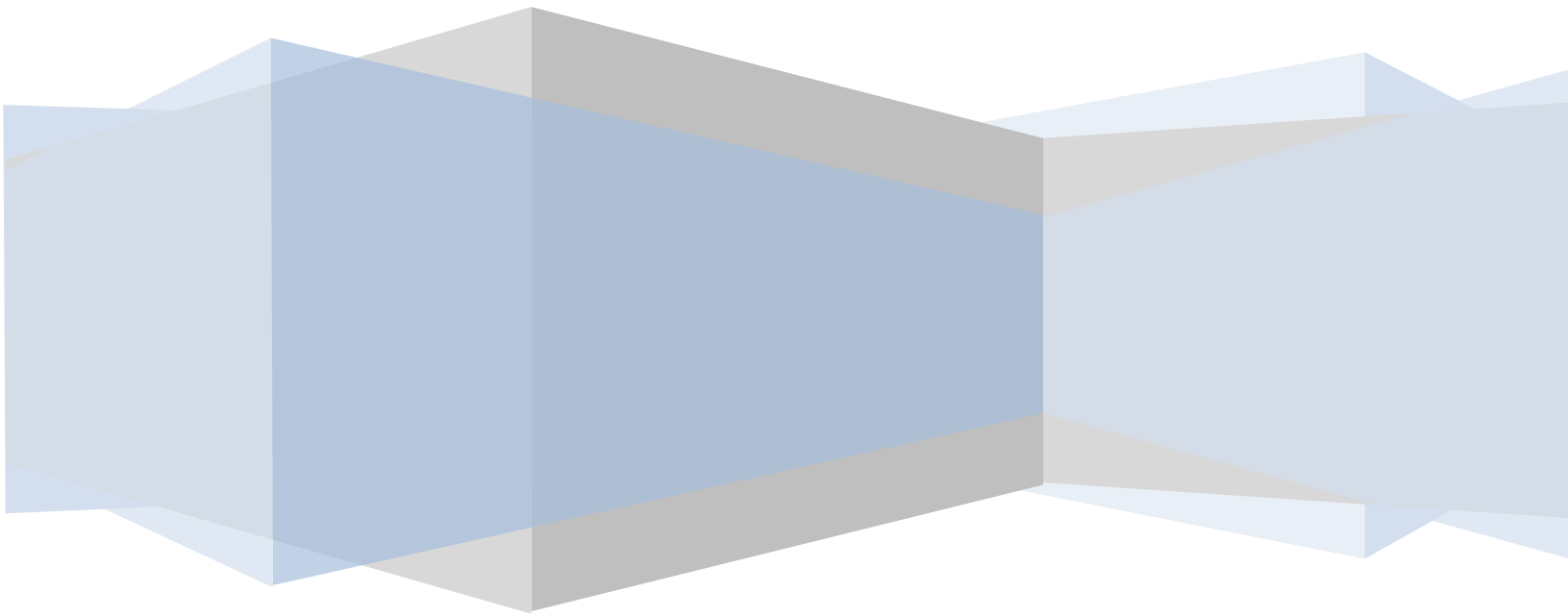
UN Volunteers
inspiration in action

Drafting and Implementing Volunteerism Laws and Policies

A Guidance Note



ACKNOWLEDGMENTS

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 UN 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.

This Guidance Note was developed for UNV through a joint effort of the International Center for Not-for-Profit Law and the European Center for Not-for-Profit Law.

The **International Center for Not-For-Profit Law (ICNL)** is an international not-for-profit organization that promotes an enabling legal environment for civil society, freedom of association, and public participation around the world. ICNL strives to create a world where civil society can freely develop in all its forms and participate in public decisions. In pursuit of that goal, ICNL's programs and research focus on promoting an enabling legal environment for civil society, volunteerism, and public participation worldwide. Our program areas include the legal framework for civil society, civil society sustainability, good governance and accountability, public-private partnerships, self-regulation, advocacy and public participation, and educational initiatives. ICNL has earned the trust and respect of civil society organizations, scholars, government officials, and the business community as a leader in effectively addressing not-for-profit law issues and challenges to civil society. For more specific details, including summaries of activities and finances, visit us online at http://www.icnl.org.

The **European Center for Not-for-Profit Law (ECNL)** is a regional public benefit organization based in Hungary which promotes the strengthening of a supportive policy and legal environment for civil society in Europe and beyond. ECNL shares alternative regulatory models, lessons learned, and experiences across borders; and provides comparative information to assist local partners in adapting or creating new solutions appropriate to their environments. ECNL provides leading expertise to initiatives regarding regulation of civil society, including association and foundation law, public financing, philanthropy, counter-terrorism, public participation and partnerships between the state and civil society. ECNL has supported the development and implementation of laws and policy documents concerning volunteering in several countries, and has researched the topic intensively in order to support local initiatives. For more information see http://www.ecnl.org.

Copyright © UNV, 2011

TABLE OF CONTENTS

Foreword 2

Preface 3

Introduction 4

I. Identifying the Goals of and Potential Challenges to Volunteerism Laws and Policies 7

Common Goals of Volunteerism Laws and Policies 7

Common Challenges to Achieving Volunteerism Goals 9

Identifying Relevant Goals and Challenges: Needs Assessment 12

II. Embracing a Participatory Process 14

III. Drafting and Advocacy 15

Law, Regulation, or Policy? 15

Regional, National, or Local? 16

The Drafting Process 17

Lobbying and Adoption of Laws and Policies 19

IV. Implementing Volunteerism Laws and Policies 20

V. Additional Considerations 21

The Importance of Laws Governing Civil Society Organizations 21

Situations in which Volunteerism Laws or Policies May Be Inappropriate 21

Conclusion 22

Appendix: Suggested Decision Tree 23

FOREWORD

International Federation
of Red Cross and Red Crescent Societies

This year marks the 10th anniversary of the International Year of Volunteers. Over the course of the last decade we have observed the growth and extraordinary value of volunteers in the humanitarian field. Greater awareness on the part of governments of the significant contributions made by volunteers has led to the establishment of new laws and new policies that effectively support volunteers in the many different contexts in which they operate.

Despite meaningful progress over the last decade, there remains much work to be done to ensure that volunteers are recognised, and more importantly receive better protection, in the course of their activities throughout the world. The Legislative Guidance Note of 2004, a joint initiative of the International Federation of Red Cross and Red Crescent Societies (IFRC), Inter-Parliamentary Union and United Nations Volunteers (UNV) was an important first step. I am delighted that our foundation document of 2004 has recently been developed into a more comprehensive Guidance Note for 2010.

The IFRC welcomes the work done by UNV to further the understanding of governments around the world of the vulnerabilities of volunteers, and of the enabling conditions they require. Acknowledgment of this critical role of volunteers and the creation of an enabling environment for volunteers to serve is vital. The legal framework is one of the factors that has an impact on volunteering – either positively or negatively. The Guidance Note for 2010 provides examples of new legislation or amendments to legislation, to better the environment for volunteering. Some of these examples include legislation clarifying the continuance of social welfare benefits for unemployed persons who volunteer, tax exemption in regard to expenses for volunteers, extension of health and safety laws to volunteers and other such positive initiatives. A practical approach is also adopted, with guidance on drafting laws and policies, as well as advocating for an appropriate framework for volunteers.

As part of the initiatives linked to this important ten year anniversary, the IFRC will increase awareness among national Red Cross and Red Crescent societies around the world regarding the legal issues related to volunteerism. This Guidance Note will form an integral part of the IFRC dissemination materials for 2011, providing our 186 National Societies with an invaluable tool in their continued advocacy for more enabling volunteering environments.

