism in volunteerism and civil society.

With the exception of a small change to the visa regime that facilitates easier entry into the country for international volunteers, no new or amended laws have been passed to promote volunteerism in Lebanon. However, the Ministry of Social Affairs, in partnership with domestic civil society, has successfully implemented several policies and programs to promote volunteerism.

Revised Implementation of the Ottoman Law on Associations. In Lebanon, the 1909 *Ottoman Law on Associations* governs most civil society organizations. This law, the most liberal in the Arab world, allows for the creation of associations through a simple declaration (*ilm wa khabar*) made to the Ministry of the Interior. This is a significantly easier process over that in place in most of the Arab world, and it may explain in large part why volunteerism rates in Lebanon are so much higher than in other parts of the Arab world. However, as early as the 1940s and increasingly after the mid-1970s, successive Lebanese governments interpreted the 1909 law to give themselves discretion over any attempts to register a new association, freely rejecting registrations without justification and treating unregistered associations as illegal entities.

This practice was challenged by the Association for the Defense of Rights and Liberties (ADRL) before the State Council, Lebanon's highest court, in 2003. The State Council issued a landmark decision nullifying the Ministry of the Interior's previous regulations concerning the registration of new associations, and in May 2006 the Ministry of the Interior adopted *Circular No. 10/AM/2006* (dated May 19, 2006), restoring the *ilm wa khabar* system and finally undoing the undemocratic administrative practices of the past which violated the 1909 law.

There is no doubt that Lebanon's distinction as the home of the freest civil society in the Middle East has a direct relationship to Lebanon's high rate of volunteerism. Marie Ghantous, Director of the Tripoli Bar Human Rights Institute, stated categorically that "Lebanon has a higher rate of volunteerism than in the rest of the Middle East because there is total freedom to leave, join, or create an association." Her remarks are echoed by Hoda Chalak, the General Coordinator of the Forum for Arab Civil Society Strategies, who says that "the number one reason for high rates of volunteerism in Lebanon is the [civil society] law being more liberal than other NGO laws in the Arab world... there is a clear expansion in volunteerism since the system was changed back from registration to *ilm wa khabar*." Lebanon thus presents a good case study of the effect of an enabling civil society law on volunteerism, and may explain why volunteerism rates are low in other Arab countries, the overwhelming majority of whom have highly restrictive civil society laws.

Volunteer Summer Camps. The Lebanese Ministry of Social Affairs has administered summer camps on volunteerism for many years, a highly innovative and unique program in the region that is having a

positive effect on volunteerism in Lebanon. According to Mr. Mohammed Kdouh, Head of the Volunteerism Unit in the Ministry of Social Affairs, “the civil war turned volunteerism into a religious and sectarian issue, and after the war ended people continued to view volunteerism through this lens.” As a result of activities surrounding International Year of the Volunteer in 2001, the Ministry of Social Affairs decided to promote a national volunteerism-for-development approach to replace the established sect-based volunteerism model, and one of the ways this was done was through the volunteer summer camps. Each summer, 500 boys and girls between ages 18 – 25 take part in an eighteen-day summer camp held in Beirut to promote volunteerism and to go into communities throughout Lebanon and volunteer on a non-religious and non-sectarian basis.

In addition to the summer camps, during the school year the Ministry of Social Affairs picks 40 – 50 different students to participate in a weekend version of the summer camps; as of this writing approximately 1,500 Lebanese students have taken part. According to Mr. Kdouh, volunteerism in Lebanon still tends to be clustered around religious institutions – but the Ministry is actively working to change this perception and promote a national vision of volunteering through its camp programs.

School Curriculum. The Association for Volunteer Services (AVS), a Lebanese NGO, has for many years been promoting a program of teaching volunteerism in schools called “Learning to Care.” Similarly, the Lebanese Ministry of Social Affairs sent a formal request to the Ministry of Education in October 2008 asking for a change to the standard curriculum that would provide for a “day of volunteerism” at each grade level. Each grade would spend this day on age-appropriate activities to learn about volunteerism and perhaps take part in a volunteer project of its own. By teaching students from a young age about volunteerism for development, AVS hopes “to move from obligation-based volunteerism to your family and church and mosque to a more professional sense” of national volunteerism. Although no change has yet been made to the Lebanese school curriculum, the model of educating children about volunteerism for development is an innovative idea that can and should be exported to countries around the world in which formal volunteerism does not have an established history. Indeed, AVS’ book on the subject has been ordered by government officials in the United Arab Emirates, Egypt, Kuwait, and Syria. Thus, while policies to support volunteerism have not yet been enacted by educational officials in any of these countries, it seems clear that several countries are poised to do so in the near future.

Permanent National Committee for Volunteerism. During International Year of the Volunteer in 2001, approximately one dozen Lebanese NGOs met at UN House with the UN Volunteers Program and suggested the creation of a national committee to promote volunteerism. The NGOs intended to organize this on their own, but ultimately the Ministry of Social Affairs took the position that a national committee required approval from the Council of Ministers and took charge of the entire process. The Ministry then established a Committee with 26 members, drawn from all the Ministries, domestic and international NGOs, major universities, and the UN Volunteers.

The Committee was intended to promote volunteerism in Lebanon and establish a national volunteer center that would coordinate and implement volunteer activities year-round. In this respect the Committee is very much like similar committees and volunteer centers that have been established by governments around the world. Unfortunately, there have been severe problems actually implementing

the committee – according to one member of the committee, although meetings were meant to be held every few months, representatives from other ministries rarely came and as a result the committee rarely reached quorum and no major policy decisions could be made. These problems were exacerbated by Syrian withdrawal from Lebanon, opposition freezes on government, and the summer 2006 Israeli invasion, rendering the Committee all but immobile in the period since it was established in 2001. However, with the selection of a new national unity government and a return to normal government in Lebanon, there is some hope that the Committee will be able to make up for lost time and make some progress in Lebanon ahead of IYV+10. Indeed, as of October 23, 2008 the Ministry of Social Affairs has sent out letters to the various stakeholders on the Committee asking them to nominate new representatives in order to convene a meeting of the Committee before the year's end.

Regional Pressures / Effect of the Summer 2006 War. As mentioned above, regional pressures including most recently the 2006 invasion of Lebanon by Israel have had a severe effect on all aspects of volunteering, and have prevented the enactment of new laws or policies on volunteerism even when the political will was present. On the other hand, the 2006 war prompted an astonishing volunteer turnout in Lebanon, with 975,000 people – almost a quarter of the total population of Lebanon – registering with UN agencies to provide volunteer services. As Marie Ghantous stated, “volunteerism is at its peak in crisis periods... but when the crisis is over, people go back to their everyday activities, and most don't tend to move into the daily or weekly commitment.” Thus it appears that natural and man-made disasters, in Lebanon as in several other countries around the world, present both an obstacle to volunteerism and an opportunity for the growth of the sector.

3. The United Arab Emirates

The United Arab Emirates is a federation of seven emirates: Abu Dhabi, Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah, and Umm al-Quwain. Each emirate retains substantial political and economic powers, though there is a federal court system (which applies to all emirates except Dubai and Ras al-Khaimah) and a 40-member Federal National Council (20 of whom are appointed) that reviews and advises on proposed federal laws. The UAE has recently enjoyed outsized influence in the Middle East region and abroad because of savvy reinvestment of oil profits into modern infrastructure and the ongoing construction of what is sure to be a capital of world finance and commerce. As the center of gravity of the Arab world increasingly shifts to the Gulf region, we can expect the influence of the UAE on other Arab countries to grow substantially.

As in Egypt and the overwhelming majority of Arab states, civil society in the UAE faces a very difficult legal environment. *Federal Law No. 6 of 1974* governs civil society organizations throughout the UAE and is very restrictive, having a clearly negative effect on volunteerism (more on this below). As in Egypt, no new laws or policies have been implemented at the federal or Emirate level to support or promote volunteerism despite substantial rhetoric on the part of individual Emirs and federal ministries in favor of volunteerism. Instead, promotion of and support for volunteerism has been left to NGOs and private companies, often in partnership with the government. The most visible and important initiative, *Takatof*, is a program of the Emirates Foundation, a GONGO established by a 2005 Decree of the Sheik of Abu Dhabi (who by tradition serves as the President of the UAE). This quasi-independent, quasi-

governmental organization is meant to promote and coordinate volunteer initiatives throughout the UAE, and looks certain to create a model of volunteerism that will be replicated across the Arab world.

Takatof Programs and Experiences. In 2006 the Emirates Foundation held a national symposium on volunteerism, hiring a US-based PR firm to plan and run the event. The PR firm hired the Points of Light Institute (also based in the US) and the Points of Light Institute subsequently won a grant from the Emirates Foundation to create a national volunteer strategy for the UAE. According to the Points of Light Institute (PoL), the model the UAE sought to create was one of public-private partnership, in which the domestic civil society sector (as represented by the Emirates Foundation) had the primary responsibility for increasing the level of volunteerism in the country.

In April 2007, PoL launched a national volunteer center for the Emirates Foundation called Takatof (Arabic for “shoulder-to-shoulder”). Takatof’s primary role is to connect Emirati citizens to volunteerism opportunities and to raise the profile of volunteerism in the UAE; secondary roles include promoting service learning in schools, preserving Emirati culture and heritage, and sponsoring large-scale events to raise the public profile of volunteerism.

PoL staff stated that the goal of volunteerism from the perspective of Takatof is to promote social development and solidarity – in other words, to promote the development of a “model” citizen and the concept of national citizenship generally. As a result, Takatof primarily takes UAE citizens as volunteers and tends to focus only on projects that benefit UAE citizens. In theory, the idea of using volunteerism to foster a sense of citizenship and national solidarity is a good one that could be exported to other countries in the region where the concept of citizenship has not yet solidified. In practice, however, it seems highly problematic in the Gulf States, where citizens are heavily outnumbered by non-citizens. By focusing mostly on Emirati citizens, Takatof bypasses 80% of the population of the UAE, failing to take advantage of their volunteer manpower (and failing to respond to their specific needs).

Nonetheless, Takatof has had much success in recruiting volunteers. Takatof has focused on young adults of college age, who tend to be educated, reliable, and not weighed down by established family and career responsibilities. Emiratis of this age tend to have the desire to give back to their country and also have an incentive to participate in volunteerism because it provides them with extensive professional networking and leadership experience. Additionally, Takatof provides a socially acceptable way for young men and women to interact in an otherwise conservative society – a point that might be made in other countries in the Arab world to increase the level of youth volunteerism there as well.

Unfortunately, because of the relatively under-developed domestic CSO sector, Takatof has recruited many more volunteers than it can place. There are few existing CSOs in the UAE, and those which are present tend to be small and simply do not have the capacity to absorb more volunteers. This is an important lesson learned and will be highly applicable to most other Arab states – where the CSO legal framework is repressive, even the most successful volunteerism initiatives will not reach their fullest potential. PoL staff stated that in retrospect, “it would have been helpful... to develop additional volunteer opportunities before mobilizing the people to volunteer.” Perhaps because of the lack of

domestic opportunities, Takatof has organized regular overseas exchanges in which Emirati volunteers travel to other countries for one-to-two week volunteer trips.

C. Asia

1. People's Republic of China

Volunteering and volunteerism has been on the rise in the People's Republic of China for many years. This is a reflection both of strong Government encouragement and the public's desire to help fellow citizens and contribute to society. In 2008, these efforts increased greatly as the result of two major events in China, one a natural disaster and the other a major international event.

The natural disaster was the massive earthquake that struck the southwest province of Sichuan in May 2008. In the wake of the earthquake, which led to over 87,000 deaths, 375,000 injuries and affected more than 46 million people in total, voluntary and charitable activities in China reached new levels. The massive volunteer response effort involved volunteers supported by mass organizations such as the Chinese Red Cross Society and China Young Volunteers Association, but also hundreds of thousands of volunteers who served through grassroots NGOs, corporations, or who spontaneously arrived at the affected areas to help but were not affiliated with a particular organization.

The major international event which impacted volunteerism in China in 2008 was the Beijing Summer Olympic Games. Chinese Olympic volunteers began preparing for the Olympics years in advance and in August 2008 100,000 venue volunteers and approximately 1.6 million city and social volunteers served as part of the capital's efforts to support the Games. Organized by the Beijing Youth League and China Young Volunteers Association, the volunteer effort during the Olympics highlighted the contributions of volunteers and created stronger volunteer institutions and volunteer culture as key legacies of the Olympics.

Volunteer activity in China has a long history, predating the establishment of the People's Republic. In the years after 1949, volunteerism was largely promoted by the Government, often for purposes of mass mobilization closely tied to political aims. In recent years, volunteering has increased rapidly in China and with the foundation of China Young Volunteers Association (CYVA) in 1994, the Communist Party and Government began to view volunteerism as an important means of civic contribution. One example of a major volunteer initiative contributing to development is the 'Go West' program which was launched by CYVA and the Ministry of Education in 2003. The program has sent over 55,000 new college graduates to provide volunteer service in the western regions in the fields of education, medical care, agriculture and cultural development on 1-2 year assignments.

Grassroots CSOs, which also work with large numbers of volunteers, have been growing quickly since the mid-1990s. These CSOs are contributing to China's social and economic development by engaging in fields such as environmental stewardship and poverty alleviation and providing services to disadvantaged groups including orphans, the elderly, the disabled, and people living with HIV and AIDS. There are approximately 150,000 officially-registered social organizations and over 1,000 foundations in China. In addition, there are many community-based organizations which are not officially registered or

are registered as businesses due to legal challenges. A more comprehensive and inclusive legal framework would facilitate the work of these organizations and their volunteers.

