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WHAT IS THE BASIS FOR TRANSFERRING POLISH EXPERIENCE IN THE LAW ON PUBLIC BENEFIT AND VOLUNTARY WORK TO THE REPUBLIC OF BURYATIA?

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In the Republic of Buryatia there is no local legislation regarding volunteerism. But voluntary movement is getting bigger from year to year. In 2003 participants of the meeting between NGOs and Buryat Government Committees came to conclusion that it is necessary to pass a law on voluntary work. The experts noticed a positive role of voluntary movement for local society in economically depressed region as Buryatia is.

The Chapter III of the Polish Law on Public Benefit and Voluntary Work can become the basis for the new Buryat Law on Voluntary Work. This policy paper consider on probable changes, which this law could bring to Buryatia.

Introduction

Poland and Buryatia are post-communist territories where the concept of voluntary work was different in Soviet times from the modern understanding. The basis of the modern model of voluntary movement is personal motivation as opposed to being forced by the state.

The recently adopted Law on Public Benefit and Voluntary Work (April 24, 2003) in Poland, defines a volunteer as “a person who voluntarily, and with no remuneration, provides services based on regulations specified in the Law.” In Buryatia the only definition of volunteerism is given by the Russian Federal Law “On Charities”, where the volunteer is defined as “a citizen who carries out charity activities in the form of unpaid work in the interests of the beneficiary, including in the interests of the beneficiary organization.” In Russian legislation there is no special law that protects the rights of the volunteer and regulates cooperation between the volunteer and the organization, as the Polish law does.

Could we transfer the Polish experience in this field to Buryatia and could it improve the level of voluntary movement in the region?

The Republic of Buryatia is a subject of the Russian Federation and is included in Sibirski Federal district. The administrative, economic and cultural center of the Republic is the city of Ulan Ude.

Buryatia is situated in the center of the Asian Continent. Ulan Ude is 5519 kilometers away from Moscow and 3500 kilometers away from the Pacific Ocean coast. Representative and legislative body of the Republic of Buryatia is the People's Khural - Parlament¹. The executive power in the Republic of Buryatia is exercised by the Government of the Republic of Buryatia, headed by President of Republic of Buryatia who is simultaneously the Chairman of the Government of the Republic of Buryatia. The Government of the Republic of Buryatia consists of the first Deputy and deputies Chairman of the Government of the Republic of Buryatia, Head of Administration, Ministers and Chairmen of State Committees.

Why would this Law be interesting to transfer?

It would be interesting, because of common social youth problems, where the voluntary movement development could improve a situation. In Buryatia there is a similar situation to Poland regarding the high level of youth unemployment. In the interview, which was conducted in Warsaw in August 2005, officials from the Department of Public Benefit (Ministry of Social Policy of Poland) noticed that one of the most significant reasons that this Law appeared is the position of the Polish Government that volunteerism can improve the general situation with youth unemployment. Volunteerism was included into the Government program "First Job" in 2002, where was a chapter devoted to this movement as a way to get a job. Young people receive professional experience and first letters of recommendation thanks to volunteerism instead of "emptily" spending their time. They are becoming competitive on the labor market.

Volunteerism in Buryatia is widespread only among students from universities and vocational schools. According to the official report in 2004 of the regional department of the Federal Service of State Statistics in Buryatia, there are 51,400 students². This is 24% of the total number of youth from 14 to 30 years old (254,000). The chairman of the Labor Registry Office in Ulan Ude announced that in 2004, 30% of the total number of unemployed people was youth

¹ According to the Law, "About Elections of the Deputies of the People's Khural of the Republic of Buryatia," the right of candidates' nomination belongs to electoral unions and to groups of voters. In addition, a candidate can nominate himself. The Khural consists of 65 deputies, who are elected for 4 years. www.gov.buryatia.ru

² In Buryatia there are 4 universities and 18 vocational schools.