The various initiatives the IFRC plans to undertake in regard to volunteerism and legal issues will complement the work done in this excellent report, and will empower the Red Cross and Red Crescent to engage more effectively with their respective governments. We are proud to be associated with the UN in this important initiative and I believe that our collaboration with governments will grow even stronger as a result.

Bekele Geleta

Secretary General

International Federation of Red Cross and Red Crescent Societies

PREFACE

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

UNV commissioned a global research study on "Laws and Policies Affecting Volunteerism Since 2001" 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. This research study further analysed considerations in drafting and implementing volunteerism laws and policies and highlighted the need to tailor them to specific local, national and regional contexts. A practice-focused guidance note and the research study report are the products of the research.

We were especially interested to see that more than 70 laws or policies on volunteerism have been adopted in the decade since the International Year of Volunteers in 2001. UNV will continue to work with national governments to expand, update and deepen legislation on volunteering in the next ten years and beyond. This 'Drafting and Implementing Volunteerism Laws and Policies: A Guidance Note' will provide an initial input to these processes.

As we mark the Tenth Anniversary of the International Year of Volunteers (IYV+10) in 2011, we are pleased to share the lessons from this research through this new UNV guidance note. This guidance note will be shared with governments, UN, civil society, and other partners to strengthen the support to volunteerism and help realize its potential for accelerating the achievement of the Millennium Development Goals (MDGs) as well as ongoing inclusive growth.

UNV thanks the International Center for Not-for-Profit Law (ICNL) and the European Center for Not-for-Profit Law (ECNL) for leading the research.

The research and guidance note was funded by the Canadian International Development Agency (CIDA).

Flavia Pansieri

Executive Coordinator

United Nations Volunteers

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

“How wonderful it is that nobody need wait a single moment before starting to improve the world.”

Anne Frank

INTRODUCTION

Since 2001, dozens of studies and research reports at the international and national levels have highlighted the importance of volunteerism as a driver of economic, social, and political development. As only one example, a 2002 UN General Assembly Resolution[i] stated that volunteerism was a necessary component of "any strategy aimed at…. poverty reduction, sustainable development, health, disaster prevention and management, and social integration." A 2008 Johns Hopkins University study echoed this conclusion and highlighted the economic impact of volunteerism, finding that "at least 12 percent of the adult population in [the 37 countries studied] volunteers, representing the equivalent of 20.8 million, full-time equivalent workers, and making a $400 billion contribution to the economy."[ii] More recently, the Secretary General of the United Nations issued a report[iii] stating that "achieving the Millennium Development Goals will require the engagement of countless millions of people through volunteer action."

As the link between volunteerism and social, economic, and political development has become clear, countries around the world have moved to create domestic legal and regulatory environments in which volunteerism can flourish. Policymakers have accordingly sought to promote laws and policies that support volunteerism for development goals. As with other laws and policies, there is no single solution that is appropriate for all countries and circumstances. Laws and policies must be carefully tailored to achieve specific goals and they must take account of local contexts, traditions, and needs.

Previous UNV guidance notes have explored the need for a legal framework for volunteerism and the areas of law that impact volunteers (*Volunteerism and Legislation,* 2004) as well as the need for a volunteer infrastructure and the methods by which such an infrastructure might be created (*Developing a Volunteer Infrastructure,* 2005). This Guidance Note builds on prior efforts, as well as an analysis of volunteerism law and policy initiatives globally since 2001, to provide a primer on the process of drafting and implementing volunteerism laws and policies that support social, political, and economic development. This note emphasizes an approach in which policymakers, civil society leaders, and other stakeholders:

1. Determine the specific goals of a volunteerism law or policy and the potential challenges to achieving these goals;
2. Embrace a participatory and open process for analysis, drafting, and implementation;
3. Draft laws or policies targeted to achieve the goals determined; and
4. Ensure that new laws or policies are effectively and sustainably implemented.

This holistic approach is most likely to yield successful volunteerism initiatives. By carefully considering and articulating the goals of volunteerism laws and policies, policymakers will ensure that their initiatives are targeted, timely, and calibrated to achieve measurable changes. Similarly, by taking the time to evaluate potential challenges to implementation of volunteerism initiatives, including cultural and legal obstacles as well as problems arising from poor volunteer infrastructure, policymakers can take steps to address problems and improve the likelihood of success for volunteer initiatives. Utilizing a participatory process throughout the analysis, drafting, and implementation stages will help to build support among all stakeholders and ensure that volunteerism initiatives are practical and maximally effective. Participatory processes that consider goals and challenges will lead to and reinforce targeted and well considered laws and policies. Finally, when policymakers take steps to implement and monitor volunteerism initiatives effectively and sustainably, they will be able both to ensure that individuals and

organizations actually benefit from written laws and policies, as well as make corrections to initiatives that may not be working in the way they are intended, thereby ensuring the continued success of their initiatives for years to come.

Two recent examples demonstrate the importance of a well-constructed process for developing a volunteerism law or policy. In response to the UN General Assembly's designation of IYV 2001, the government of **New Zealand** convened a "Ministerial Reference Group" to develop and implement an "action plan… advocating and delivering a range of activities to highlight and promote the work of volunteers and encourage more people to volunteer."[iv] As part of the action plan, the government of New Zealand consulted with NGOs, indigenous groups, academics, and government officials, and these consultations informed a *Government Policy on Volunteering* published in December 2002. In the wake of publication of the *Policy on Volunteering,* the government again consulted with a wide array of stakeholders to identify barriers to increased volunteerism, and then implemented new policies and amended several existing laws in response to the identified needs and requirements. In 2009, the government published a retrospective report, *Government Support for Volunteering 2002-2008*, that evaluated the effectiveness of its volunteerism initiatives over the six years and made several new recommendations for additional changes to further support volunteerism. This approach to volunteerism appears to have paid off, as a recent comparative analysis of 41 countries showed that "the volunteer share of the non-profit workforce in New Zealand," at 67 percent of the population, is "unusually high [and]... easily outdistances the 48 percent average for the Anglo-Saxon country cluster, not to mention the 41-country average of 42 percent… In fact, 90 percent of New Zealand non-profit organizations employ no paid staff, and so rely on volunteers to function."[v]

In **Macedonia,** beginning around 2003, CSOs began advocating for a more enabling legal framework for volunteerism. By 2005, a group of CSOs presented a *Plan for Development of Volunteering in Macedonia* to the government that analyzed domestic legal obstacles and challenges and outlined a specific plan of action.[vi] The Macedonian government incorporated the CSO plan into documents related to Macedonia's candidacy for EU membership, thus generating substantial momentum and support for the proposals outlined by the CSOs. Several CSO/government roundtable discussions were held to identify needs and recommendations from the sector, and the Ministry of Labor and Social Affairs convened a cross-sector drafting group of multiple ministry representatives, CSOs, and international experts to begin drafting a Macedonian *Law on Volunteering.* Roundtable discussions were further augmented by email and newsletter campaigns as well as meetings with members of parliament and journalists. With government and civil society working together to identify needs and obstacles before drafting the new law, the Macedonian *Law on Volunteerism*, passed in July 2007, became a symbol of cooperation that received substantial support across sectors.

> *Although the New Zealand process was initiated by government and the Macedonian process was initiated by civil society, both adopted a best practices approach that (1) carefully considered both the objectives and potential challenges of a volunteerism law or policy through a well-constructed needs assessment; (2) embraced a participatory and open process; (3) featured a thoughtful and considered drafting process; and (4) effectively implemented new laws and / or policies. In the sections that follow, we expand upon each of these four steps.*

I. IDENTIFYING THE GOALS OF AND POTENTIAL CHALLENGES TO VOLUNTEERISM LAWS AND POLICIES

The most successful initiatives to promote effective laws and policies begin with a clear consideration of the goals to be achieved and the challenges that may stand in the way of reform. A well constructed needs assessment process conducted in a participatory and democratic manner can help policymakers to set relevant and timely goals and spot potential obstacles before new laws or policies are drafted.