Volunteer action was promoted in China during the IYV in 2001 and was formally endorsed in the *Beijing Declaration on Voluntary Service* in 2002. In the *Declaration*, the delegates expressed the “wish to see Governments and the UN system enhance significantly an environment favorable for volunteering globally” and called on them to encourage the use of voluntary action in addressing the full range of development challenges, thus highlighting the value of volunteerism in meeting development challenges. The *Declaration* also called on “individuals and organizations involved in volunteer activity to network and collaborate on initiatives that promote civic participation.”

In China, volunteer policy and law is coordinated by several ministries, including the Ministry of Civil Affairs and the Ministry of Labor, and also by the Communist Youth League, an affiliate of the Chinese Communist Party. A national volunteering policy and research association and website (China Volunteers Web) have been established.

In November 2006, the Communist Youth League published the *National Methods for Registration of Volunteers*. A partial precursor to the emergence of a national *Volunteer Service Law*, the *Methods* allow a wide variety of public and private organizations in China to register volunteers. The *Methods* also prescribe rights and duties for registered volunteers; among the duties is volunteer work of at least twenty hours per year.

China is currently drafting a national law on volunteering called the *Volunteer Service Law*. Calls from the provinces, the Communist Youth League, national legislators, academics and others for a national volunteer law helped jump-start the process at the national level. It is not clear when the legislation will be proposed to the National People’s Congress.

The recently drafted *Charity Promotion Law* promulgated by the Ministry of Civil Affairs highlighted volunteers associated with charities. Provisions address the volunteering principle, a volunteer registration system, volunteers’ rights and obligations, volunteering record, and incentive mechanisms. This law reflects the increased attention that legislation on volunteering is receiving on the national stage.

Among the issues that are being debated in drafting a national law on volunteering are principles and rules for compensating volunteers for damages incurred while volunteering, compensating their families for deaths or injuries incurred in volunteering, the suitability of a national mechanism for coordinating volunteer work, preferential tax treatment for enterprises that supply volunteers, social support for volunteering and sources of financial resources, and the relationships of rights and duties between volunteers, those they are assisting, and those that organize volunteers.

It is worth noting that regulatory activity intended to manage and channel volunteering has been more successful at the provincial and local levels. In 1999, the first local regulation on volunteer service, *Guangdong Youth Volunteering Regulations*, was released; by 2009, fourteen provinces and major municipalities including Guangdong, Shandong, Fujian, Henan, Heilongjiang, Jilin, Ningxia, Hubei,

Jiangsu, Beijing, Zhejiang, Tianjin, Jiangxi, and Xinjiang; six sub-provincial cities including Ningbo, Hangzhou, Chengdu, Shenzhen, Nanjing, and Jinan; and two smaller cities including Fushun and Yinchuan have all issued and executed local regulations on volunteering. If these regulations are used as models when drafting a national law on volunteering, then there is much hope for volunteer legislation in China.

2. Republic of the Philippines

As in other parts of Asia, volunteering has a long history in the Philippines. This is a reflection of local practices, community self-management, religious encouragement and practice, and government support. Although comprehensive data is difficult to obtain, in 2007 the Philippines sent 301 UN Volunteers abroad and took in four. Thus, the Philippines ranked among the highest countries in the world in the number of UN Volunteers working in other countries, with 5.96% of the total world outgoing UN Volunteers.

In 2007, the Philippines took a step forward in the management and channeling of volunteer activity when it adopted a new law on volunteering and volunteerism: *Act No. 9418 on Strengthening Volunteerism*. In the face of increasing volunteer activity and government interest in managing and channeling those activities, the 2007 *Act* also solidifies the role of and sets out the responsibilities for the Philippine National Volunteer Service Coordinating Agency (PNVSCA), which has opened a website and begun activities to coordinate volunteerism in the Philippines, provides some rules on foreign volunteer activities in the Philippines, and sets in place a system for registering domestic volunteers.

The *Act* sets out three detailed goals that indicate the encouraging and channeling nature of the Philippine law on volunteering as an example of what is occurring more broadly throughout Asia. But in the case of the Philippines, the emphasis is perhaps slightly more calibrated toward encouraging volunteer activities and citizen initiative than in some other countries of Asia.

The *Act* seeks to channel volunteering by providing a policy framework on volunteerism that harnesses the broad and diverse efforts of the voluntary sector throughout the country into an effective partnership for local and national development, as well as international cooperation. It encourages volunteering by providing a conducive and enabling environment that protects volunteers' rights and privileges. Lastly, it seeks to begin the process of managing volunteering by strengthening the PNVSCA to perform its mandates and to oversee the implementation of the *Act*.

The *Act* also defines "volunteerism," "volunteer" and other key terms, and seeks to provide definitions of "volunteerism" in the academic, corporate, and nonprofit sectors. For example, the definition of volunteerism in the non-profit sector includes human resource development in underserved communities as well as advocacy.

The *Act* makes clear that the Philippine National Volunteer Service Coordinating Agency (PNVSCA) shall undertake the implementation and execution of the *Act* and delineates the core functions of the PNVSCA. In turn the PNVSCA works closely with a "Multi-Sectoral Advisory Body (MSAB)" which includes representatives from governmental departments and the corporate, academic, and nonprofit sectors.

The MSAB is required to provide advice on policies and guidelines for the national volunteer service program and serve as a forum to strengthen links between volunteer groups and communities.

Registration of volunteer service organizations and volunteers in the Philippines dates back to guidelines published by the government in 2004, but the *Act* now re-tasks the PNVSCA with developing and establishing a system of national registration and networking to improve coordination of volunteers and volunteer service organizations. The *Act* also seeks to strengthen and accelerate volunteering in key aspects of national life. It requires the national Department of Education and the Commission on Higher Education to integrate volunteerism as part of the curriculum in basic and higher education to raise the consciousness of the youth and develop the culture of volunteerism.

A particularly interesting feature of the Filipino legislation relates to volunteers working overseas. Since millions of Filipinos are working overseas and have been accorded legal privileges by the government and financial incentives by their overseas employers, the *Act* encourages government agencies and CSOs to develop and provide volunteers with incentive packages which may include an allowance, insurance, training, and the grant of privileges and status to Filipino overseas volunteers at par with Filipino overseas workers.

The *Act* also begins the process of managing and controlling the flow of foreign volunteers into the Philippines, a particular concern for the Philippine government. It stipulates that foreign volunteers approved for assignment by the PNVSCA as well as their legal dependents may be entitled to a visa with multiple entry privileges as well as exemption from visa and immigration fees. PNVSCA has been charged with approving volunteer assignments in the Philippines by foreign nationals, and visas will be provided only upon such approval.

The *Act* requires that the PNVSCA establish an institutional mechanism for continuing research and modeling of best volunteer practices. Thanks to the rapid development of domestic and overseas volunteer opportunities seen in recent years, the Philippines already have a substantial and innovative law that has the potential to serve as a model for other countries in the region and from which many lessons can be learned.

3. Republic of Korea (South Korea)

Like many other countries in Asia, South Korea has a long history of volunteering and volunteerism in traditional, local, secular, and religious contexts. Korea's first national law on volunteering, the *Basic Law on Promoting Volunteer Services* and its accompanying *Enforcement Decree*, was enacted in 2006, in part to manage and channel burgeoning volunteer efforts around the country. In accordance with the new law Korea has established a national Committee on Volunteer Promotion (CVP) comprising governmental and civil society representatives.

An active Korean Council on Volunteering helps to coordinate domestic and overseas volunteer opportunities. Among other developments, Korea has also recently discussed expanding exemption from compulsory military service for young Koreans who volunteer overseas.

The Basic Act on Volunteer Service's guiding principles include promoting volunteer service to encourage public participation and to maintain volunteer service as service without financial retribution, conducted in the public interest, and without discrimination. The *Basic Act* defines both volunteer organizations and the more formally organized volunteer centers, which are established by and report to national and local governments and whose activities and leadership are defined in the *Act* and the *Enforcement Decree*.

The *Act* establishes a national Volunteer Service Promotion Committee with responsibility for volunteer service policy, coordination, and planning. The members will be drawn from key ministers in the government and private citizens with relevant knowledge and experience in voluntary service. Under the Volunteer Service Promotion Committee, a Working Group on Volunteer Service Promotion comprised of up to 25 members from the level of department directors in ministries and a majority of private citizens recommended by the Korean Council on Volunteering will deal with drafting policy, coordination and planning documents and in-depth work.

The *Act* requires that national and local governments shall ensure that voluntary service is performed in a safe environment, and that a presidential decree will state specific protections for volunteers. While this decree does not appear to have been issued yet, it is expected to cover insurance for volunteers, physical protection, and protection of economic loss to volunteers. The *Enforcement Decree* permits national and local governments to purchase insurance to protect volunteers and to compensate third parties for physical damage and property loss incurred during volunteer service.

The Korean Council on Volunteering was established through the *Act* to promote and facilitate nationwide volunteer service, including cooperation between organizations, international exchanges on volunteer service, and development and research, as well as to undertake projects in these areas.

The growth of volunteering continued in South Korea in 2007 and 2008. Of particular note was the extensive citizen involvement in cleaning up oil spills at Taean on the west coast of South Korea. As in the Philippines, South Korean volunteers are increasingly going abroad as well. Twenty-three Korean volunteers were taken hostage in Afghanistan in 2007, and have been lauded for their volunteer work in Korea. In mid-2008, Hyundai funded a national overseas volunteer mechanism under which 1,000 Korean university students will be supported to work in humanitarian, cultural, and other volunteer efforts overseas. The initial year's intake will work in several week stints in China, India, Hungary, Thailand and Turkey. Press reports call this effort "the country's largest civilian volunteer corps."

D. The Commonwealth of Independent States (CIS)

1. Republic of Moldova

Moldova, a landlocked country in Eastern Europe, is still very young. Moldova declared its independence from the USSR in 1991 and was admitted to the UN in 1992. It is a unitary parliamentary representative democratic republic. The Moldovan Ministry of Education and Youth currently has a draft *Law on Volunteering* ("the Draft Law"), which is expected to be adopted within the near future.

The Draft Law aims to promote and facilitate participation in volunteering activities by setting procedures and terms for voluntary participation that benefit the community with no remuneration or financial reward.

There are a number of reasons for adopting the Draft Law, including the need to set a legal framework for volunteering activities. This legal framework is intended to involve more individuals in volunteering activities by providing a number of legally guaranteed benefits and facilities to the volunteers, creating more opportunities for volunteering activities by providing benefits to the host organizations, ensuring a number of procedural guarantees for the volunteering activities, and increasing the gross public wealth through the legislative encouragement of the volunteering activities.

The first draft was prepared by the Ministry of Education and Youth, with the support of the international community (most prominently, the European Union) and Moldovan civil society. This draft was commented on by a number of other Ministries. On the basis of these comments, a group of civil society activists have worked to improve the Draft Law. In addition, a number of leading Moldovan CSOs founded a *Coalition for the Promotion of Law on Volunteering and Volunteering Activities*.

The second draft, which contains several improvements to the Draft Law, has been exposed to numerous discussions by and within the Coalition. This most recent draft has been submitted to the Ministry of Education and Youth, where it presently rests.

According to the accounts of the Coalition activists, the consultation process for this Draft Law has been generally very participatory, engaging a wide range of stakeholders, including leading national CSOs, regional and local youth organizations, central and local public administration officers in charge of youth policies, and the mass media.

No other national laws or regulations had an impact on the Draft Law's development. At the same time, legislative experiences from several prominent countries around the globe, including the USA, Australia, the Netherlands, France, the UK, Belgium, Ireland, Spain, the Czech Republic, Hungary, and Romania, served as sources of inspiration for the civic activists who contributed to improving the Draft Law.

While this Draft Law does not encourage, nor prohibit, foreign volunteering, it does address several social inclusion issues, stating that the recruitment of volunteers must occur on the basis of equal opportunity and without any kind of discrimination. However, the Draft Law does say that a volunteer under a contract must be at least 14 years of age. It defines a volunteer activity as both contract-based and extra-contractual, but states that volunteering activities that are carried out with the good intentions of family, friendship, or good neighborhood considerations, shall not be subject of the present law.

Under this Draft Law, the institution or beneficiary is an organization, legal person of public law, or not-for-profit legal person of private law, which enters into a volunteering contract. While the Draft provides several rights and obligations for volunteers, there are no specific provisions regarding the host's rights; it only provides obligations for hosts. Logically, host rights correspond to volunteer obligations.

With regard to taxes and benefits, the Draft Law specifically says that for managing and involvement in volunteering activities, the host institution may be subject to total or partial waiver of local taxes. The decision on the waiver shall be made by the competent local public authority. The Draft does not provide for a volunteer to be entitled to participate in private or public social security, insurance, and health benefits systems.

Implementing this Draft Law will most likely prove to be quite difficult as there are no practical experiences for the Government to draw upon. Given that this Draft has remained a draft and there are not any other regulations for volunteerism, it is hard to judge what the impact of such a law would be. Therefore, drawing on international best practices, as when the first draft of the law was written, may prove to be the best way for the Moldovan Government to examine how to move forward with this Draft Law.

2. Russian Federation

Russia has not adopted a specific policy or strategy regarding volunteering. However, the Government of Saint Petersburg City (GSP), which is a federal region of the Russian Federation, passed a *Regional Concept on Social Volunteering Promotion* in January 2008. This Concept is based upon federal and regional laws and regulations that affect civil society and social services.