(under 30)³. But youth unemployment is not the only problem for students. The Ministry of Education (RB) published the 2004 annual report, which showed that the most significant students' problems are:

- 1) to get a job;
- 2) to find ways to spend their leisure time;
- 3) to have access to education.

It is important to note what students from local universities think about the most significant social problems for youth. In 2003 researchers⁴ asked 398 students from 4 universities of Ulan Ude to answer this question. Students highlighted the following problems:

- 1) to get a job;
- 2) to solve the problem of the spread of drugs and HIV/AIDS;
- 3) to improve the ecological situation in Buryatia.

Please note that environmental activity and prevention of unhealthy lifestyles are among the most widespread directions of voluntary work in Buryatia. It is proven by the fact that the biggest voluntary organization in Buryatia (1300 members) was founded by the Republic of Buryatia AIDS Center. There are several environmental magazines published by NPO, more than 20 summer voluntary camps with environmental program. It means that voluntary movement is directed to solve two last enumerated problems.

Can the law on voluntary work assist in solving the problem with youth unemployment?

Let us look at what changes were brought with the law in area of struggle against the high rate of unemployment in Poland.

The law specifies the need for a written volunteer agreement, if the services provided by the volunteer are implemented over a period exceeding 30 days. For periods of less than 30 days, the volunteer can request a written agreement and written confirmation of the services provided. Now organizations cooperating with volunteers should follow a number of rules.

³ <http://www.regnum.ru/news/207024.html>

⁴ Irina Dashibalova, Department of Sociology at the Institute of Mongol, Buddhism and Tibetan Studies, Russian Academy of Science

A number of rights and obligations are specified within the law, regulating the relationship between beneficiaries and volunteers. According to the regulations, organizations benefiting from the volunteer must:

- ensure safe and hygienic work conditions and comprehensive information on potential risks and risk protection;
- cover travel and other expenses incurred by the volunteer in connection with their service;
- provide a 'per diem' for subsistence costs;
- cover training costs if they are provided in the framework of the volunteer agreement⁵.

According to the 2004 Omnibus study⁶ carried out on a representative sample of adult Poles, 18.5% of the respondents declared that they had done some kind of non-remunerated work for non-government organizations or social or religious movements in the course of the past year. In 2001 ten per cent of the adults surveyed claimed to be volunteers.

The Klon/Jawor Association undertook research in 2004 on "NGOs in Poland. Basic Facts." According to this research the Law did not influence much the number of volunteers engaged in the activities of NGOs. In 2004 volunteers supported the activities of 44.4% of the organizations. The number of organizations cooperating with volunteers diminished slightly (2.6%) in comparison with 2002. The total number of volunteers supporting the work of the organizations in 2004 can be estimated at 1 million. But the majority of the organizations did not notice any change in the number of volunteers engaged in their work. Nearly half believed that the number of volunteers had not changed. 34% of the organizations noticed an increase in the number of volunteers. Only 10% of the organizations claimed that the number of volunteers had diminished in the last two years. In the middle of 2004 just 12% of the organizations claimed that the law (in general) had already affected their activity and 78% had not noticed any influence of the Law.

Volunteerism has not become a new way to get a job because the number of volunteers did not change very much. People who are involved in the movement were guided by another

⁵ Natalia del Cid, The Legal Status of the Volunteer: Country Report Poland. Edited by AVSO coordinator Jana Hainsworth. Published in September 2003.

⁶ The Omnibus study was jointly prepared by the KLON/Jawor Association and the SMG/KRC A Millard Brown Company. The research was carried out between the second and fifth of November 2004.

motivation. Since the Law came into force, only two people applied to the Volunteer Center with a note that they were looking for a job in this manner. In 2004, organizations declared cooperation with a slightly smaller number of volunteers than in 2002. However, the percentage of organizations that in the last year had more than 60 volunteers decreased by 4%.

The chairman of the Volunteer Center Association in Warsaw noticed only the good side of this Law.