COMMON GOALS OF VOLUNTEERISM LAWS AND POLICIES

Below, several of the most common goals of a volunteerism law or policy are considered.

MOBILIZING CITIZENS TO ACHIEVE DEVELOPMENT GOALS

One of the most common goals of volunteerism laws and policies is to mobilize citizens to support social, economic, and political development through their own initiatives and organizations (i.e. without government channeling into specific priority areas). For example, **Egypt's** "Sailing the Nile for the Millennium Development Goals," a joint initiative of the Egyptian National Council for Childhood and Motherhood, Egyptian and international NGOs, private companies, and the UN, 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. The Egyptian government has opted to raise awareness of the role that Egyptian CSOs can play in supporting development *generally* rather than directing or channeling volunteerism toward *specific* government priority areas. As Hesham El Rouby, 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.*[vii]

SUPPORTING GOVERNMENT PRIORITY AREAS

In contrast to the general mobilization of citizens to support development, some countries choose to use volunteer initiatives to address specific government policymaking priorities. For example, **Burkina Faso**'s *Law 31 of 2007* created a National Volunteerism System that was explicitly intended to reduce unemployment by creating a mechanism for professional training.[viii] Similarly, **South Africa**'s *National Guidelines on Home-Based Care and Community-Based Care* (2001) considers volunteerism as part of a national effort to alleviate severe burdens on the formal health care sector stemming from the HIV/AIDS pandemic and the rapid aging of the population. The policy established incentives for volunteers responding to community and family health care needs, thereby helping to channel volunteer efforts into the health care sector.

ESTABLISHING DISASTER RESPONSE MECHANISMS

Many governments and international observers have noted the spontaneous outpouring of volunteer effort that greets disasters around the world, from the response to Hurricane Katrina in the **United States** (in which an estimated one million volunteers traveled to Gulf Coast in the two years after the hurricane to help rebuild)[ix] to the Kashmir earthquake in **Pakistan** (which provoked such an enormous volunteer response that "there were traffic jams for 1,000 kilometers, from Karachi to the northern areas, the whole length of Pakistan").[x] In an effort to manage and improve the efficiency of volunteerism in support of disaster response, countries have passed laws or policies that are intended to create permanent volunteer disaster response mechanisms. Indeed, the 2005 World Conference on Disaster Reduction specifically called on governments around the world to "promote community participation in disaster risk reduction through the adoption of specific policies… [and] the strategic management of volunteer resources."[xi] **Pakistan**'s National Volunteer Movement (NVM) is one such example; created by the Pakistani Ministry of State for Youth Affairs after the October 2005 Kashmir earthquake, the NVM is "dedicated to providing a platform for public contribution… that can be stimulated to act promptly and effectively in natural and man-made disasters."[xii]

PROMOTING NATIONAL CITIZENSHIP AND CIVIC ENGAGEMENT

Some governments turn to volunteerism law and policy to foster a sense of civic engagement and national citizenship. For example, the **United Arab Emirates** created *Takatof*, a volunteer program run by the government-affiliated Emirates Foundation, to connect young Emiratis to volunteerism opportunities, raise the profile of volunteerism in the UAE, and promote and foster a sense of citizenship and national solidarity. Because a primary goal is the promotion of a concept of national citizenship, *Takatof* tends to focus primarily on young Emirati citizens as both volunteers and beneficiaries of its programs. Similarly, the **Economic Community of West African States (ECOWAS)** has since 2006 been developing policies to support a volunteer scheme known as the "ECOWAS Youth Ambassadors for Peace," in which citizens in five post-conflict countries (Cote d'Ivoire, Guinea Bissau, Liberia, Sierra Leone, and Togo) participate in volunteerism programs to promote national reconciliation and citizenship. Finally, the **UN Volunteers / UN Development Program** joint initiative "Regional Integration through Volunteer Exchanges for Reconciliation of South Eastern Europe" (RIVER SEE) 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."[xiii]

ECONOMIC DEVELOPMENT

Many countries utilize volunteerism law and policy to help solve economic problems and promote economic development. These types of volunteer initiatives will likely proliferate in the wake of the current global economic crisis. For example, in February 2009 the **United Kingdom** announced that it would be directing more than £42 million toward CSOs meeting the needs of individuals harmed by the ongoing worldwide economic crisis in order to promote volunteerism among the unemployed. Among other components, this program will support the establishment of a volunteer brokerage that will create over 40,000 volunteer opportunities for unemployed persons to learn new skills while serving their communities.

Similarly, the **United States** passed legislation in April 2009 designed to utilize $201 million of economic stimulus funding to (1) triple the number of volunteers in a government-affiliated national-service program known as

AmeriCorps; (2) create new national volunteer programs; and (3) provide funding to help expand existing volunteer initiatives.[xiv] In the same month, the mayor of New York City announced a series of initiatives to "make it easier for tens of thousands of schoolchildren, professionals, and others to volunteer [so] that their efforts can mitigate the impact of the financial crisis on the city."[xv]

COMMON CHALLENGES TO ACHIEVING VOLUNTEERISM GOALS

In addition to articulating the goals of a volunteerism law or policy, it is essential that policymakers consider the potential challenges that might stand in the way of achieving the goals of legal and policy reforms. Below we present several common potential challenges and obstacles to volunteerism laws and policies. As with our discussion of the common goals, this list is not definitive, and unique context-specific obstacles may arise in any country. Thus, policymakers should be sure to consider local issues that may not be discussed here.

LACK OF A CULTURE OF VOLUNTEERISM

Where a culture of volunteerism exists and flourishes, volunteerism law and policy initiatives can find rapid success as they are taken up by pre-existing volunteer constituencies. By contrast, where volunteerism is poorly understood or not embraced by the population, volunteerism laws and policies may fail to be implemented properly or may be ignored altogether. For example, in former Soviet states with a history of "mandatory" volunteerism in support of state priorities, volunteerism initiatives, no matter how worthy, have been hampered by negative public attitudes. In other contexts, such as the rural parts of many countries in the Arab world and Pacific Islands, assisting the elderly or disadvantaged may be seen as a religious or social obligation rather than a separate activity known as volunteerism, making it difficult for the government to expand and promote volunteerism outside of the family or village unit without first making efforts to connect to and build upon existing cultural practices. In all of these cases, the lack of a culture of volunteerism or confusion about the interaction between traditional practices and formal, organization-based volunteerism can be an enormous obstacle to the success of any volunteerism law or policy.

> *In **Lebanon** most volunteerism is done through religious organizations. In an effort to create a culture of national, non-sectarian volunteerism, the Ministry of Social Affairs developed a policy to establish summer camps on volunteerism targeted at men and women ages 18 – 25. These camps promote non-sectarian volunteerism and encourage Lebanese youth to participate in volunteerism through national CSOs in addition to traditional religious or familial obligations. The Ministry of Education is now considering adjusting the national curriculum in order to teach Lebanese schoolchildren about the same topics*

LACK OF INTERMEDIARY SUPPORT ORGANIZATIONS

Another common obstacle to fulfillment of volunteerism laws or policies is a lack of intermediary support organizations. Successful volunteerism initiatives require participation by and active partnerships between government, civil society, and the private sector. Governments may be responsible for setting policy or passing laws, but it is individual volunteers and volunteer-utilizing organizations within civil society who will carry out the laws or policies.