The Strategy was developed by GSP as an extension of the concept for the development of the social welfare system in Saint Petersburg City. The regional committee on labor and social welfare was the leading government body for the development and adoption of the Strategy. However, the process was still participatory in that the Coordination Council on Cooperation with Non-Commercial Organizations promoted a number of local charities and youth associations to deliver their proposals.

Several of the declared objectives of the Strategy are the development of favorable legal frameworks for volunteering and cooperation between GSP and local governments, to provide for systematic training of coordinators and managers of volunteering activities, and to ensure the promotion and development of youth volunteering. Among the major reasons for the adoption of the Strategy were the lack of a clear legislative framework and institutional infrastructure for volunteering activities, a lack of sustainable public support and incentives for volunteering, and poor access to qualified services, advanced methods, and training for enabling volunteering activities.

The top official responsible for implementation of the Strategy is the vice governor of the city. The regional committee on labor and social welfare is responsible for drafting action plans for implementation of the Strategy between 2009 and 2011. The Strategy does not address appointment or creation of a government entity to coordinate volunteer activities. However an advisory regional body, the coordination council on cooperation with non-commercial organizations, has been mentioned as a responsible body for coordinating volunteering policy.

There are nearly 700 not-for-profit organizations that delivered social services or ran other social volunteering activities in Saint Petersburg City in 2006-2007. While these entities are actively engaged in self-regulation, the coordination council allows them to share best practices and information, as well as

to coordinate professional training. The Strategy also provides for two specific forms of state financial support, via matching funds, subsidies, and grants to sustainable and effective volunteer programs, and through support for volunteering initiatives in the budgets of social service facilities.

The Strategy also has provisions for the development of guidelines and instructions for the management and coordination of volunteering activities. It also aims to recognize regional and local best practices, develop training programs, and disseminate information on the management of volunteerism. In addition, it provides for the development of a regional law on volunteering, in particular, to specify conditions of volunteering in social services and youth volunteering.

The one federal law of the Russian Federation that directly affects volunteers and volunteering is the *Law on Charity and Charitable Activities*, passed in 1995. Several regions then adopted long-term programs and regulations and developed draft laws on volunteering. However, only two regions adopted laws on the cooperation between government agencies, local governments, and non-commercial organizations. Specifically, these laws are: the *Moscow City Law on Cooperation between Moscow City Government Agencies and Non-Government Non-Commercial Organizations*, and the *Volgograd Oblast Law on Cooperation between Government Agencies, Local Governments, and Non-Commercial Organizations*.

The goals of the *Federal Law on Charity* are to set general regulations for charitable activities, including for volunteering, and to improve regulations for public support. In contrast, the objective of the *Moscow City Law* and *Volgograd Oblast Law* is to define principles and types of cooperation between the government of Moscow City and regional non-commercial organizations.

The *Federal Law on Charity* sets forth the definition of volunteer as a citizen who runs charitable activities as unpaid labor in favor of a beneficiary, including a charitable organization. Similarly, the *Moscow Law* defines a volunteer as a citizen who runs volunteering activities in favor of beneficiaries, including charitable activities. However, the *Volgograd Oblast Law* does not define a volunteer.

There are no clear criteria in any of the laws regarding how to distinguish between volunteers and employees. However, certain terms, such as “unpaid labor,” may be interpreted so that any payments provided to a volunteer render him or her an employee, unless otherwise provided for by a written contract.

The *Federal Law* does not provide a definition of volunteering activities. However the *Moscow Law* states that a volunteer activity can be a delivery of services free of charge to beneficiaries, or participation in public benefit activities or charitable programs. Similarly, *Volgograd Oblast Law* defines volunteer activities as a delivery of services free of charge to disadvantaged people, or participation in public benefit projects or charitable programs.

There are several other differences between the three laws on issues including international volunteers (Federal Law allows foreign volunteers to participate in charitable activities; the other two do not

address the issue), and obligations placed upon hosts. However, there are still many issues that need to be addressed, such as taxation, other benefits, and liability. However, the local laws that do exist seem to suggest that volunteering is becoming more important throughout Russia.

3. Ukraine

There is no specific “volunteer law” established in Ukraine. A *Law on Volunteer Movements* was passed by the parliament in March 2006, but it was vetoed by the President that same year. The Ministry of Justice and Ministry of Labor and Social Welfare were assigned to redraft the law, and a new draft was posted to the website of the Ministry of Justice in January 2009. The analysis below focuses on the March 2006 (now vetoed) law rather than the most recent draft, which has not yet been sent to the parliament for its consideration.

The Cabinet of Ministers of Ukraine (CoM) declared that the objectives of this law will be to focus on the legal status and rights of volunteers, host institutions, and their beneficiaries, and to enable development of a public policy for volunteering promotion and support. The purposes for the adoption of this law were to set a general legal framework for volunteering activities in Ukraine and to involve more volunteers in public benefit activities.

The process of adopting the law was somewhat controversial. The concept was developed by the Ministry for Family, Youth, and Sports, with some involvement from civil society organizations (CSOs), particularly nationwide youth associations and youth wings of political parties. The draft law’s text was finalized by the Ministry of Justice, with many ministries providing comments. However, CSOs were not involved from the initial stage, and the law was widely criticized. This criticism was largely responsible for the President’s veto.

In the draft law, a volunteer is defined as an individual who delivers not-for-profit activities for public benefit and/or charitable purposes voluntarily, and is a minimum of 16 years old. It also defines volunteer-involving organizations as associations of volunteers registered in line with the law, with principal goals of delivering volunteering activities. However, Ukrainian law does not explicitly distinguish between volunteers and employees. The *Labor Code* requires that individuals must be treated as employees if they deliver services for legal entities or businesses. Written contracts are not required but may be demanded. Ukrainian Law also does not distinguish between mandatory public service and volunteering.

The draft law explicitly obliges any organization utilizing volunteers or other hosts to enter into a contract with each volunteer. Such a contract must include the name and requisites of the party, the subject and scope of the activities, the general terms and duration of the activities, all liabilities, and reasons for termination of the contract as well as sanctions for violation of the contract. Moreover, the Ministry of Labor and Social Welfare is responsible for developing a model contract on volunteer activities.

Reimbursement of payments incurred by volunteers is permitted by the *Civil Code* for any service delivery that is provided free of charge. In particular, travel, meals, and accommodation expenses shall be reimbursed, in addition to other necessary or urgent expenses. The vetoed law also provides a list of

volunteers' rights, including the rights to: run volunteering activities independently or in cooperation with hosts; get proper training related to activities; run activities in safe and healthy conditions; and receive, if necessary, special uniforms, footwear, inventory, bicycles, and/or tickets for public transportation.

Under the vetoed law, a host is also offered several rights, including the rights to make decisions on any issues related to volunteering activities, to specify tasks and types of activities, and to get access to public information from government agencies and local governments that is necessary for volunteering activities. Only two major obligations of the host are mentioned: to operate in compliance with its objectives and articles, and to deliver proper reports on uses of public funds and assigned donations in a timely manner.

Although not generally about volunteers, the *Law on Social Services*, passed in 2003, affects volunteers in the area of social services. In the *Social Services Law*, a volunteer is defined as an individual who delivers not-for-profit activities for public benefit and/or charitable purposes voluntarily. Volunteer activities in social services are defined as voluntary, not-for-profit actions of individual volunteers to deliver support to persons in crisis or harmful conditions, which need external help, and to promote a volunteer's personal fulfillment.

Specifically, the reasons for adoption of the Law were to involve volunteers in social work and social services in line with public standards and programs, and to ensure specific rights and liabilities of individual volunteers who are delivering social services.

The *Social Services Law* also states that only public institutions and facilities as well as not-for-profit entities may deliver social services and involve volunteers. In addition, non-governmental organizations and churches may host or organize a volunteering activity for their members or non-members -- in other words, operate as a volunteer involving organization.

Under the *Social Services Law*, a contract on volunteering activities in social service delivery must be entered into for a volunteering period of three months or longer. These contracts shall specify the scope of the services to be delivered, in addition to the parties' rights and liabilities, as well as sanctions for violations. Legal grounds for termination may include giving up delivery of social services by the individual, or any beneficiaries' claims against an individual or association.

The CoM included a provision in this law that permits monthly compensation from the national budget for volunteers who meet several conditions. Volunteers must not otherwise be employed, must deliver services regularly, and the cost of the services may not be covered by insurance funds or beneficiaries. Such volunteers have a right to compensations in amounts set by the CoM. Similarly, the *Social Services Law* explicitly permits reimbursement of expenses incurred by volunteers for items like uniforms, footwear, inventory, bicycles, or public transportation tickets.

Despite these provisions, the *Social Services Law* does not provide any rights specific to volunteers. With the exception of reimbursement, all rights of individuals who deliver social services are applicable to social workers and other employees of public social services and private hosts. The Law also does not

specify any rights or obligations of a host applicable to volunteering activities. The CoM Decree only mentions that hosts have the right to provide incentives for volunteers and volunteer associations.

There are currently no tax rules explicitly targeting volunteers or hosts. If a volunteer is unemployed, volunteering activities do not disqualify him or her from social insurance benefits. Any individual is entitled to public social and pension insurance. Neither existing laws and regulations nor those contemplated in the available draft specify any liability of a host to a volunteer for harms caused during the course of service, nor do they address specific compensation, benefits, or insurance coverage for volunteers in case of a workplace accident.

E. Europe

1. England⁵¹

Volunteering in England is deeply engraved in tradition and culture, and has been part of various past and current government policies. In England, a common law country, volunteering issues are not addressed through one law but mainly through policies and different issue-specific laws (e.g., labor law, tax law).

According to a report from 2007, 73% of adults in England had volunteered (formally or informally) at least once in the last 12 months, with 48% having volunteered at least once a month. Levels of formal volunteering have risen since 2001, though informal volunteering has declined. 43% of people from groups at risk of social exclusion participated in voluntary activities at least once a month. 40% of people engaged in civic participation at least once in the past year, and 3% engaged in civic participation at least once a month. Women were more likely to volunteer regularly than men; 53% of women volunteering at least once a month compared to 42 % of men.⁵²

As a result of continuous dialogue between the Government and the voluntary sector several initiatives have been undertaken, most of them financially supported by the Government, with the aim to promote volunteering and create stronger volunteer infrastructure. These initiatives are perhaps the most unique examples of strategic and concerted efforts by NGOs and governments in Europe that aim to strengthen a volunteer infrastructure and are therefore briefly described here.

The volunteering infrastructure in England is supported by several bodies, some composed only of representatives of the voluntary sector and others as cross-sector bodies composed of both voluntary organizations and government. They provide a good example of national level bodies that bring together

⁵¹ Unless otherwise specified, information about the volunteering infrastructure in this case study is extracted and summarized from the web site of Volunteering England www.volunteering.org.uk and the Commission on the Future of Volunteering www.volcomm.org.uk. For more information please refer to these agencies.

⁵² Citizenship Survey: April - June 2007, England and Wales
<http://www.communities.gov.uk/documents/corporate/pdf/citizenshipsurveyapriun2007.pdf>

public and private sector representatives to help drive the policy dialogue and overall development of volunteering.⁵³

Volunteering England (VE) is a registered charity and serves as the lead national volunteering development agency for England, “committed to supporting, enabling and celebrating volunteering in all its diversity.”⁵⁴ VE has undertaken a strategic responsibility to support the development of “local and regional infrastructure; good practice development and sectoral networks... social policy at local and regional and national levels, aiming to support proposed changes which would facilitate volunteering and challenge proposed changes which could inhibit volunteering... [and to] monitor and evaluate the impact of the volunteering infrastructure.”⁵⁵ Toward that end, VE’s main activities include: (1) supporting a national network of volunteer development agencies that promote and enable volunteering and community involvement; (2) undertaking research, policy and development activity; (3) providing grants, support and advice to sustain and develop volunteering; (4) cooperating with the government in policy development to promote and remove institutional barriers to volunteering; (5) supporting development of volunteering through promoting accredited frameworks for volunteering and local volunteering development agencies; (6) convening national events and networks; (7) awareness campaigns; (8) providing consultancy, training, publications, information and web-based services; (9) providing grants and strategic support to volunteers; and (10) promoting good practice in the involvement of volunteers. It is funded through government grants (from the Home Office’s Active Community Directorate and from the Department of Health), corporate and private donation, membership fees and income from events. VE is the secretariat of the England Volunteering Development Council and acted as a secretariat of the Commission on the Future of Volunteering. Its 2008-2009 Annual Plan details specific activities to support the work of these agencies, e.g., to (1) support the Council as a forum for policy discussion on volunteering and (2) support implementation of the Commission’ recommendations arising from the *Manifesto*.

The England Volunteering Development Council is a high-level representative and advocacy mechanism for volunteering composed of representatives of both public and private sector (currently has 250 members). It was established in 2004 and “it engages both with government and opposition parties in order to capture the collective intelligence of volunteer-involving organizations, volunteering infrastructure providers and of volunteers to provide a powerful, coordinated lobby to steer government policy and community action.” In addition, there are regional bodies of the Council in each

⁵³ The agencies analyzed in these papers are not the only ones considered part of and implementing a volunteering infrastructure (other organizations, such as volunteer centers, are also part of this structure). For the map of inter-relations and the funding relationship of these bodies see

<http://www.volunteering.org.uk/NR/rdonlyres/847E1E5F-FBD8-4565-BFD5-CDFD5203E7/0/Mapofinterrelationships.pdf>.