- The relationship between volunteers and their organizations is clear now.
- The leader of the organization is responsible for the volunteer.
- This Law and mass media did a good job in developing the movement in general.

Officials from the Department of Public Benefit (Ministry of Social Policy) claimed good and bad results of this Law. The positive result is that one Law governs everything connected with voluntary work, and organizations do not need to use other laws for it. There are no misunderstandings. But at the same time there were cases when NGOs abused this Law by generating revenue through their foreign volunteers.

The Law clearly influenced documentation procedures (an agreement, a health insurance), which protects the rights of volunteers and influenced corporate rules of voluntary organization. However, in the short-term, the Law has not proven to be effective in significantly increasing the number of volunteers or creating new visions of the voluntary movement in public opinion.

That implies there is not a strong basis for adopting the Polish Law in Buryatia as a way to solve the problem with level of unemployed youth, which was a key factor in passing this legislation in Poland. Of course, the Polish law was passed only two years ago, making it early to fully assess the impact on youth employment. However, it is clear that in the short-term, the impact on youth unemployment was minimal. It is necessary to further follow the results of the law to understand the longer-term impact.

Can the law help fill the youth's leisure time?

There is good evidence that NPOs in Buryatia currently are effective in providing positive leisure time activities for youth. In fact, they are more active in filling leisure time for youth than the government is. In Buryatia there are 800 NPOs. In 2004 in the list of Ministry of Education and Science were 100 youth organizations, which involve more than 11,000 children and youth in implementing significant social projects.

NPOs became independent from the government relatively recently in Russia. The general legal basis of NPO activities in the Russian Federation is the Civil Code (art.50; art.116-123); the Federal Law “On Non Profit Organizations,” from January 12, 1996 and some other special federal laws. NPOs in Russia are legal entities whose main goal is not to obtain profit or to distribute it among its members. The profit which an NPO can gain should be spent for the purposes stated in its Charter. The social character of NPO is their “birthmark”. All of them are made up of either individuals or legal entities (corporations) and are supported at society’s expense from public funds or from public benefits. According to the 1994 Civil Code of the Russian Federation, the NPOs may be organized in the forms of public and religious organizations, funds, institutions, consumers’ cooperatives; they may be united in larger associations and unions. It is allowed to organize both state NPO (they may have federal state and municipal bodies, state and municipal service companies among their founders) and non-state (non-government) NPO (with no participation of state bodies: art.6 of the Law “On Charities”).⁷

While Buryatia is an economically depressed region (ranking 54th among 88 regions in Russia in terms of economic development⁸), youth NPOs have managed to attract significant funds for their work in the past decade. For the period from 1994 to 2002 youth organizations in Buryatia raised funds for developing the social sphere in the amount of \$1,622,000.⁹ About 18 organizations are engaged directly in the development of the voluntary movement. Besides, voluntary groups are organized through local Departments of Social Welfare, universities, and schools. There are no statistics on how many people are engaged in the voluntary movement in Buryatia and what is percent of NPOs have paid employees.

⁷ A.V. Kvashonkin, Organizational and Legal Forms of Nonprofit Organizations; “Gosudarvvennoe upravlenie. Electronnij vestnik”, published 10/08/2005.

⁸ <http://rating.rbc.ru/article.shtml?2005/03/16/967793>

⁹ This includes foreign and Russian money. Final report of Civic Forum of NPOs in Buryatia, 2002

However, youth volunteerism is concentrated among university and vocational school students and is not widespread among youth outside of educational institutions. In addition, young people are involved in individual events but are not always aware of the opportunities to volunteer on a more regular basis at NPOs that organize these events. The low level of awareness of volunteerism in general was shown by research⁴ conducted among students. 47.9 % of respondents said that they are not well informed about voluntary work and only 14.3% knew it very well. 81.1% of respondents noticed that students from universities are the biggest share of participants in the voluntary movement. Respondents highlighted the main purpose of the voluntary movement as help to the needy (65.3 %) and attracting government attention to social problems (62.8 %).