In order to promote partnerships among government, civil society, and the private sector to support good implementation of volunteerism initiatives, an increasing number of countries around the world have created national task forces or committees on volunteering comprised of government, civil society, and private sector representatives; still others have turned to national or local volunteer centers that bring volunteers, volunteer-involving organizations, and government officials under one roof. Indeed, the creation of national volunteer centers has been one of the most common steps taken to promote volunteerism around the world, with 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** all establishing volunteer centers since 2001.[xvi]

> *In **Croatia**, a 2007* Law on Volunteering *created a National Board of Development for Volunteering as an advisory body to the government, composed of representatives of government and civil society, responsible for developing activities to promote and improve the position of volunteers in society.*
>
> *As part of activities associated with IYV 2001, **Thailand** established centers to provide information, education, and matching services for volunteers in all seventy-five provinces.*

The purposes, responsibilities and structures of these centers 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 to promote 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, **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.

LEGAL OBSTACLES TO VOLUNTEERISM

Finally, one of the most common obstacles to volunteerism is a country's existing laws. Policymakers should review a variety of existing laws to determine whether they unintentionally create obstacles or unnecessary burdens to volunteerism. As the discussion below demonstrates, in many cases the most important laws affecting volunteerism are not found in freestanding "volunteer" laws but rather in the provisions of labor codes, tax and social insurance laws, immigration rules, civil liability laws, and workplace safety and health rules. It is therefore essential that these existing laws be subject to a thorough review by policymakers interested in promoting volunteerism.

Labor Laws

Several issues can arise when Labor Codes fail to distinguish between regular employment and volunteer work. For example, in almost all of the countries of the Commonwealth of Independent States (former Soviet Union), it is prohibited for any person to work without pay. Although volunteer activity does take place in these countries, because the law does not distinguish between volunteers and employees it is often technically illegal to work as a volunteer. As a result volunteers and volunteer-involving organizations stand on tenuous legal ground and may restrict the scope of their activities for fear of government action. Volunteer legislation that explicitly amends existing Labor Codes is now being developed in many former Soviet countries, including Kazakhstan, Moldova, and Ukraine.

Similarly, if there is no legal distinction between volunteers and employees, unemployed persons may refuse to volunteer for fear that their participation in volunteer "work" would cause them to lose their unemployment benefits. This was the case until quite recently in the **Czech Republic**. Other side effects of strict labor codes that do not differentiate between volunteerism and other work include inadvertent prohibitions on informal volunteerism (as was the case in **Croatia** and **Macedonia** because their labor codes required written, signed employment agreements for all work) and bans on reimbursement of volunteer expenses (as in **Latvia**, where any reimbursement of volunteers would have subjected CSOs to minimum wage rules and cause volunteers to be treated as paid employees).

Social Insurance and Tax Laws

Social insurance and tax laws can also create obstacles to volunteerism, most often by requiring CSOs that utilize volunteers to pay into social security programs or by requiring volunteers who receive reimbursement of their expenses (or small honorariums) to pay income tax. Prior to recent legislative reforms, **Switzerland** and **Belgium** both taxed volunteer reimbursements, creating disincentives to expanded volunteerism. Similarly, **Russian** legislation passed in 2007 requires CSOs to report their average number of volunteers as part of their overall "number of employees," a provision that may be interpreted to mean that volunteer-involving CSOs must pay social security and other tax contributions for their volunteers. Such an interpretation by federal tax authorities could have a chilling effect on volunteerism as CSOs with limited resources may not be able to meet these tax obligations.

> *In **Macedonia**, the 2007* Law on Volunteering *exempted expenses related to volunteering from taxation and specified explicitly that unemployed persons do not lose their entitlement benefits if they volunteer, removing obstacles to volunteerism by unemployed persons and creating incentives for volunteerism by all persons in a single bill*

Immigration Laws

International volunteerism can make a major contribution to domestic development, but in many countries immigration laws present obstacles to the entrance of foreign volunteers. Simplification of the immigration and visa regime may accrue substantial benefits for the host country. For example, the **Philippines'** *Act No. 9418 on Strengthening Volunteerism* (2007) stipulates that foreign volunteers (as well as their dependants) entering the Philippines to work on approved projects are entitled to multiple entry visas and are exempted from visa and immigration fees. Similarly, **South Africa** amended the *Immigration Act* in 2004 to make it easier for international volunteers to obtain visas.

Civil Liability Laws

In some countries volunteers are liable for unintentional accidents or mistakes made while they are volunteering, and such liability may act as a substantial disincentive for volunteer work. Policymakers should consider amending liability rules to provide for limited or total exceptions for individuals engaged in volunteer work. For example, **Australia** amended the *Civil Liability Act* in 2003 to protect volunteers from civil liability while they are carrying out community work.

Workplace Safety and Health Rules

Finally, for the protection and well-being of volunteers, workplace safety and health rules should explicitly be made to apply to volunteers as well as paid employees. If volunteers do not feel that their safety and health is being protected, they may be less likely to engage in volunteerism – in this case it is the *absence* of law that acts as an obstacle to increased volunteerism. In recognition of this issue, in 2003 the government of **New Zealand** acted to extend the *Health and Safety Employment Act* to include most volunteers. Similarly, **South Korea**'s *Law on Promoting Volunteer Services* of 2006 requires national and local governments to ensure that voluntary service is performed in a safe environment, and an associated *Enforcement Decree* permits national and local governments to purchase insurance to protect volunteers engaged in risky volunteer activities.

IDENTIFYING RELEVANT GOALS AND CHALLENGES: NEEDS ASSESSMENT

The preceding two sections explored several common goals and challenges to volunteerism laws and policies. Of course, these goals and challenges are not applicable in all contexts. In order to help determine the necessary and applicable goals to be achieved as well as the potential challenges that volunteerism laws or policies may face, policymakers should conduct a well-constructed needs assessment process. In designing a needs assessment, policymakers may wish to consider the following questions.

- **Current profile of volunteering.** Who volunteers? What types of organizations most often host volunteers (i.e. formal organizations like CSOs, traditional community / indigenous organizations, or informal person-to-person volunteer exchanges)? Who are the main beneficiaries of volunteer work? Are there specific community groups or regions that have a higher or lower percentage of volunteer activity than the national average, and if so, why? How many persons volunteer each year, and how much time do they contribute in total?
- **Cultural context.** What effect does the prevailing culture have upon volunteerism? Is volunteerism already well-established? What is the prevailing understanding of volunteerism and are

*As part of **China's** ongoing effort to draft a* Volunteer Service Law, *policymakers initiated a needs assessment process that takes into consideration contributions from provincial authorities, the Communist Youth League, national legislators, and academics.*

*When **the Philippines** began evaluating existing volunteerism practices, it found that a large proportion of citizen volunteerism occurs overseas where millions of Filipino workers reside. To support and strengthen this tradition, the 2007* Act on Strengthening Volunteerism *explicitly allocated legal rights to and created incentives for overseas Filipino volunteers and on par with those given to domestic volunteers.*

citizens convinced of the relevance and importance of volunteerism to social development? Does popular culture support volunteerism or is it a challenge that a new volunteerism law or policy must overcome?