Another such body is Volunteering Hub which was set up to support the modernization of the volunteering infrastructure and based on this to develop a case for a policy framework in which volunteering infrastructure can flourish. For more information on Volunteer Hub see http://www.volunteering.org.uk/NR/rdonlyres/7C2D1070-CB02-4E6E-A9BA-88370C84A88E/0/Hub_final_report.pdf

⁵⁴ VE was formed in April 2004 following a merger between the Consortium on Opportunities for Volunteering, The National Centre for Volunteering and Volunteer Development England. And in 2007 VE formally merged with Student Volunteering England as well.

⁵⁵ <http://www.volunteering.org.uk/NR/rdonlyres/1D722C0C-07C9-4599-B9E6-40DE0A468ABE/0/infrastructurereport.pdf>

Government Office region of England. It is mainly responsible for monitoring and implementation of the government policy *Building on Success: Strategy for Volunteering Infrastructure in England 2004 – 2014*.

In 2005, the Council established the Commission on the Future of Volunteering as part of the legacy of IYV 2001 in order to investigate the state of volunteering and to develop a long-term vision for volunteering in England. In 2008 it produced the *Manifesto for Change*, a report of the state of volunteering and challenges faced by volunteers and their organizations.

The legal and policy issues concerning volunteers and the volunteering infrastructure are described in several documents that build upon each other:

The *Volunteering: Compact Code of Good Practice* program was launched in 2001 and revised in 2005.⁵⁶ It outlines the undertakings of both government and the sector in order to “enable more people to become involved in varied forms of voluntary activity and offer them the necessary support.”⁵⁷ Since there is no statutory definition of volunteering in England, the *Code* has been considered as a good starting point and a base for follow up documents. The *Code* defines volunteering as an activity that involves spending time, unpaid, doing something that aims to benefit the environment or individuals or groups other than (or in addition to) close relatives.⁵⁸ The *Code* identifies four key principles that are fundamental to volunteering: it must be the result of a free choice by the volunteer; it must be open to everyone; volunteers must receive some non-financial benefits to make their contribution worthwhile; and they must be publicly recognized.

The *Code* contains several sections: understanding the concept of volunteering, the importance and scope of volunteering, overcoming barriers to volunteering, valuing volunteer contributions, the volunteering experience, the volunteering infrastructure and taking the *Code* forward.⁵⁹ The *Code* defines volunteering infrastructure as “the physical facilities, structures, systems, relationships, people, knowledge and skills that exist to support and develop, co-ordinate, represent and promote front-line organizations to help them to deliver their aims more effectively. Organizations that make up volunteering infrastructure include volunteer centers.” Developing volunteer infrastructure is understood as a need at both the national and local level. The *Code* further stipulates that the Government and the voluntary sector agree that public funding should be invested in creating and maintaining a modern, dynamic volunteering infrastructure. Many similar codes at the local level have been adopted following this national *Code*.

Another relevant document is *Building on Success: Strategy for Volunteering Infrastructure in England 2004 – 2014*.⁶⁰ This 10 year strategy has been developed by Volunteering England, in consultation with

⁵⁶ This *Code* is one of the five codes of good practice developed as part of The Compact. The Compact (1998) is the agreement between the Government and the voluntary and community sector to improve their relationship for the benefit of each other and the communities they serve. www.thecompact.org.uk

⁵⁷ See http://www.thecompact.org.uk/shared_asp_files/GFSR.asp?NodeID=100323

⁵⁸ This definition is a result of revisions to the *Code* adopted in 2005 version of this document.

⁵⁹ Each section outlines a key topic that covers volunteering, and provides undertakings for Government and voluntary and community organizations to help improve volunteering and resolve potential problems.

⁶⁰ <http://www.volunteering.org.uk/NR/rdonlyres/1D722C0C-07C9-4599-B9E6-40DE0A468ABE/0/infrastructurereport.pdf>

the voluntary and community sector.⁶¹ It proposes new core functions that the infrastructure should perform on national, regional and local level so as to provide effective and cohesive support for volunteering in England. The *Strategy* follows up on the Code and the definition by Compass Partnership and the Office of Public Management in elaborating the concept of volunteering infrastructure: “the physical facilities, structures, systems, relationships, people, knowledge and skills that exist to support and develop, coordinate, represent and promote front-line organizations thus enabling them to deliver their missions more effectively.”⁶² This definition distinguishes between the functions of the infrastructure and the organizations that provide it. The following functions of the infrastructure are elaborated in detail (including expectations for achievements on national, local and regional level): brokerage, marketing volunteering, good practice development, developing volunteering opportunities, policy response and campaigning, and strategic development of volunteering. Finally, the *Strategy* outlines 10 key areas of work in order to successfully implement the *Strategy* as well the actions and milestones that are set to be achieved in the first year.⁶³

Most recently, *Manifesto for Change*,⁶⁴ a report developed by the Commission on the Future of Volunteering, was published. This report outlines the vision that “volunteering becomes part of the DNA of our society – it becomes integral to the way we think of ourselves and live our lives, and we are inspired to contribute in this way.” It aims to create “a culture change in society so that helping others and benefiting from a culture of mutual dependence become a way of life, from which the whole of society benefits.” The *Manifesto* is directed to the volunteers, non-volunteers, volunteer-involving organizations (which constitute the wider framework of the volunteer infrastructure), employers and the government. The *Manifesto* focuses on the following issues: youth participation in volunteering, employer-supported volunteering and volunteering for employers, family and intergenerational volunteering, volunteering in older age, and finally on how people are encouraged and supported to become volunteers and remain involved in volunteering. It further addresses issues of volunteering of specific groups (e.g., refugees, people with disabilities), capacity of volunteer-involving organizations, managing volunteers and volunteering, motivations, recognition, training etc. In terms of conclusions concerning the infrastructure, the *Manifesto* emphasizes that the “there are many changes needed in the infrastructure that supports volunteering. Many of these changes need to come from within the institutions themselves, but they will be greatly helped if there is a sympathetic policy and financial climate set by the government.”

In these lines, the *Manifesto* lays out a set of recommendations and specific measures, e.g., (1) raise the profile of volunteering, (2) ensure volunteering is open to all, (3) modernize volunteering, (4) reward and recognize volunteering. It also identifies the amount of funding that would need to be allocated by the

⁶¹ It was envisioned as a sector-led companion to the government’s Capacity Building and Infrastructure Framework for the Voluntary and Community Sector (ChangeUp). <http://www.changeup.org.uk/documents/ChangeUp-CapacityBuildingInfrastructureFrameworkVCS-2004.pdf>

⁶² Working Towards an Infrastructure Strategy for the Voluntary and Community Sector, 2004, http://www.compasspartnership.co.uk/pdf/pr_1.pdf

⁶³ First Annual Report on Building on Success strategy for volunteering infrastructure in England 2004–2014 <http://www.volunteering.org.uk/WhatWeDo/Projects+and+initiatives/englandvolunteeringdevelopmentcouncil/National+EVD+C+-+previous+information.htm>

⁶⁴ http://www.volcomm.org.uk/NR/rdonlyres/0B8EC40C-C9C5-454B-B212-C8918EF543F0/0/Manifesto_final.pdf

Government in order for those measures to be implemented, as well as specific undertakings/responsibilities of the government to “set the strategic direction, act as a facilitator, and enabler and remove obstacles to volunteering.”

Importantly, the *Manifesto* was developed after extensive consultations with voluntary organizations by providing information on the websites of the Commission and VE; and direct mail and email to members of VE, the Council and its regional bodies, the five hundred largest charities, and government offices. In addition, a discussion board on Facebook was hosted by one of the Commissioners; and a message board debate was hosted on the BBC's website following a radio interview with the Commission's chair. Consultation events and focus groups discussions were also part of the consultation process.⁶⁵

As a response, the Government decided to invest £4million in new training programs for volunteers and volunteer managers and £2million to create a new “access to volunteering fund” for disabled people. It decided to produce guidance to help avoid unnecessary criminal records checks being carried out, improve coordination of volunteering by civil servants, support existing events to promote volunteering and undertake further work on the viability of the recommendation to include volunteering in the inspection of public services.⁶⁶

The example of the English case study shows that building a volunteer infrastructure is a lengthy process and requires constant investment, re-thinking and improvement. The initiatives above describe a perhaps unique approach which is characterized by a concerted effort of all parties to promote volunteering, dedication, commitment, and self-assessment in order to improve and reach high targets. It can therefore serve as an example and inspiration for other countries to further review and analyze the opportunities and challenges of these examples and adapt them in their local environments.

2. Republic of Estonia

The Republic of Estonia is a Baltic country that gained independence in 1991. It has a vibrant civil society and in the past few years it has launched several initiatives to support the sector (especially with regard to government-CSO relations and public funding). As a result of these efforts, Estonian CSOs are gaining public support and their initiatives are shared among other countries.

Estonian CSOs increasingly rely on volunteers, but there is no established legal framework for promoting volunteerism. *The National Development Plan for Volunteering* (Development Plan) is the first policy on volunteering adopted at the national level. It is relevant because the process helped to foster a dialogue between different stakeholders (volunteers, organisations, ministries) and ensure that real needs are identified and addressed. A national action plan (Implementation Plan) was adopted to ensure that it will reach its objectives.

⁶⁵ For more information see The Commission on the Future of Volunteering: Results of the public consultation http://www.volcomm.org.uk/NR/rdonlyres/AFFB98A7-C124-4EF1-BF50-F68BC1BBF164/0/results_public_consultation.pdf

⁶⁶ The government decided not act upon the recommendation for establishment of Cabinet Minister level post for Volunteering, as it believes that the existing government structures already give volunteering powerful representation. www.cabinetoffice.gov.uk. Nevertheless, volunteering issues are addressed through the Office of Third Sector, which was established in May 2006 as part of the Cabinet Office. For more information see www.cabinetoffice.gov.uk/third_sector.aspx

The Estonian Civil Society Development Concept (EKAK) outlined, among others, its goal “to support the idea of voluntary action being one of the essential features in acting as a citizen.” EKAK further provides that “citizen action, self-initiative, and voluntary participation in public life are an integral part of the democratic society. Public authorities support it by creating a favourable legislative environment, informing the public about their work, and involving citizens and their associations in the planning and implementation of relevant decisions.”

In the years 2002-2006, Volunteer Development Estonia (formerly Tartu Volunteer Center) studied and analysed the legal environment of volunteer work in Estonia. In the beginning of 2004, the Joint Committee for implementation of EKAK (Joint Committee), comprised of representatives from the government and CSOs, analysed the situation and the needs of civil society in Estonia. Volunteer Development Estonia emphasised the need to address the lack of a legal framework for volunteerism. As a result, the *Plan of Action for the Implementation of EKAK for 2004-2006* raised various issues and challenges that volunteers and their organizations face in practice, including the lack of a legal framework that provides definitions and clarifies concepts. Consequently, one of the proposals involved analysing the needs and opportunities for the regulation of volunteer activities. The Ministry of Interior was tasked to lead and support this activity. The Ministry financed the development of the analysis in 2005. The results of the analysis and further steps were discussed at subsequent meetings, where it was decided to follow up by developing a wider national development plan for volunteering, which among other things aimed to address legislative issues. This idea was strongly supported by key local organizations, including the Network of Estonian Nonprofit Organizations and Open Estonia Foundation.

The process of drafting the Development Plan was funded by the Estonian Ministry of Interior, while Volunteer Development Estonia coordinated a collaborative drafting process during 2006. A cross-sector working group including representatives of eight ministries and six organizations was set up and four roundtables were organized under the auspices of the working group. A separate roundtable was organized in cooperation with Good Deed Foundation to involve volunteers and organizations that promote volunteering. The draft *Development Plan* was disseminated to other organizations and the wider public through civil society mailing lists, newsletters and partnership networks. Two further roundtables were organised to gather suggestions. All together, 67 comments were given and 45 of them were accepted in the final document. The *Plan* was adopted by the Joint Committee on 19 February 2007. The Estonian Ministry of Interior was tasked as the responsible body for administering its implementation.

The main objective of the *Development Plan* is to support and promote volunteering in Estonia. It is a cross-sectoral document that does not describe measures for the promotion of volunteering in any specific field; rather it targets common problems and development trends of all fields and sectors. It presents recommended guidelines for all organisations that promote volunteering in Estonian society; drawing on this document, each stakeholder is free to develop its own action plans according to the needs, while considering nationwide tendencies.

The *Development Plan* gives short overviews of the situation of volunteering in Europe and in Estonia, and outlines the long-term vision (up to 2015) and development goals and measures in the field of volunteering.

The *Development Plan* defines volunteers as individuals offering their time, energy and expertise out of free will and without getting paid. Volunteers help others or act in the public or social benefit; however, helping one's family members is not considered to be volunteering. The *Development Plan* also defines the types of volunteering – individual and organized volunteering, one-time and regular volunteering and voluntary service.

Importantly, the *Development Plan* is accompanied by an *Implementation Plan* which aims to ensure that the main commitments will be realised in practice. In addition, the government has allocated for the first-time funding from the state budget to support development of volunteering by financing the implementation of the *Development Plan*.

The *Implementation Plan* complements the main goals of the *Development Plan* and further proposes specific action. For the years of 2007-2008 the following activities were planned:

- Recognition: Celebrating International Volunteers Day with National Volunteer Awarding Event (the patron of this event is the President of the Republic of Estonia); outlining the Code for Volunteering and Volunteer Involvement and its dissemination; researching volunteering in Estonia; and creating and promoting "Volunteer Pass" – a document describing skills and experiences gained through volunteering.
- Promotion: Gathering volunteering case studies (stories from volunteers and organisations, local governments and enterprises); promotion in media; Information and promotion campaign.
- Facilitation/Support: Organizing volunteer management trainings and development and maintenance of the internet portal "Volunteer Gate."
- Networking: Organizing Third Volunteering Forum in Estonia (a conference); stakeholder networking at the national level (roundtables) and participating in international events (European Volunteer Center membership and participation in CEV General Assemblies twice a year).⁶⁷

Although the *Plan* outlines the need for the amendment of laws to improve the overall legal environment for volunteering, no activities have been specifically included to achieve this goal. Nevertheless, a study is now being conducted to review other systems to support the development of volunteering and to create a better framework for volunteering.