- **Political context.** What are the current problems and issues facing the country? Will macro-political events present opportunities that the drafters of volunteerism initiatives should consider? Will the political context raise potential challenges for volunteerism initiatives?
- **Current regulatory environment.** What are the laws and regulations that affect volunteers? Consider civil society laws, tax laws, labor laws, social security laws, immigration laws, and liability laws. Do these laws and regulations create incentives or disincentives to volunteer work? Do the laws fail to address the needs of volunteers? Which laws create barriers to expanded volunteerism?
- **Current infrastructure for volunteerism.** Are there organizations that match CSOs with volunteers or publicize volunteer opportunities? Do CSOs or government agencies offer training or other services to volunteers? Is there a national volunteer website? Does the current infrastructure support volunteerism or serve as a barrier to implementation of new volunteerism laws and policies?
- **Goals of a volunteerism law or policy / needs expressed by stakeholders.** What do CSOs, volunteers, academics, and other stakeholders find problematic about the current legal and regulatory environment for volunteerism? What is on their "wish list?" What are their goals for a new volunteerism law or policy? What is the government's goal for a new volunteerism law or policy?
- **Past initiatives.** Past volunteerism initiatives and the lessons learned from their successes or failures should be reviewed as part of any assessment of current needs.
- **Gender mainstreaming and socially excluded persons.** Does the current legal environment impede the equitable inclusion of women and men or socially excluded persons in volunteering initiatives? Are there opportunities to promote gender mainstreaming and the inclusion of socially excluded persons in volunteering initiatives? What will the impact of proposed law, policy, or strategy on gender mainstreaming and the inclusion of socially excluded persons?

> *Before drafting a volunteerism law or policy, government officials must conduct a carefully designed needs assessment to articulate concrete and measurable goals and determine and seek to address the most likely obstacles and challenges to achieving reforms in the volunteer sector. Although each country will have its own specific local needs and context, common goals of volunteerism laws and policies include mobilizing citizens to achieve development goals, channeling citizen effort into government priority areas, promoting national citizenship and civic engagement, and economic development. Challenges to these goals often arise due to cultural and legal obstacles or an insufficient volunteer infrastructure.*

II. EMBRACING A PARTICIPATORY PROCESS

Many, if not all, of the components of a successful and relevant needs assessment require inputs from stakeholders other than government actors. Indeed, when new volunteerism laws or policies are implemented, the success or failure of such initiatives will ultimately be tied to volunteers and volunteer-involving organizations rather than government officials.

It is therefore of great importance that stakeholder consultation be utilized and maintained throughout the entire process of crafting new volunteerism initiatives – not just as part of needs assessment, but as part of the drafting and implementation processes as well. All stakeholders – national and local government officials, CSOs, volunteers, and external experts – must be involved and consulted. Participatory needs assessments allow government officials to benefit from the specific on-the-ground experiences of volunteers and volunteer-involving organizations, and in this way increases the likelihood that volunteerism initiatives will be targeted, relevant, and timely. Similarly, when a participatory process is utilized in the drafting stage – that is, when laws or policies are actually being written – the level of "buy-in" by volunteers and organizations is vastly increased, as these stakeholders come to feel that their voices are heard and therefore share a commitment to effective, sustainable, and successful initiatives.

> ***Moldova**'s Ministry of Education and Youth has sought inputs on its draft* Law Promoting Volunteer Services *from the international community, Moldovan civil society organizations, and several other ministries, and has worked with prominent CSOs and civic leaders to amend its initial draft law in response to these inputs.*
>
> ***Tanzania**'s 2007* National Volunteer Policy *was the product of shared consultations and studies made by the national government, the UN Volunteers office in Tanzania, domestic civil society organizations, and the international donor community – stakeholders that now play a major role in implementation of the new policy.*

Participation allows for the development of higher-quality laws and policies. The inclusion of all parties can help to identify priority issues and goals and allow for improved drafting. In addition, by reaching out to civil society, policymakers can benefit from the practical experience of organizations and volunteers who are affected by laws and policies.

The following techniques can be used to ensure participation and consultation:

- **Establishment of working groups composed of all parties.** Working groups composed of affected ministries, key CSOs, Members of Parliament, academics, and other stakeholders should be established to consider the goals and desired outcomes of the legislative process. Working groups allow stakeholders to gain a sense of ownership and involvement in the process from its earliest stages.
- **Organizing in-person consultations and widely distributing draft laws for comment.** Consultations with experts and representatives of ministries or other bodies promote open communication between government and civil society and improve the likelihood that a government / civil society partnership will be created to further develop and implement a policy or law. Policymakers should consider open public debates and presentations of draft laws or statements of principles that will inform the drafting process.
- **Organizing consultation session**s. Roundtable discussions open to the public and especially volunteers and civil society organizations allow for enhanced public awareness of volunteerism laws and policies.

- **Utilizing email, websites, blogs, and discussion forums.** Electronic media can be an excellent tool for determining the needs and desires of the volunteer sector as part of a participatory law or policy drafting initiative. Continued use of these tools after a law or policy is passed allows for knowledge-sharing and improvements in implementation based on experiences in the field.
- **Use of the print and broadcast media.** Strategic use of the media can lead to enhanced public awareness of volunteerism laws and policies and their goals.

A participatory process adopted at the outset of a volunteerism initiative can help to ensure its success because stakeholders will feel ownership over the laws and policies that result. The continuing use of participatory processes after laws or policies are passed will have a similar effect, helping to ensure successful implementation in the years to come.

> *Participatory processes that engage all stakeholders – including civil society, individual volunteers, academics, and government officials – promote a sense of ownership and a commitment to the success of volunteerism initiatives by those most likely to be affected by new laws or policies. Government officials should embrace and encourage participation by stakeholders at all stages of a reform initiative – in the design, drafting, and implementation of a law or policy. Promoting public participation increases the likelihood of successful volunteerism initiatives.*

III. DRAFTING AND ADVOCACY

Once the goals of a volunteerism law or policy have been articulated and the potential obstacles to achieving those goals have been considered, policymakers, civil society representatives, and other stakeholders are ready to take the next step and begin drafting a new law or policy.

LAW, REGULATION, OR POLICY?

A preliminary question concerns whether volunteerism initiatives should be made through a law, a regulation, or a policy. Laws, which are enacted by the legislative branch, and regulations, which are adopted by the executive branch, are rules which can be enforced by the government. 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 or by clarifying the legal definition of volunteers and their rights and responsibilities.

Policies, on the other hand, explain the government's preferences or attitudes toward a specific topic. So, for example, policies may be used to inform the government bureaucracy and the public of a commitment made by the executive branch to support volunteerism in the country. Because they can be adopted relatively quickly and easily through executive branch action, volunteerism policies may precede and lay the groundwork for laws. Policies can also be used to educate the public about volunteerism and generate support and political will for more far-reaching reforms. However, policies can also be implemented after volunteerism laws, for example, to instruct the government bureaucracy how volunteerism laws should be implemented.

REGIONAL, NATIONAL, OR LOCAL?

Laws, regulations, and policies can be adopted at the regional, national, or local levels. While laws and policies governing volunteerism are most commonly adopted at the national level, there are prominent examples of local governments adopting well-received volunteerism laws or policies as well. In addition, in some parts of the world, such as the European Union, decisions affecting volunteerism can be made at the regional level that are legally binding on all members states. There are benefits and drawbacks associated with each potential focus of regulation that policymakers should consider before moving forward to the drafting stage.