The Estonian case of developing a policy for the promotion of volunteering emphasises the importance of conducting an analysis of local needs before undertaking specific actions. The development of a policy plan before undertaking legislative reform also ensured that broader needs of volunteers and their organizations are addressed and the focus is not narrowed to legal framework issues only. The inclusion of a definition of volunteering in the *Plan* also supports a uniform understanding of what is considered

volunteering, and together with the overview of the situation and trends it provides the base for implementation of subsequent actions in different sub-areas outlined in the Plan. The Government commitment and funding, the concerted efforts of CSOs, and the cross-sector cooperation and focus given to the process, as well as the adoption of an Implementation Plan strengthened the opportunities and chances that the undertakings and goals of the Development Plan are not mere declarations but a serious commitment to be enforced.

3. Republic of Macedonia

Like Estonia, the Republic of Macedonia is a small Balkan country which became independent in 1991. As part of national legal reform, the *Law on Citizens' Associations and Foundations* (1998) was adopted to address the civil society sector. The number of registered organizations is roughly 6,000; however, not all of them are active. Although volunteering is not very developed, CSOs increasingly rely on volunteers.

The Macedonian *Law on Volunteering* was adopted in July 2007. Prior to its adoption, the legal system imposed several obstacles to volunteering and in some instances reflected a misunderstanding of the concept. For example, reimbursement of expenses incurred by volunteers was subject to taxation, the lack of volunteer status led to misapplication and misunderstanding of the concept, and the status of foreign volunteers was not regulated. The law remedied these problems. The activities that preceded the adoption of the law, the process of adoption, and the law's provisions all provide a worthy example that should be shared with other countries.

The initiative for reforming the legal framework for volunteering dates from around 2003. Various initiatives emerged which aimed to address the need for action to promote the development of volunteering. A notable one was led by a group of NGOs that drafted a *Plan for Development of Volunteering in Macedonia* – an analysis of the domestic situation which outlined a plan for action.⁶⁸ The Plan also included a chapter on the challenges of the legal framework and recommendations for changes.⁶⁹ The Plan was submitted to the Government, which incorporated it in its action plan and documents related to candidacy for EU membership. The Plan proposed drafting of a *National Strategy for Development of Volunteering* and a *Law on Volunteering*. Several CSO roundtable discussions were held in order to identify further needs and recommendations from the sector as to possible action in this field.

The process of developing the Law was an example of a democratic drafting process. The Ministry of Labor and Social Affairs (MoLSA) was tasked to draft the text and for this purpose it set up a cross-sector working group composed of different ministry representatives, CSOs, and international experts (who all shared comparative information, experiences and comments). Since the law aimed to address several other areas that would require amendment of existing laws (i.e., tax laws and the law on foreigners), the leader of the working group also held individual discussions with different ministries to explain the draft

⁶⁸ Plan for Development of Volunteering in Macedonia (2005) by E.D.Izhev Sv.Nikole, S.O.S. Kumanovo, MKC Bitola, ORT Skopje, Arka Kumanovo, Mutlikultura Tetovo.

⁶⁹ This chapter of the plan was developed by the International Center for Not-for-Profit Law (ICNL) in collaboration with local partners. See Analysis of the Macedonian Legal Framework for Volunteerism (2003-2004), www.icnl.org

law and provisions that related to each ministry's respective field. This strengthened their commitment to follow up with the needed reform of those laws and ensured implementation of the Law. Parallel to this effort, CSO representatives on the working group consulted with a wider group of CSOs and volunteers through roundtable discussions, e-lists, and email. Meetings with members of Parliament and journalists were held to explain the draft and the key issues it aimed to address.

The law regulates organized volunteering, i.e., volunteer activities that take place between a volunteer and a host organization. The law states explicitly that it does not aim to limit other types of volunteering (such as informal, occasional, etc). It defines a volunteer as a natural person who provides services, skills, or knowledge for the benefit of other people, bodies, organizations and institutions on a voluntary basis without financial or other personal gain. The principle of free will embodied in this definition distinguishes volunteering from unpaid mandatory services such as military or apprenticeship. In fact, the law clearly states "the term volunteering... does not mean performing volunteering experience, according to the Law on Labor Relations." Further, the law provides explicitly that it is illegal for a host to conclude a volunteering contract in order to evade entering into an employment contract and prescribes a fine if this provision is violated – thus aiming to distinguish between volunteering and employment service while preventing misuse of volunteers.

Minors can volunteer with the written consent of their parents or guardians and they are protected under the provisions of the *Labor Law*. Foreigners can volunteer in Macedonia upon receiving consent from the Ministry of Labor and Social Politics, under a procedure prescribed in an implementation regulation.

The law recognizes various entities as "host organizations," including associations and foundations, religious communities or groups, public institutions, and state entities. The law provides that the organizer should determine the need to engage volunteers, the types of services, and the manner and procedures for providing the services in a program for volunteering.

A volunteer who works more than 40 hours per month, or is a foreigner, is required to have a written volunteering contract. The law only prescribes general provisions that should be included in the contract and it specifies the conditions when it can be terminated.

The law provides in detail the rights and protections of volunteers, including the rights to: a written description of the work to be performed (so the volunteer is informed about it in advance even if there is no contract signed); be trained if needed in order to provide the requested services; protection and privacy of personal information; daily rest; leave of absence if justified; and compensation for agreed upon expenses related to the volunteer service, including a food allowance, transportation expenses, expenses for official travel, and training. Volunteers also have responsibilities, including the obligation to inform the host of illnesses or other obstacles to providing service, to participate in training, to keep information confidential, and to inform the host of any harmful consequences that he or she knows about and that may be damaging.

The Law exempts from personal income tax the expenses related to volunteering which have been agreed in advance (and should be stipulated in a contract if one is concluded). Foreign volunteers are in

addition entitled to expenses for their stays, including health insurance and travel expenses for their return trips. Importantly, the law also provides that by entering into a volunteer contract, an unemployed volunteer does not lose unemployment benefits.

The Law also prescribes obligations for the host organizations, e.g., they must provide conditions for volunteer work that are in accordance with the law and with any contract for the volunteer service, provide material and assets for the volunteer work, and provide workplace accident insurance, if so agreed. If it is so agreed, the host must also provide insurance from professional diseases and injury at work during the volunteering, according to the provisions for pension and invalidity insurance and the provisions for health insurance.

The host must keep a record of all volunteers and must also issue to the volunteer a volunteer booklet that contains information about the type and duration of the volunteering and the type of training that the volunteer undertook during the volunteering period. The *Guide to the Law* explains that the Law does not have provisions determining that the volunteering experience has to be considered as working experience but it leaves it to each employer to assess whether and to what extent he or she will take into consideration the volunteering experience as a factor in the employment process. The volunteer booklet aims to facilitate this process.

Finally, the law regulates issues of liability. Thus, volunteers who purposely or negligently cause damage to the host during service are liable to compensate the host under the *Law on Obligatory Relations*; volunteers can also be held liable for the harm they cause to third parties. Hosts in turn are liable for damages to volunteers. The law also contains misdemeanor provisions (e.g., if the organizer does not fulfill its obligations towards the volunteer stipulated in the law, if it does not inform the Ministry about the commencement of volunteering of a foreigner, does not compensate the damage to the volunteer etc.) and if not respected, the organizer or the volunteer have to pay the prescribed fine.

The responsible body for implementation of the law is the Ministry of Labor and Social Affairs.

Upon adoption of the Law the Ministry developed three regulations: one on foreign volunteers, one on record keeping, and a volunteer booklet to ensure that key provisions of the law are implemented. These were also discussed with CSOs. Finally, in order to support implementation a *Guide to the Application on the Law on Volunteering* was developed and published. The Guide provides explanation of the provisions of the volunteer law and was developed based on questions submitted by CSOs that had already been raised during the implementation of the law.

The issues that volunteers and CSOs in Macedonia were facing prior to the adoption of the law are not uncommon for other countries of Eastern Europe and in countries where the level of volunteering is not high. The concept of volunteering is not traditionally developed and laws do not offer enough protection. Macedonians used the experiences of other countries in drafting and implementing similar laws, they relied on a consultative process with different stakeholders, and as a result they have developed a law that responds to the needs but does not overburden volunteering through an unnecessary level of regulation. It is because of this that the law can serve as a model and example to other countries undertaking similar efforts.

F. Latin America and the Caribbean

1. Argentine Republic (Buenos Aires)

Organized volunteerism has a long history in Argentina and Buenos Aires. Volunteerism was first shaped by Argentina's religious institutions and, more recently, by critical political and economic events. As in many countries, the 1960s saw strong civil society development in Argentina, but the trend was abruptly cut short by a military coup in 1976. The Buenos Aires Government's recent initiatives to strengthen civil society are in large part a reaction to the violent repression of the military dictatorship, which lasted through late 1983.

The Government's focus on volunteerism is also a product of the surge in collective community action and volunteerism that marked the 1998-2002 period, when Argentines endured a profound economic crisis. Prompted by that crisis, the Argentine Congress passed a National Law on Social Volunteerism in 2004. Although no regulations were ever issued to implement that law, volunteerism in the country remains strong.

By the time the Buenos Aires City Government began deliberations in 2007 on a law to promote social volunteerism, it had a wealth of experience to draw on. National, provincial, and local governments began working with civil society organizations (CSOs) as early as 1999 to craft policies to promote volunteerism and the national volunteerism law. The City Government created the General Directorate for the Promotion of Volunteerism and Civil Society. This Directorate's early programs to promote volunteerism were substantial, even without a law.

The legislature of the Autonomous City of Buenos Aires passed *Law No. 2579 on Social Volunteerism* on December 6, 2007, with an effective date of January 2008. The timeline called for implementing regulations to be issued by March, but the Government had still not produced regulations more than six months later.

This municipal law largely mirrors the national law, with a small number of key innovations that are largely designed to favor the CSOs that host volunteers (e.g., the Buenos Aires law does not provide volunteers the right to be insured against the risks of accident or illness arising from voluntary activities, and it obliges volunteers to give CSOs notice of their intent to cease volunteer activities). It also requires host organizations to possess sufficient resources to reimburse volunteers for the expenses they incur in carrying out volunteer work, but only if agreed upon in advance. In addition, the law includes a number of formal registration, reporting, and recordkeeping requirements for host organizations. However, unlike the national law, *Law No. 2579* includes sanctions for fraudulently using volunteering to evade labor laws.

As stated above, no implementing regulations have been issued for either the 2004 *National Law on Social Volunteerism* or Buenos Aires' *Law No. 2579*. This is a point of frustration for both CSOs and the Directorate. Notwithstanding the lack of implementing regulations, the Directorate carries out the mission carved out for it in *Law No. 2579* through a variety of activities, including operation of a Center for Volunteerism, which trains, certifies, accompanies, and places volunteers with CSOs. It also offers

legal support to CSOs on a published regular schedule for obtaining legal status, preparing to comply with the social volunteerism law, and options for public and private financing.

Despite failing to implement regulations for this innovative law on social volunteerism, the Buenos Aires City Government devoted considerable resources to promoting volunteerism long before the law was passed. The City Government is complying with many of its responsibilities under *Law No. 2579*, and supporting CSOs and volunteers so that they may meet their own requirements under that law. If the Buenos Aires Government can work with CSOs to soften the recordkeeping requirements of *Law No. 2579*, it is possible that the City may be able to implement the Law, and thus strengthen local programs on social volunteerism.

2. Republic of Bolivia

Bolivia is one of the least developed countries in South America. Almost two-thirds of its people, many of whom are subsistence farmers, live in poverty. Historically, living conditions of many native peoples, who constitute most of the population, have been characterized by great hardship. The election of President Evo Morales in 2005, opened up possibilities for the Constitution to provide more power for the indigenous majority.

Bolivians have a strong tradition of volunteer service, grounded in Andean indigenous customs of community work teams and the practices of the Catholic Church. When Bolivia's *Law on Volunteerism* was passed in Congress in 2005, the scene was a huge celebration. Volunteers and even Government Ministers were shedding tears of joy.

The circumstances surrounding the development of *Law No. 3314* and the key actors involved are reflected in the law's focus on first responders and youth. In addition to many "standard" provisions seen in other laws on social volunteerism, *Law No. 3314* provides significant, detailed financial and material support for fire and rescue volunteer activities, plus employer and university credit for workers and students who respond to emergencies.

Voluntary action is grounded in five principles: solidarity, liberty, non-compensation, respect, and autonomy (Article 2). The Law features a list of 14 volunteer rights, several entailing potentially significant costs for host organizations and national and local governments. It also creates a National Volunteerism Council (CONAVOL) with a number of administrative, promotional, communications, and policy functions. CONAVOL is responsible for implementing a National System of Information and Communication, which will maintain data related to volunteerism, including a unique National Registry of Volunteerism (Article 10). CONAVOL is also charged with entering into agreements with foreign organizations, facilitating visas, and providing fellowships to promote foreign volunteers' work in Bolivia, as well as volunteerism abroad by Bolivians (Articles 8(c); 8(d); 11(II)).

Soon after *Law No. 3314* was passed, elections cost the volunteerism movement several of its champions. In addition, a new president was elected, and his administration eliminated the Ministry that had taken the lead on volunteerism. Notwithstanding the lack of implementation of the Law and the change of government priorities, a group of volunteers continues to meet and travel across the

country promoting volunteerism as an ad hoc CONAVOL. For volunteers in Bolivia, the main accomplishment of the campaign has been increased visibility and legitimacy for volunteers.

Bolivia's *Law on Volunteerism* is a well-researched, consensus-based reflection of the experiences and the desires of the country's volunteers and host organizations. It remains unclear whether a future Bolivian Government will dedicate the resources necessary to implement such an ambitious law. The ad hoc CONAVOL's strategy of reflection, institutionalization, outreach to Government officials, socialization of the law, and pursuit of funding from multiple sources may represent the most realistic path to successful implementation of volunteerism reforms.

3. Republic of Nicaragua

Nicaragua has a long tradition of volunteerism, dominated at first by the Catholic Church, and later influenced in the mid 1900s by the arrival of international CSOs such as the Red Cross, the Scouts, the Lions and Rotary Clubs. The activities surrounding the UN's International Year of Volunteers in 2001 prompted representatives of the Nicaraguan government and CSOs to work together to promote volunteerism. With significant support from the UNV, in 2003 about 10 volunteer organizations joined the government's Youth Secretariat (SEJUVE) to form the Nicaraguan Volunteerism Initiative Group (Initiative Group), with a mission to develop a volunteerism law and programs. With this heavy participation of SEJUVE, universities, and scouts, along with the Red Cross and firefighters, the Initiative Group's focus on the concerns of youth groups and emergency responders in drafting a law on social volunteerism is not surprising. In fact, the draft law was presented as one element of a larger legislative package to promote youth development.

The Initiative Group consulted with organizations in five Nicaraguan departments and one autonomous region to identify common problems related to volunteerism, causes, consequences, and possible solutions. The Initiative Group submitted a draft *Law on Social Volunteerism* to the National Assembly in May 2004. They held public meetings and made presentations to virtually all political parties represented in the legislature. After over a year, and finally with the support of two legislators in the Assembly, the *Law on Social Volunteerism* (Law No. 543) was passed on June 22, 2005.

Law No. 543 on Social Volunteerism promotes volunteerism for the development of Nicaragua by setting forth protections for volunteers and sponsoring organizations, a formal structure for State-CSO collaboration to develop policies on volunteerism, and a commitment of State funds to implement the Law. The *Law* features protections for workers, volunteers, sponsoring organizations and their beneficiaries. Private and public organizations are forbidden from using volunteers as a substitute for formal employees or to escape obligations to their workers.

The *Law* includes a number of measures designed to raise the profile of volunteerism and recognize individual volunteers. The relationship between the volunteer and the sponsoring organization must be formalized in a written agreement, signed by the volunteer, or his or her parent or teacher in the case of children and adolescents (Article 12). The Law also establishes programmatic and budgetary responsibilities for the State to promote social volunteerism (Article 15). Sponsoring organizations must provide each individual volunteer with a certification specifying the dates, duration, and nature of the volunteer's contributions (Article 16).

In addition, the Law created the Volunteerism National Commission (Article 25), created the Volunteerism National Registry, and recognizes the Volunteerism National Network as participative, democratic, and representative of volunteering-involving organizations (Article 17).

Unfortunately, the Nicaraguan Government has not issued regulations to implement the Law; it has not created the Commission; and it has not budgeted public funds to support social volunteerism. SEJUVE, the agency devoted to youth that led the State's involvement in drafting the Law, was eliminated in a reorganization of government following the most recent presidential election. However, in an optimistic move, SEJUVE is currently operating again under a different name – INJUVE (Youth Institute).

By some measures, the current situation of social volunteerism in Nicaragua is strong. The 2005 Law on Social Volunteerism is innovative legislation drafted to respond to the needs of volunteers and the CSOs that rely on them. While a small group of Nicaraguan CSOs continues to fight for implementation years later, it is clear that the Law has not yet legally transformed volunteerism in the country. SEJUVE represented the Government in developing and advocating for the Law; if any other government ministry played a substantive role, it is not mentioned in the available literature. Perhaps if SEJUVE or the Initiative Group had convened other agencies to share responsibility for representing the Government in developing the Law, there might have been a greater likelihood of continuity on volunteerism from one administration to the next.

G. The Pacific

1. New Zealand

The word “volunteer” is not defined in most New Zealand legislation, but is generally used to mean a person who chooses to work for the good of the community or some public benefit, and who is not paid or otherwise rewarded for this work and does not expect to be.

New Zealand has special significance in terms of its contribution to the understanding of customary forms of volunteering in the Pacific. The Office for the Community and Voluntary sector produced a report in 2007 on Maori perspectives of volunteering, *Mahi Tahi – Maori perspectives on Volunteering and Cultural Obligation*, 2007, which sets out an alternative paradigm in which volunteering is viewed as “cultural obligation.”

The Prime Minister of New Zealand and the Minister responsible for the Community and Voluntary Sector jointly signed a “*Statement of Government Intentions for an Improved Community-Government Relationship*” in December 2001. This set the scene for the “*Government Policy on Volunteering*” which was endorsed by Cabinet in 2002 together with a government volunteering work program. The vision in this policy aimed for a society with a high level of volunteering through several Government commitments, including supporting initiatives to increase understanding of, and disseminate information about, volunteering as well as reducing barriers associated with volunteering in legislation, policy and practice.

Several Government agencies have taken a role in promoting volunteerism. The Office for the Community and Voluntary Sector (OCVS) was formed in 2003 and part of its role is to maintain an

overview of the Volunteering Policy and associated work program. The Ministry of Youth Development is working to strengthen the youth work sector by supporting training and development of the workforce, of which 80–90% are volunteers.

A key area of Government interest in volunteering is emergency services such as civil defense and the rural volunteer fire brigades. The Ministry of Civil Defense and Emergency Management is especially concerned with the care of volunteers in all emergency events and anything that may harm them in their volunteering role. Currently they are working with the Ministry of Health on how volunteers (and the community) should participate in emergency events such as a pandemic.

In order to actively inform volunteers and community organizations of their rights and responsibilities in regard to accident compensation coverage the Government Accident Compensation Corporation (ACC) has published *Volunteer Workers: Your Guide to ACC Cover*, which details how the ACC scheme relates to volunteers. To ensure that volunteers have appropriate protection under law, in 2003, the Health and Safety in Employment Act was extended to include many volunteers.

In July 2004, an OCVS issues paper on liability and risk issues for community and voluntary organizations led to collaboration with the New Zealand Federation of Voluntary Welfare Organisations to produce *Keeping it Legal*, a resource kit to help community and voluntary organizations manage their legal risks and responsibilities. This has become a major source of information for community organizations on legal issues including those affecting volunteers.

The issues paper also identified that community and voluntary organizations wanted information and training on risk management more generally. The *CommunityNet Aotearoa* website includes a how-to guide on risk management, with links to overseas information, as well as other New Zealand resources that are available on the web.

Another welfare benefit issue that has been addressed concerns overseas volunteers. In 2005, the Inland Revenue Department amended the Student Loan Scheme, to enable student loan borrowers volunteering or working for token payment overseas in 'named' charitable organizations to be eligible for the interest free policy for up to two years.

The Department of Internal Affairs administers the Support for Volunteering Fund (SVF), which provides \$402,000 annually to volunteer centers, Volunteering New Zealand, and initiatives for ethnic communities. Volunteering New Zealand was established in 2001 through the SVF. As well as supporting VNZ and the volunteer centers the fund has targeted Maori, Pacific, ethnic and other community groups involved in promoting and supporting volunteering in their communities.

Although VNZ has considered developing national standards in volunteer management, this has not happened. There has not been a strong request from the voluntary sector for standards, and it is not considered to be a priority due to the resources and time needed to develop such standards. Furthermore, some people question whether it is appropriate for such standards to be developed and VNZ believes that education and training initiatives will produce better outcomes.

2. Independent State of Samoa

The concept of volunteerism in a western sense is non-existent in traditional societies of some, if not all, Pacific Island countries, including Samoa. No laws or legislation specifically directed at volunteers have been identified. However the issue of volunteering is of growing concern within the Government. In discussion with the Minister for Social Development and Women's Affairs in Apia in April 2008, the Minister said, "volunteering has become a business," and the role of customary activity in the villages is increasingly being overlooked by the professionalization of "volunteering" by volunteers from overseas who come through organized programs.

In general, it is unknown in customary Solomon Island practice for one's freewill, choice, help, labor and sweat to be dedicated, devoted or spent for the betterment or benefit of a *stranger*, let alone in the cause of what would be known today as *for the public good*. However, there is some overlap between volunteering as a form of giving service to the communities and political activity, in that village councils are concerned with the "governance" of their local area as well as with providing services.

The growth of modern day volunteerism can be traced back to the introduction of Christianity into the Pacific Islands in the last millennia. Volunteerism can be said to have become gradually established in the Islands and will become a fundamental tool for social activism, thus civic engagement in nation building and community development, in the Pacific. It will similarly be a tool for mobilizing youth for productive purposes whilst simultaneously reducing unemployment and an effective national volunteerism policy could produce domino effects that leading to a reduction in crime.

While the basic freedoms entrenched in Samoa's Constitution safeguard the free will and choice of individuals to engage in volunteerism, there is an absence of special legislation that further governs the technical aspects of the exercise of such free will and choice. In Samoa, as elsewhere in the Pacific, international volunteer organizations such as the Peace Corps operate under individual Memorandums of Understanding with the Government rather than within specific legislation. It is thus valid to describe the law in this jurisdiction as failing to accommodate the current trend of social activism and civic engagement occurring within the country.

There is a widely accepted distinction between informal and formal volunteering. A key feature of the latter is entering into contracts or at least some written agreement between the organizer or host and the volunteer. Unfortunately, there is no legislation to regulate the contents or standard terms of such contracts. In this regard, it is pertinent to note that while such volunteering contracts are implemented, they are often regulated or governed by the laws of the country of origin of the organizer, such as Australia in the case of Australian Volunteers Program, which is implemented in Samoa.

The position relating to compensation for accidents or work-related injury is uncertain. This is attributed primarily to the fact that existing legislation, both accident-related and insurance, is ambiguous. The relevant legislation that could have addressed the matter is the *Accident Compensation Act 1989* of Samoa. Its respective definition of a *workman* avoids the use of words that may signify or attest to elements of volunteerism in the strict sense of the term. However, when voluntary service is given

pursuant to a contract of service between a volunteer and host, then, by implication there is room for extrapolation of the definition to cover such a situation.

The non-existence of relevant legislation impinges on the many issues inherent in all sectors of volunteerism. Important to these are the rights of volunteers and hosts respectively. In Samoa, obligations are more or less assumed by hosts towards volunteers as a matter of moral responsibility and not otherwise. But in any event, whatever rights and obligations agreed by the parties are often incorporated into contracts when such are made. Consequently, issues not prescribed in such contracts will be guided chiefly by the principles of common law and equity.

There is an absence of special treatment for volunteers within tax legislation in Samoa, via the *Income Tax Act 1974*. Volunteers engaged by such organizations do not stand to enjoy any tax benefit, as such exemption does not trickle down to persons working for them. Note however that formal voluntary services such as the Peace Corps do enjoy tax benefits pursuant to agreements concluded on a government-to-government basis.

The last outstanding issue present due to a lack of legislation is the question of whether international volunteers can enter and reside in Samoa without a work permit? The *Immigration Act of 2004* does not have any provision stating that one does not need to obtain a permit. Therefore, based on this, it seems that in order to enter, re-enter, and work in Samoa, one is required to get a Permanent Resident Permit. However, in practice, a Temporary Resident Permit for employment is issued to international volunteers to allow free entry and re-entry into Samoa during the prescribed period. In terms of employment and labor, Samoa is fairly progressive, making a direct reference to ‘employment of a non-citizen on a voluntary basis’ in the *Labour and Employment Act of 1999*. This provides a glimmer of hope for volunteers within Samoa, and for those advocating for better legislation to regulate the issue.

3. Solomon Islands

No laws or legislation specifically directed at volunteers have been identified in the Solomon Islands. The only national initiative on volunteerism, which was undertaken several years ago, was the UNDP-driven Rural Development Volunteers Association. Despite the resources invested in this initiative, the Association is now defunct.

As in other Pacific Island countries, it is generally rare for any individual’s freewill, choice, help, labor and sweat to be dedicated, devoted or spent for the betterment or benefit of a stranger, let alone in the cause of what would be known today as for the public good. However, there is some overlap between volunteering and political activity, in that village councils are concerned with the “governance” of their local area as well as with providing services.

A sector-wide Memorandum of Understanding was developed in May 2008 between the Solomon Island Government and Civil Society Organizations, which has led to a Taskforce being set up to review the laws and legislation affecting civil society organizations (CSOs). It is hoped that implementation of the Memorandum will result in legislation already covering the registration and operation of CSOs in the Solomon Islands. The major legislation covering CSOs, the Charitable Trusts Act, is considered to be inadequate and inappropriate for village level groups.

Although legislation covering volunteering is not currently listed in the terms of reference, it may be included by the Taskforce during its review. The Ministry of Home Affairs and the Ministry of Women, Sports and Youth Development are both considering whether this should be included as part of the work-plan.