REGIONWIDE LAWS AND POLICIES

Policies at the regional level are usually adopted by multilateral institutions or groupings of states, like the European Union (EU), the Economic Community of West African States (ECOWAS), and the League of Arab States. Regional schemes to promote and facilitate volunteerism are normally non-binding on the member governments, but they can be useful in generating political will and overcoming indifference to or outright rejection of volunteerism-enabling legislation in the domestic context. The **European Union**, for example, has long encouraged the development of volunteerism laws and policies within its member States; from as early as 1997, the EU "recognize[d] the important contribution made by voluntary service" and "encourage[d] the… exchange of information and experiences as well as… participation of the young and elderly in voluntary work."[xvii] Several times since then, EU institutions have studied volunteerism issues and made recommendations to the member States concerning legislative and other actions that they could take to promote volunteerism. Most recently, the European Parliament's March 2008 "Report on the Role of Volunteering in Contributing to Economic and Social Cohesion" called on Member States to "introduce VAT exemptions for voluntary organizations on purchases related to their objectives."[xviii] The EU's consistent attention to this issue has no doubt contributed to the success and diversity of volunteerism laws and policies in Europe; similar efforts are now being piloted in the League of Arab States and the ECOWAS and may lead their member governments that have not already done so to consider adopting national laws.

*When the Russian government failed to pass legislation to support volunteerism in the wake of IYV 2001, the **City of Saint Petersburg** enacted a* Decree on Social Volunteering Promotion *in 2008. The decree establishes a "Coordination Council" of more than 700 local CSOs, churches, and city government agencies to provide social services to Saint Petersburg residents.*

NATIONAL LAWS AND POLICIES

Policies at the national level are usually developed to introduce a comprehensive package of measures that should be taken by the government and/or civil society to promote volunteering. These policies emphasize the general principles of volunteering and give direction to support the development and promotion of volunteerism. National policies may also aim to promote volunteering in particular fields – youth, education, culture, social welfare, health, and so on – and they are often utilized to promote cooperation between state institutions, civil society, the private sector, and volunteers. Finally, national policies may implement funding schemes and targeted trainings for volunteers working in specific fields.

National policies may be adopted by the entire government / cabinet or by specific ministries within the government. Policies issued by specific ministries tend to be easier to implement than national policies because they involve fewer actors; on the other hand, this can also be a source of difficulty if it means that "buy in" has not been obtained from important stakeholders, including other ministries. Ministry policies by necessity focus on the field that is the specialty of the ministry and do not address volunteerism across sectors.

LOCAL LAWS AND POLICIES

Local policies and laws are often used to support specific development needs within a given community that may differ from the needs of the broader national community. Local policies and laws are also sometimes utilized by local governments in countries where the national government has not yet embraced a law or policy on volunteerism, as is the case in the city of Saint Petersburg, Russia. Local laws can also be used where a national law has been passed but not yet implemented, as is the case in the city of Buenos Aires, Argentina, where a local law to provide technical assistance, training, and recognition of volunteer activities was enacted while implementing regulations for a national law continued to be negotiated. Common issues addressed at the local level are allocations of local government funds to support volunteerism, celebration and recognition of volunteer awareness days, events specially targeted to engage citizens in voluntary activities, cooperation between CSOs and volunteering centers in the placement of volunteers, and involvement of foreign volunteers in local programs.

*In **Estonia**, the* National Development Plan for Volunteering *was adopted after a cross-sector working group including representatives of several ministries and CSOs was set up to review the draft law. After multiple roundtables, more than 45 comments made by the working group were incorporated into the final document.*

THE DRAFTING PROCESS

The individuals or organizations with formal authority to draft a new volunteer law or policy will depend on the legal and political structures and traditions of the country. For example, a volunteerism policy or law designed to address youth unemployment might be drafted by a country's Ministry of Labor or Ministry of Youth, whereas a law or policy intended to create tax incentives for volunteerism might begin in the country's revenue collection authority. In some cases national legislators may be the originators of laws and policies, while in other cases draft laws may be written by CSOs and submitted to parliaments for their review and consideration. Regardless of where a law or policy is initially drafted, the countries with the most successful initiatives convene multi-sector working groups to conduct substantive drafting and mobilize public support, take time to evaluate the process of decision-making and lobbying, and consider implementation and monitoring plans.

MULTI-SECTOR WORKING GROUPS

The government authority or civil society coalition that is responsible for drafting should convene a working group of stakeholders to assist in the drafting of the new law or policy. Stakeholders include representatives of other affected ministries, regulators and government officials charged with implementation of the new law or policy, CSOs, volunteers, academics, lawyers, and other community representatives. Convening a multi-sector drafting group will be significantly easier if a well-designed participatory process has been embraced from the start of the volunteerism initiative, because individuals and organizations asked to participate in needs assessments and goal-

setting are natural partners for drafting. In addition, broad-based working groups can help to focus public support and attention on the volunteerism law or policy in a way in which government alone is not capable.

ELEMENTS OF A DRAFT LAW OR POLICY

A typical law will include the following elements:

- **Purposes / Introduction.** These are preliminary articles that explain the purpose of the law and the reasons for its adoption.
- **Definitions.** These articles define terms that are used in the law. Properly defining common terms such as "volunteer" and "volunteer-involving organization" is essential to promote understanding among implementers of the law and the general public.
- **Operative Provisions.** These articles are the substantive portion of the law and make up the bulk of its text. It is important that these provisions be clearly written, focused, and carefully targeted. Usually the rights and obligations of volunteers and volunteer-involving organizations are specified here; if a new volunteer agency is being created these provisions might also outline the authorities, rights, and functioning of the new agency. Other operative provisions can include volunteer incentives such as tax relief or the creation of a dedicated government fund to support volunteering, rules on volunteer contracts, required record-keeping, etc.
- **Compliance / Enforcement / Implementing Provisions.** These articles specify the supervising agency or ministries and the authorities granted to supervise and enforce compliance with the law. Civil penalties for violations of the volunteer law may be specified. If so, penalties should be specific and proportional ("a fine in the amount of… shall be imposed on anyone who fails to keep records in accordance with the rules specified in Article…") rather than general ("a fine will be imposed on any person who violates this law").
- **Transitional Provisions.** These provisions will explain the process of coming into force for the new law and specify any other laws which may be amended or cancelled after the current law comes into effect.
- **Effective Date.** These provisions specify the date on which the new law will take effect.

Policies may contain all of the elements highlighted above as well as additional explanatory sections providing:

- **An Overview of the Situation.** A statement of past and current volunteerism efforts and a description of the needs assessment process that led to adoption of the law or policy.
- **Guiding Principles and Aims of Government Action.** A detailed statement of the intent of the drafters and the principles that guided their work may be provided.
- **Monitoring and Evaluation Guidelines.** Detailed explanations of the goals of the law or policy and how each goal will be measured ensure that policymakers will be able to monitor and improve the impact of their initiatives.
- **An Implementation Plan.** Provisions clearly stating the government branches and other groups tasked with implementation, and a specific division of responsibilities as well as a timeframe for implementation help to ensure that the law or policy will in fact be implemented on schedule and without undue delay.

LOBBYING AND ADOPTION OF LAWS AND POLICIES

In order to ensure that a draft law or policy is actually enacted, the working group should analyze the decision-making framework and develop an advocacy plan concurrent with the actual drafting of the legislation itself. That way, working group members will be apprised of the political situation, aware of the steps that must be taken to achieve enactment of their law or policy, and prepared to introduce the draft at the most opportune moment. Among the issues that should be considered in creating a lobbying plan are:

- **Legislative or Administrative Process.** In order to advocate effectively it is necessary to understand the decision-maker's "rules of the road." What is the process and where are potential obstacles? It is necessary for advocates to understand the legislative or administrative process that must be followed. For example, in many countries laws must be approved by a ministry, reviewed by the council of ministers, approved by a parliamentary committee, and finally reviewed, amended, and ultimately approved by the full parliament. A clear understanding of each step and the priorities of the different committees and individuals who contribute to the process is essential.
- **Champions.** Which individuals or organizations will be the "champions" – that is, the leaders of the advocacy process – in the government? In civil society? The coalition or working group seeking enactment of a volunteerism law or policy should consider the most effective champions among different constituencies – for example, an influential legislator with credibility among his or her peers.
- **Coalition-Building.** Working group members must work together to develop a plan to create a broad coalition in favor of legislative change. Organizations and individuals who share an interest in volunteerism should be brought into the coalition, and efforts should be made to reach out to other stakeholders who may benefit from a law or policy, even if these additional stakeholders are not normally allies on other political, social, or economic issues.
- **Advocacy Techniques.** In building and communicating support to policymakers, advocates should consider a number of techniques, including "grassroots lobbying" such as petitions and letters to members of parliament, as well as direct lobbying through meetings with members of parliament and other government officials.
- **Communication with Media**. Advocates will need to consider a media strategy. They should understand who their allies and critics are in the media and work to obtain favorable media coverage that will support efforts to enact a new law or policy. Working groups should consider radio, TV, print, internet, and other media sources, keep their materials relevant, current, and interesting, and time the release of their materials to coincide with media deadlines. Advocates can issue press releases, organize press conferences, write editorials, and appear in a variety of media. Careful use of the media can influence government and bring the agenda of volunteer advocates into the national consciousness.