Concern has been expressed by Solomon Islanders that international volunteer allowances can be higher than a local wage and this brings into question the comparative reality of “volunteering.” For rural Solomon Islanders the concept of volunteering is difficult to understand. You cannot be a “volunteer” if you do not have paid employment and some spare time outside of that employment in which you can “volunteer.” In customary society (around 80% of the population live in rural areas with active participation in the subsistence economy) all time is taken up with family and village activities. Although some of this may be considered by outsiders to be “volunteering” it is not seen as such by participants.

There is a widely accepted distinction between informal and formal volunteering. A key feature of the latter is entering into contracts or at least some written agreement between the organizer or host and the volunteer. Unfortunately, there is no legislation to regulate the contents or standard terms of such contracts. The irony is that while such volunteering contracts are implemented, they are often regulated or governed by the laws of the country of origin of the organizer, such as Australia in the case of the Australian Volunteers International Program, which is currently running in the Solomon Islands. The popularity of informal volunteering in the Solomon Islands is attributed to the economy and development status of the country.

The position relating to compensation for accidents or work-related injury is uncertain. This is attributed primarily to the fact that existing legislation, both accident-related and insurance, is ambiguous. The relevant legislation that could have addressed the matter is the Workmen’s Compensation Act of 1952. Its respective definition of a workman avoids the use of words that may signify or attest to elements of volunteerism in the strict sense of the term. However, when voluntary service is given pursuant to a contract of service between a volunteer and host, then, by implication there is room for extrapolation of the definition to cover such a situation.

The non-existence of relevant legislation impinges on the many issues inherent in all sectors of volunteerism. Important to these are the rights of volunteers and hosts respectively. In the Solomon Islands, obligations are more or less assumed by hosts towards volunteers as a matter of moral responsibility and not otherwise. But in any event, whatever rights and obligations agreed by the parties are often incorporated into contracts when such are made. Consequently, issues not prescribed in such contracts will be guided chiefly by the principles of common law and equity.

There is an absence of special treatment for volunteers within tax legislation in the Solomon Islands, via *the Income Tax Act of 1965*. Volunteers engaged by such organizations do not stand to enjoy any tax benefits, as such exemption does not trickle down to persons working for them. Note however that formal voluntary services such as the Peace Corps do enjoy tax benefits pursuant to agreements concluded on a government-to-government basis.

The last outstanding issue present due to a lack of legislation is the question of whether international volunteers can enter and reside in the Solomon Islands without a work permit. *The Immigration Act of 1978*, while prescribing categories of persons exempted from the permit requirements of the Act, does not include international volunteers. However, *the Immigration Act* does note that volunteers may enter, reside, and work in the Solomon Islands without having obtained a permit.

In terms of employment and labor, *the Solomon Islands Labour Act of 1960* is silent on voluntary work and volunteerism in general. International volunteers are subject to the same regime applicable to paid workers of foreign nationality. It can therefore be concluded that an international volunteer who is not exempt under any bilateral agreement to which the Solomon Islands Government is party will need a work permit.

Appendix B: Resource Group

ICNL and ECNL relied upon the following individuals for assistance in compiling this report. Persons who are key experts with specialization in the laws and policies relating to volunteers are marked with an asterisk. For them, contact information has been provided.

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
Africa	Helène	Agnelli	BURKINA FASO		Coordinator of the National Volunteer Program Burkina Faso
	William	Amadeu	BURKINA FASO		UNV Program Coordinator for Burkina Faso
	Ruby	Banez	TANZANIA		UNV Tanzania Program Officer; expertise in developing African volunteerism initiatives
	Obert	Chinhamo	NAMIBIA		UNV Namibia Program Officer; expert in Sub-Saharan volunteerism issues
	Siaka	Coulibaly	BURKINA FASO		Executive Secretary, Network for Civil Society Development (RESOCIDE)
	Phyllis	Craun-Selka	TANZANIA		Development consultant; expert in developing the policy framework for volunteering and in the management of volunteer groups.
	Bernadette	Hein	BURKINA FASO		Sociologist, Head of the Desk Perspectives Studies and Social Affairs at the National Development Service
	Benedict	Iheme	NIGERIA		Attorney and development consultant; expertise in developing the policy and legal framework for volunteering.
	Frederic	Kabore	BURKINA FASO		General Director for Strategies and Programs of Employment at the Ministry of Youth and Employment

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
Arab States	*Hoda	Chalak	LEBANON	hkchalak@hotmail.com	General Coordinator, Forum of Arab Civil Society Strategies. Very knowledgeable about promoting volunteerism through government / CSO partnerships in the Arab world.
	*Kareem	Elbayar	International Center for Not-for-Profit Law, 1126 16 th Street NW, Suite 400, Washington, DC 20036	kelbayar@icnl.org	Co-author of this report; knowledgeable about international volunteerism practices and especially laws and regulations in Arab region.
	Marie	Ghantous	LEBANON		Very knowledgeable about promoting volunteerism through government / CSO partnerships in the Arab world.
	Mohammed	Kdouh	LEBANON		Head, Volunteerism Unit, Ministry of Social Affairs. Can assist with creation of similar units in other Arab government ministries.
	Yeran	Kejjjian	LEBANON		UNV Country Operations Assistant. Very knowledgeable about promoting volunteerism in the Arab world.
	*Andy	King	1875 K Street NW, 5 th Floor, Washington DC USA 20006	aking@pointsoflight.org	Senior Director, Nonprofit & Governance Engagement - HandsOn Network / Points of Light Institute. Helped create the <i>Takatof</i> program in the UAE; has substantial experience designing volunteerism laws and policies for the Arab world.
	Patricia	Nabti	LEBANON		President, Board of Directors, Association of Volunteer Services. Very knowledgeable on design of volunteerism curricula for schoolchildren.

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
	Amr	Osman	EGYPT		Director, National Program for Protecting Youth from Drugs, Volunteers Coordination Unit, National Council for Childhood and Motherhood (NCCM). Government official with substantial experience in volunteerism issues and creating political will for volunteerism in Arab governments.
	*Musa	Shteivi	JORDAN	mjcsr@go.com.jo	Director, Jordan Center for Social Research; Author of <i>Al Tatawae: Volunteering in the Arab World</i> . Scholar of volunteerism in the Arab context.
Asia	Joselito	de Vera	PHILLIPINES		Executive Director, Philippine National Volunteer Service Coordinating Agency (PNVSCA). Key policy implementer on volunteering in the Philippines.
	Yuanzhu	Ding	CHINA		Director, Research Center on Volunteering and Welfare. Nationally-known specialist on volunteering in China and active in Chinese volunteering policy discussions.
	Jin-Soo	Kim	REPUBLIC OF KOREA		Senior Manager, Civil Sector Cooperation Team, Ministry of Government and Home Administration. Government official working on volunteering law and policy.
	Jun	Liu	CHINA		Deputy Director, Research Center on Volunteering and Welfare. Specialist on volunteering in China.
	Kang-Hyun	Lee	REPUBLIC OF KOREA		Secretary General, Korea Council of Volunteering. Nationally-known specialist on volunteering in South Korea and active in Korean

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					volunteering policy discussions.
	Mark	Sidel	UNITED STATES		Professor of Law and Faculty Scholar, University of Iowa President, International Society for Third Sector Research
Commonwealth of Independent States	Veaceslav	Balan	MOLDOVA		Mobilization and Campaigns Coordinator, Amnesty International Moldova
	Galina	Bodrenkova	RUSSIA		Head of Russian Center for Volunteering Development. Nationally known specialist on volunteering in Russia; member of the parliament.
	Tetyana	Danyliv	UKRAINE		Head of Ukrainian Volunteering Center. In-depth knowledge of volunteers status, experience in advocacy for best practices and legal regulations of volunteerism.
	Antonita	Fonari	MOLDOVA		Co-drafter of the Moldovan Draft Law on Volunteering, knowledgeable about international practices of volunteerism.
	Robert	Khalikov	RUSSIA		Head of Center for Volunteering Development in Tatarstan. Expert in policies affecting volunteerism and management of volunteers practices.
	Eduard	Mihalas	MOLDOVA		Head of the Coalition for promotion of the law on volunteering and volunteering activities. Instrumental in creating political will for volunteerism promotion.
	Svetlana	Mikhaylova	RUSSIA		Lawyer, co-drafter of the regional Concept on social volunteering promotion in Saint Petersburg City in

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
					2008-2011.
	Sergiu	Ostaf	MOLDOVA		Co-drafter of the Moldovan Draft Law on Volunteering. Has substantial experience of designing volunteerism laws and policies.
	Mykola	Slusarevsky	UKRAINE		Co-drafter of the Ukrainian Draft Law on Volunteering Movement. Expert in developing legal framework for volunteering.
	Anna	Sorokovska	UKRAINE		Deputy Head of Chernivtsi Center for Social Partnership. Provides expertise and assistance in implementing regulations and policies concerning volunteerism.
	Vitaliy	Trufin	UKRAINE		Co-drafter of the Ukrainian Draft Law on Volunteering Movement. Substantial experience in policy making affecting volunteerism.
	Vera	Turcan	MOLDOVA		Head of the National Youth Council from Moldova, active promoter of the Draft Law on Volunteering and best practices of youth volunteerism.
	Alex	Vinnikov	UKRAINE		Independent researcher.
	Elena	Zakhrarova	RUSSIA		Co-drafter of the Moscow City Law on Cooperation between Moscow City Government Agencies and Non-Government Non-Commercial Organizations; specific expertise in advocacy.

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	Elena	Zharkova	RUSSIA		Head of Nizhniy Novgorod Volunteers Service. Active promoter of the draft law on volunteerism.
Europe	Mirjanka	Aleksevska			Head of Department, Ministry of Labor and Social Affairs. Expert in legal issues affecting volunteers in Macedonia. Key drafter of Macedonian volunteering law.
	Hanna	Asipovich	HUNGARY		Project Coordinator, European Center for Not-for-Profit Law (ECNL)
	*Nilda	Bullain	Apaczai Csere Janos u. 17, Budapest, HUNGARY 1052	nilda@ecnl.org.hu	Executive Director of European Center for Not-for-Profit Law. In-depth knowledge about volunteering policies and laws, with specific expertise from Europe. Provides expertise and assistance to governments and CSOs on drafting laws, policies and implementing regulations on volunteering. Extensive research and published articles on volunteerism.
	Klara	Czike	HUNGARY		Researcher and Board Member of Hungarian Volunteer Center. Understanding of legal issues affecting volunteers and extensive knowledge about the state of volunteers in Hungary.
	*Katerina	Hadzi-Miceva	Apaczai Csere Janos u. 17, Budapest, HUNGARY 1052	Katerina@ecnl.org.hu	Senior Legal Advisor, European Center for Not-for-Profit Law. In-depth knowledge about volunteering policies and laws, with specific expertise from Europe.

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
	Grzegorz	Makowski	POLAND		Senior Analyst, Project Manager Foundation Institute of Public Affairs. Expert in legal issues affecting volunteers in Poland and CEE and on cooperation with government in developing volunteering laws and policies.
	Tuulike	Mand	ESTONIA		Member of the Board, Volunteer Development Estonia. Expert in legal and policy issues affecting volunteers in Estonia, and cooperation with Government in developing volunteering laws and policies.
	Debra	Morris	CAYMAN ISLANDS		Assistant Director of Legal Studies, Cayman Islands Law School; UK volunteerism expert.
	*Luben	Panov	Dobruja No. 6, Sofia, BULGARIA, 1111	lubn@bcnl.org	Program Director, Bulgarian Center for Not-for-Profit Law. Expert in legal issues affecting volunteers, advising Bulgarian stakeholders in drafting law on volunteering.
	*Vanja	Skoric	Trg bana J. Jelacica 15/IV, Zagreb, CROATIA	vanja@gong.hr	Legal Advisor, GONG. In-depth knowledge about volunteering policies and laws, with specific expertise in Croatia and CEE. Specific expertise in drafting and advocating for adoption of volunteering laws.
	*Andras	Toth	Muzeum krt. 22-25, IV/17, Budapest, HUNGARY 1053		Executive Director, Hungarian Volunteer Center. Expert in legal issues affecting volunteers and state of volunteers in Hungary. Advises Hungarian stakeholders in drafting volunteering law and policy and has expertise in advocacy for adoption of volunteer laws.

<u>Region</u>	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Email</u>	<u>Notes</u>
Latin America and the Caribbean	*Sylvia	Cortez	Edificio Providencia, Av. Saavedra entre Plaza Satidum y Calle Ulloa No. 1791, Zona Miraflores, Piso 9o, Apartamento 9A, La Paz, BOLIVIA	sroxanacortez@yahoo.com	Former legislator who helped draft and introduced Law on Volunteerism; currently serves in leadership role of ad hoc National Council on Volunteerism.
	Estela	Grinbank	ARGENTINA		Official with Govt. of Buenos Aires program promoting volunteerism; has expertise in the national and local laws on volunteerism.
	Jocelyn	Nieva	International Center for Not-for-Profit Law, 1126 16 th Street NW Suite 400, Washington, DC 20036 USA	jnieva@icnl.org	Contributor to this report.
	*Carlos	Pernudis	Costado oeste Templo Mormon, Las Palmas, Managua, NICARAGUA	carlospernudis@dosgeneraciones.org	Recently completed an analysis of the legal framework for volunteerism in Nicaragua; works for CSO serving children and infants.
North America	*Shea	Catherine	International Center for Not-for-Profit Law, 1126 16 th Street NW Suite 400, Washington, DC 20036 USA	c Shea@icnl.org	Co-author of this report; knowledgeable about international volunteerism practices
The Pacific	Tim	Burns	NEW ZEALAND		Executive Director, Volunteering NZ
	David	Lidimani	SOLOMAN ISLANDS		University of South Pacific Law School graduate. ICNL legal associate who has drafted country papers on CSO legislation in several Pacific countries.

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					David drafted the MOU establishing relationships between the SI Government and civil society.
	Tasi	Malifa	SAMOA		Community lawyer with non-profit law firm in Samoa. Developing human rights program.
	David	Robinson	NEW ZEALAND		Civil society researcher and policy adviser. Manager of ICNL Pacific law reform program and member of CIVICUS Board

Appendix C: Research Template and Summary of Methodology

A. Methodological Approach / Scope of Research

ICNL and ECNL assembled a research team of experts on volunteerism to develop our Research Report and Guidance Note. Research commenced with a desk survey of volunteerism law and policy since 2001 in every region of the world (Africa, the Arab States, Asia, the CIS, Europe, Latin America and the Caribbean, and the Pacific) in order to identify trends within each region and across regions and to highlight individual countries within each region that made significant changes in laws, regulations, or policies governing volunteerism since 2001.

Three countries from each region were then selected for in-depth case studies based on a *Criteria for Selection of Country Case Studies* developed by ICNL and ECNL to identify laws, draft laws, initiatives and policies on volunteers put in place since 2001. The researchers sought to obtain information to the best extent possible from a range of stakeholders in the private, public, and civil society sectors.

Criteria for Selection of Country Case Studies:

1. Which countries in the region that since 2001 have adopted a new or amended policy, strategy, law or regulation at the national, regional, or local levels affecting volunteers or volunteerism, considering (1) national, regional, or local policies or strategies (2) laws governing volunteers and volunteering; (3) framework laws applying to associations, foundations, or other forms of CSOs or charitable (public benefit) organizations; (4) tax laws; (5) labor laws; (6) social welfare laws; (7) immigration laws, etc.
2. What were the purposes of the initiatives described in response to Question No. 1?
3. Of the initiatives identified in response to Question No. 1, which are the most innovative (e.g., in the processes for developing or carrying out laws, regulations, or policies as well as in the content of the law, regulation, or policy) and why?
4. Of the initiatives identified in response to Question No. 1, which have potential to serve as models for other countries in the region (because, e.g., of the influence of the country that developed the initiative, the significance of the initiative in solving a problem common to the region, etc.).
5. Of the initiatives identified in response to Question No. 1, which have yielded significant lessons about implementation of laws, regulations, or policies, including successes and challenges, and processes for carrying out implementation.
6. Have research reports, studies, analyses or other publications been issued regarding the country's policies, strategies, laws or regulations affecting volunteers and volunteering and their implementation? Have any of these yielded quantitative data reflecting, e.g., the level of volunteering, the impact of volunteering on the country's economy, etc.?

If no new policies, laws, regulations, or draft laws existed within a particular region, the research coordinators selected three countries for analysis based on (1) the degree to which the country's laws, regulations, or policies were typical of the region; and (2) the relative influence of a given country's laws,

regulations, and policies on other countries in the region. Finally, country specialists were contracted to support the research coordinators in countries where local support was needed to facilitate access to additional information. The case studies and overall regional reports were then distilled into this Research Report.

In designing our methodology, ICNL and ECNL drew on lessons learned from our institutional history of similar work researching and analyzing the laws governing volunteers, convening experts on the topic, and providing assistance and expertise to legal drafting efforts on volunteerism. Taking these issues into account, the research methodology was designed in a way to ensure that, at minimum, the following issues were considered:

- Goals and scope: what are the policy goals and objectives to be achieved; how is volunteering defined, what type of volunteering is the subject of the law or policy? What are the key benefits, incentives, rights and obligations, and protections that apply to volunteering?
- Mechanisms to promote and regulate volunteering: what are the existing policies and laws regarding volunteering and the development of volunteerism? Are there separate laws and policies specifically on volunteerism or has volunteerism been supported indirectly through revision of the constitution, tax code, labor code, immigration code, social welfare policies, etc.?
- Issues regulated: what issues are regulated? Consider the legal status of volunteerism; the definition and activities of volunteers; host organization issues; volunteering for minors and foreigners; contract requirements; and the rights, obligations, and incentives of volunteers.
- How much is regulated: do laws and policies attempt to regulate every detail of the volunteer engagement, or do they just set general standards and provisions which provide guidance? What are the practical experiences from implementation of different laws and policies considering the degree to which they regulate the volunteerism relationship?
- Effectiveness: have government officials addressed the core obstacles to volunteering in the country? Did a narrow scope limit impact? Is implementation supported by regulations? What are the perceptions of volunteers, CSOs, and other stakeholders of the law?
- Local context: what triggered the development of the law or policy; why were laws or policies enacted or abolished; was the process of drafting participatory; what issues were most hotly debated during the drafting process; and what are the key learning points of the process of development and implementation?

The complete criteria for selection of country case studies and analysis of that country's legal and regulatory environment for volunteerism is reprinted in the next section.

B. Research Template

Below, the Questionnaire developed by ICNL and ECNL for our research coordinators is reprinted in its entirety.

QUESTIONNAIRE FOR ANALYZING COUNTRY INITIATIVES

Please consider the following questions in analyzing a country's policies, strategies, laws, or regulations affecting volunteers and volunteering. The questions are intended to provide guidance; it is understood that not every question will be relevant in a particular country.

I. National, Regional, and Local Policies or Strategies Promoting Volunteerism

1. Has any government entity issued a policy or strategy document regarding volunteering? Please identify the government entity, and state whether it is a national, regional, or local entity. Please state briefly the nature of the policy or strategy.
2. How has the country's government sought to promote volunteering through the policy or strategy? How has the country's government sought to recognize volunteers through the policy or strategy?
3. What are the goals and objectives of the policy or strategy (e.g., to promote civic engagement, to reduce unemployment, etc.)?
4. What were the reasons for the adoption of the policy or strategy?
5. Was the process leading to adoption of the policy or strategy participatory, e.g., did it engage a wide range of stakeholders? Please briefly describe the process.
6. What government entity is responsible for administering the policy or strategy? Does the policy or strategy contemplate appointment or creation of a government entity to coordinate volunteering policy?
7. What have been the key achievements during implementation of the policy or strategy? What have been the most significant challenges?
8. How has the policy or strategy sought to promote coordination among government entities with respect to issues relating to volunteering?
9. How has the policy or strategy sought to promote coordination among Volunteer Involving Organizations (VIOs)?
10. Does the policy or strategy contemplate creation of national, regional, or local infrastructure to support volunteering? Please describe the infrastructure (and how has it worked so far?)
11. Does the policy or strategy contemplate any form of state financial support, either directly or indirectly, to promote volunteering (e.g., support for payroll giving systems, incentives for businesses to allow employees to volunteer, tax incentives, etc.)?
12. Does the policy or strategy contemplate development of research, analysis, models, best practices, etc. with respect to volunteering?
13. Does the policy or strategy contemplate dissemination of information on the benefits of volunteering?

14. Does the policy or strategy contemplate amendment of laws or regulations affecting volunteers? If so, what is the plan for development of draft legislation or regulations? For engaging public participation the development of draft legislation or regulations?
15. Does the policy or strategy address volunteering by particular segments of the population (e.g., youth, senior citizens, minority communities, disabled persons)?
16. To what extent does the policy or strategy address gender issues or gender sensitivity in efforts to promote volunteering?
17. To what extent does the policy or strategy enable volunteerism to achieve national development objectives or Millennium Development Goals?

II. Laws, Draft Laws, and Regulations Affecting Volunteers and Volunteerism

a. Goals and Scope

1. What laws or regulations affect volunteers and volunteering (e.g., a “Law on Volunteers,” constitution, tax laws, labor laws, social welfare laws, laws on movement of foreigners, immigration laws, non-profit/charitable organization laws and regulations)?
2. For each law or regulation that affects volunteers or volunteering,
 - a. What are the goals and objectives of the law or regulation, at least with respect to those provisions that affect volunteering?
 - b. What were the reasons for the adoption of the law or regulation?
 - c. Was the process leading to adoption of the law or regulation participatory, e.g., did it engage a wide range of stakeholders? Please briefly describe the process.
 - d. What other laws or regulations impacted on the law’s development?
3. To what extent do the laws or regulations affecting volunteers or volunteering
 - a. address gender and other social inclusion issues in efforts to promote volunteering, or
 - b. enable volunteerism to achieve national development objectives or Millennium Development Goals?

b. Definition of volunteer and volunteering

1. Do the laws provide a definition of “volunteer?” If yes, what is the definition?
2. How do the laws, regulations, or regulatory practices distinguish between volunteers and employees?
3. How do the laws, regulations, or regulatory practices distinguish between volunteering and mandatory service (such as military service or alternative civilian service)?
4. Are all types of volunteering regulated or affected by the law, or only certain types (e.g., long term volunteer arrangements, volunteering subject to a contract, volunteering for public interest activities)?
5. Can a minor or other person with limited legal capacity be a volunteer? If so, are there any limitations on the person’s ability to serve as a volunteer?
6. Does the law or regulation provide a definition of volunteer activities/services?

7. Is a volunteer prohibited from rendering particular types of services (e.g. Bulgarian lawyers are not allowed to offer pro bono services)?

c. Definition of host or organizer

1. Do the laws or regulations define who may host or organize volunteering (e.g., any type of government, business, or not-for-profit entity? Only government or not-for-profit entities? Only public benefit organizations)?

d. Contractual relations

1. How does the law regulate contractual relations between a volunteer and host?
2. What types of contracts are permissible between a volunteer and host? What types are required? Labor contract? Civil or commercial contract? Written or oral contract? Under what circumstances are contracts permitted? Required?
3. To what extent does the law provide for the terms of a contract between a volunteer and a host?

e. Compensation and reimbursement of expenses

1. Are volunteers permitted to receive any type of compensation? What are the consequences to the volunteer or the host if a volunteer is compensated?
2. May a host pay or reimburse expenses incurred by volunteers during service for, e.g., travel, meals, accommodation and use of personal equipment? What types of expenses can the host pay or reimburse? Is this reimbursement obligatory or upon agreement between the volunteer and the host?

f. Rights and obligations of volunteers and organizers

1. What rights does a volunteer have under the laws?
2. What obligations does a volunteer have under the laws?
3. What rights does a host have under the laws?
4. What obligations does a host have under the laws?
5. Is there a requirement for the organization to disclose to the volunteer the legal rights, risks, burdens, options, and benefits of the relationship, including those borne or provided by the organization? How is it defined?

g. Taxation

1. How is the contribution of volunteer services treated for tax purposes to the host? To the volunteer?
2. How is the volunteer's receipt of benefits from the host treated for tax purposes? How does this compare to the tax treatment of an employee's receipt of similar benefits?

3. How is the volunteer's receipt of reimbursement or payment of expenses relating to volunteer service from the host treated for tax purposes? How does this compare to the tax treatment of an employee's receipt of similar reimbursements?
4. What other tax rules apply to volunteers and hosts with respect to a volunteer's service?

h. Other benefits

1. Where private or public social security, insurance, pension, and health benefits exist, is a volunteer entitled to participate?
2. If the above-mentioned benefits are or can be provided, are they subject to taxation?
3. Where unemployment benefits exist, is a volunteer disqualified from receiving them on account of volunteer service (i.e., because he or she is "working")? Are there laws or regulations that specifically address the eligibility of volunteers for unemployment benefits?
4. What other benefits for volunteers, if any, does the law provide for?

i. Workplace safety

1. Where laws or regulations concerning work place safety or hygiene exist, is volunteers' work subject to them? How are volunteers' health and safety protected in the work environment?
2. What protections does the law provide for in cases where a volunteer engages in hazardous work?
3. Are volunteers entitled to any form of compensation, benefit, or insurance coverage in case of a work place accident in which he or she is injured? If so, please describe.

j. Liability

1. What is the liability of a host to a volunteer for intentional or negligent harms caused during the course of the volunteer's service?
2. What is the liability of a host to a third party for intentional or negligent harms caused by a volunteer during the course of a volunteer's service? For example, is the organization liable to an injured third party if it has failed to select or supervise a volunteer properly, provided unsafe circumstances for the volunteer to render services, or failed to exercise due care in retaining or supervising the volunteer?
3. What is the liability of a volunteer to a host or third party for intentional or negligent harms caused during the course of the volunteer's service?
4. To what extent is an organization bound by a contract purportedly made on its behalf by a volunteer with apparent authority to do so?
5. Can an organization purchase insurance to protect it against harm that might be caused to others by the acts of a volunteer or access an alternative means of managing risk? Or to cover injuries suffered by a volunteer while "on the job"? (e.g., does the organization have an "insurable interest" in someone who is not an employee?)

k. International Volunteers

1. Do the laws contain provisions to encourage volunteering by foreigners? By citizens in foreign countries?
2. Under what conditions may a foreign volunteer enter and remain in the country to provide volunteer service? What procedures must the foreign volunteer follow?
3. Under what circumstances may a national citizen undertake volunteer work in a foreign country (e.g., are there special subsidies or benefits for such volunteers)?

l. Penalties

1. Does the law prescribe any penalties in case of violation of provisions affecting volunteers?

m. Implementation

1. What are the practical experiences from implementation of the laws affecting volunteering?
2. Have the laws or regulations in practice reduced the core obstacles to volunteering in the country? Created new obstacles?
3. Who is responsible for implementation of the law?

n. Other specific provisions

1. What other issues does the law regulate which have not been mentioned above (e.g., does the law provide for development of codes or other documents, does it require a registration of volunteers, issuing of identity cards)?