*According to several government officials and domestic CSOs, **Nicaragua**'s 2005* Law on Social Volunteerism *came about 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. Without the intervention of a strong lobbying campaign, Nicaraguan legislators would not have been likely to pass the law during that year's legislative session.*

Depending on the intended goals of a volunteerism initiative and the potential obstacles and challenges that may stand in the way of those goals, government officials may choose to enact volunteerism laws, policies, or both. Laws and policies can be targeted at the national, local, or regional level. The drafting of a law or policy is often best handled through a working group made up of stakeholders from government, civil society, and other community representatives. However, even as new laws or policies are being drafted, working group members should give thought to the decision-making framework and develop an advocacy plan that will enable them to begin lobbying for adoption of new laws or policies in a strategic and targeted manner.

IV. IMPLEMENTING VOLUNTEERISM LAWS AND POLICIES

Implementation of volunteerism laws and policies is equally important to adoption of the documents themselves. Without clear plans for sustainable and effective implementation, laws and policies will remain no more than aspirations. Plans for effective implementation should be part of law or policy drafting initiatives from the very first step.

The most successful laws and policies are those that are accompanied by operational plans which detail specific activities, goals, responsibilities, and deadlines and provide for continuous monitoring. The use of monitoring and evaluation systems as parts of these implementation plans is also advisable as these help to measure progress and challenges in implementation. Well-crafted results indicators will allow implementing bodies to take necessary actions to address the problems that arise. Finally, a clear set of responsibilities and timelines ensure that individuals take responsibility for implementation.

***Estonia**'s* National Development Plan for Volunteering *proposes several specific implementation and monitoring actions, including the gathering of case studies on the impact of the policy from volunteers, CSOs, and local governments, organizing volunteer management trainings, establishing an internet portal for volunteerism, and organizing a national volunteer forum.*

A common mechanism to promote sustainable and effective initiatives is the establishment of new national coordination bodies or implementing agencies responsible for carrying out a given volunteerism law or policy. These bodies can help with coordination of activities in the field and provide a permanent line of communication with stakeholders. Such bodies are generally organized by the government, but are sometimes independent or quasi-governmental organizations. Almost all such bodies, regardless of their status vis-à-vis government, include independent representatives of civil society as well as government officials.

Once laws or policies have been enacted, government officials and other stakeholders should work together to develop an operational plan for effective implementation that provides clear and detailed activities, goals, responsibilities, and deadlines. Doing so will ensure that individuals and organizations take responsibility

for their roles in the implementation process, and will help to ensure that laws and policies are more than just words on paper. In addition, stakeholders should provide for continuous monitoring of their implementation and be prepared to allow for changes to be made in the event that volunteerism laws or policies are not fully effective. Doing so will allow for the generation of "lessons learned" that might inform future volunteer initiatives.

V. ADDITIONAL CONSIDERATIONS

Two additional issues should inform consideration of a volunteerism law or policy initiative.

THE IMPORTANCE OF LAWS GOVERNING CIVIL SOCIETY ORGANIZATIONS

An often-neglected issue is the relationship of volunteerism to the laws governing formal not-for-profit organizations. Volunteerism is intimately related to the laws that govern CSOs; without an enabling legal environment that allows civil society in general to flourish, even the best volunteerism initiatives will not succeed. Civil society organizations are key institutions though which formal volunteerism takes place, and unless CSOs are free of burdensome and inappropriate regulations they will not be able to capitalize on volunteerism to support development.

Several countries provide examples of how volunteerism initiatives can fail to reach their fullest potential when civil society laws are not consistent with international standards governing fundamental human rights, such as the right to associate. For example, in the United Arab Emirates, a country with relatively restrictive civil society laws, an innovative and successful program to recruit volunteers from local universities and colleges was launched in 2007 (see page 7, above). However, the UAE's civil society laws hindered the formation and operation of CSOs: registration of new CSOs was mandatory and difficult, government supervision over CSO activities was invasive, and serious criminal penalties could be imposed for even minor violations of the law. In the end, the volunteer recruitment program yielded many more volunteers than could be absorbed by the limited number of local CSOs able to form under these laws. The UAE's experience is a reminder that without a positive and enabling legal framework for civil society, the potential of volunteerism initiatives will be severely reduced.

SITUATIONS IN WHICH VOLUNTEERISM LAWS OR POLICIES MAY BE INAPPROPRIATE

Policymakers should keep in mind that laws and policies on volunteerism should promote and protect volunteerism of all varieties. While it may be useful to promote specific forms of volunteerism, laws should not impede spontaneous initiatives, burden small CSOs, or dampen the volunteer spirit.

Indeed, in some circumstances it may be better not to pass a law or policy on volunteerism at all. Legislators should ensure that laws do not inadvertently restrict opportunities for the further development of volunteerism; as has been previously discussed, laws intended to encourage volunteerism in certain fields should be carefully drafted lest they foreclose other types of beneficial volunteerism. For example, governments in countries where formal volunteerism is not prevalent but in which informal, family and community-based volunteerism is common should be careful to protect existing practices while encouraging new ones. In **South Africa**, for example, laws have

been designed to extend an existing societal practice known as *ubuntu* (caring for the wider community) rather than displace it.

Finally, in some countries where volunteerism is already strong and well-established, it may be better for government to avoid developing new laws or policies that might inadvertently hamstring volunteers and the organizations which make use of them.

> *Because civil society organizations are often active hosts of volunteers, it is important to consider the legal environment for civil society. Volunteerism initiatives will be more successful and easier to administer when civil society organizations are free of inappropriate restrictions on their activities. Finally, policymakers should be careful to avoid the trap of overregulation – in some circumstances it may be better not to pass a law or policy at all than to risk adoption of rules that may hinder volunteerism.*

CONCLUSION

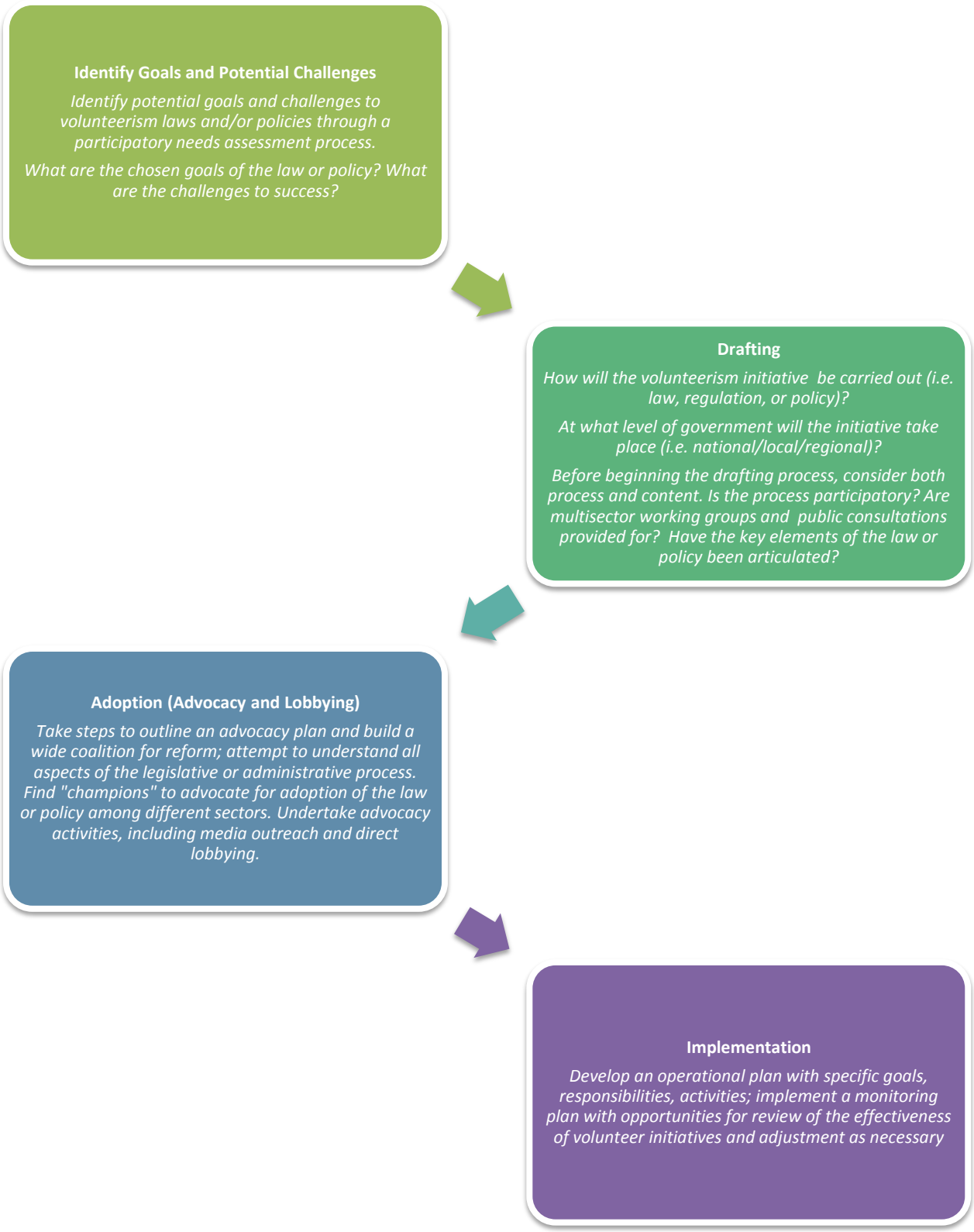
Achieving the MDGs by 2015 is a task for everyone, and voluntary action will be critical. UNV believes that supportive laws and policies is a key to engaging people to contribute to peace and development through the powerful and inclusive force of volunteerism.

Volunteerism laws and policies are employed by governments around the world to support a variety of goals, including mobilizing citizens to support development, channeling volunteer effort into specific priority areas, creating disaster response mechanisms, promoting national citizenship and civic engagement, and economic development. Achieving these goals may be made difficult by potential legal and cultural obstacles as well as problems stemming from poor volunteer infrastructure. In order to design volunteerism laws and policies that are tailored to local needs and potential obstacles, governments should conduct participatory needs assessments that allow input by civil society, individual volunteers, and other interested stakeholders.

Indeed, participatory processes are essential not just in the needs assessment stage but during the drafting and implementation stages as well. By allowing citizens to have a voice, governments encourage a sense of ownership and a commitment to the success of new law or policy initiatives. The most successful volunteerism initiatives have operational plans which detail specific activities, goals, responsibilities, and deadlines for all stakeholders, including government and volunteer organizations. Governments have often turned to national coordination bodies or specialized implementing agencies to ensure that laws are effective in the way that drafters intend. To ensure the continued success of new laws or policies, governments often provide for continuous monitoring and improvement plans.

Volunteerism laws and policies can be an important driver of economic, social, and political development so long as they are carefully designed and targeted to address local needs and goals. There is no single method of promoting volunteerism that will work in all places, but UNV hopes that by providing examples from around the world, this Guidance Note will be a useful guide for stakeholders considering the adoption of new volunteerism initiatives in their own countries, as well as for regional and global policy-makers. As you move forward, UNV invites you to share your practice experiences and lessons learned from this Guidance Note with us.

APPENDIX: SUGGESTED DECISION TREE



Notes:

[i] General Assembly Resolution 56/38 (10 January 2002).

[ii] Johns Hopkins University Office of News and Information, "Mapping Volunteer Work around the World: World's Labor Statisticians Adopt New Guidelines for Measuring Volunteering," *News Release* (December 19, 2008), available online at http://www.jhu.edu/news/home08/dec08/volunteer.html.

[iii] Report A/63/184 of 28 July 2008.

[iv] *Report of the Ministerial Reference Group for International Year of Volunteers 2001,* p. 9. Available online at http://www.ocvs.govt.nz/documents/work-pragramme/encouraging-participation/policy-and-support-for-volunteers/intlyrvol.pdf.

[v] Jackie Sanders, Mike O'Brien, Margaret Tennant, S. Wojciech Sokolowski and Lester M. Salamon, *The New Zealand Non-profit Sector in Comparative Perspective*, Office for the Community and Voluntary Sector (2008), p. 13.

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

[vii] "Sailing the Nile for the Millennium Development Goals Reach their Final Destination." *Sailing the Nile 2007.* http://www.sailingthenile.org/Default.aspx?tabid=61.

[viii] See *Report of the Minister for Youth and Employment to the Council of Ministers,* 27 June 2006.

[ix] Korina Lopez, "Katrina volunteers come to stay," *USA Today* (14 January 2008), http://www.usatoday.com/news/nation/2008-01-14-katrina-volunteers-main_N.htm.

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

[xi] World Conference on Disaster Reduction, "Hyogo Framework for Action 2005 – 2015: Building the Resilience of Nations and Communities to Disasters," http://www.unisdr.org/wcdr/intergover/official-doc/L-docs/Hyogo-framework-for-action-english.pdf, p. 7.

[xii] National Volunteer Movement, "Who We Are?" http://www.nvm.org.pk/About%20Us/Index.html#whoweare.

[xiii] www.riversee.org

[xiv] Suzanne Perry, "President Signs National-Service Bill and Issues Call to Volunteer," *The Chronicle of Philanthropy* (April 21, 2009).

[xv] Robin Shulman, "N.Y. Mayor Announces New Effort to Expand Volunteerism," *Washington Post* (April 20, 2009).

[xvi] "International Year of Volunteers: Outcomes and Future Perspectives," *Report of the Secretary General*, A/57/352 (24 September 2002) para. 28.

[xvii] Treaty Of Amsterdam Amending The Treaty On European Union, The Treaties Establishing The European Communities And Related Acts, 10 November 1997, Article 38.

[xviii] European Parliament Session Document A6-0070/2008 (10 March 2008). See also "Volunteering empowers you, say MEPS," *Vita Europe EU* (21 April 2008), http://beta.vita.it/news/view/78002. For a selection of other EU statements on volunteerism, visit http://www.cev.be/23-eu_policy-EN.html.