On the question how can voluntary organizations improve their work, respondents answered: involving more people in the movement (76.4 %), cooperating with government (71.9 %), enhancing collaboration between NPOs and volunteers (60.1 %).

From this experience, it appears that in order to be more effective in filling leisure time for youth, the NPOs need to better inform youth about their activities and have to better developed cooperation with volunteers, especially procedures for involving volunteers (contracts, written expectations, communication on volunteerism). In Buryatia, there is no common practice of signing agreements with volunteers, which already exists in Poland.

The Polish Law improves collaboration between NPOs and volunteers. By the Polish Law volunteers and organizations received a number of corporative rules. The president of the organization is responsible for the volunteer. Volunteers are protected and for them it is more convenient to work with an organization than by themselves. In addition, government and NPOs improved cooperation after passing the Law, because there is no misunderstanding in the conception of volunteerism.

What is important in improving NPO's ability to fill youth leisure time is to strengthen the organizations themselves so that they can more effectively collaborate with volunteers. Transferring the Polish Law to Buryatia is important for improving the work of voluntary organizations. As volunteerism develops, the question of the rights of the volunteer will also

⁴ Irina Dashibalova, Department of Sociology at the Institute of Mongol, Buddhism and Tibetan Studies, Russian Academy of Science

become important. In order to define these rights, it is important to establish the rules of cooperation between the organization and the volunteer and raise the professionalism of the organization regarding volunteerism.

What is the current situation of youth legislation in Buryatia?

The general legal basis of youth policy in Buryatia consists of three Republican Laws and the Republican Governmental Integrated Program “Youth of Buryatia 2004 – 2007”. The program is the main document, which guides youth policy in Buryatia.

The expectations from the Program’s implementation include:

- decreasing the level of youth unemployment to 27.8% in 2007;
- increasing the number of youth NPOs;
- increasing the number of social centers and services for youth to 12 in 2007.

The 2003 annual report on this program makes a small note that voluntary organizations mostly focused on preventing negative influences among youth and promoting youth leadership and creativity. Overall in the report, volunteerism hardly figures and is thus not considered an important part of Buryatia’s youth policy.

However, civil society and government experts involved in youth activities believe that there should be special legislation on volunteerism. In the meeting which took place in Ulan Ude in 2003 organized by the NPO Club Firn, 24 experts from 14 Republican NPOs and from State Committees and Ministries who are responsible for youth policy composed a final recommendation that it is necessary to write a law on voluntary work. The experts noticed that volunteers create a positive environment for people with different disabilities, involve people in sports, educate citizens about their rights, help retired employees (in all – 24 kinds of activity). This is a wider array of activities than the State offers to youth. The Law on Voluntary Work would be a way to consolidate NPOs and Government (People’s Khural) cooperation in developing the voluntary movement. The Law on Voluntary Work will facilitate NGO consolidation, and it would be a first step to establish a legislative basis in this field.

Why does Buryatia need this the Law, in the experts’ opinion?



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- to increase the capacity of resources involved in NGO;
 - to solve social problems and create new social programs;
 - to support the voluntary movement from government, business and local society.



Conclusion

Chapter III of the Polish Law on Public Benefit and Voluntary Work can become the basis for the new Buryat Law on Voluntary Work. Now in Buryatia the Law is more needed for voluntary organizations than for volunteers. By this Law it can be possible to establish rules of cooperation between the organization and volunteer and to give general definitions for the voluntary sphere. Further, in Buryatia it is important to open volunteerism for citizens as a way to fill leisure time for youth in the countryside and in cities. In this case volunteerism will be attractive for the government and socially responsible business to invest money into the development of the movement.

Probably it will be wrong to present this Law in connection with decreasing the level of youth unemployment, because it is still not proven by Polish experience. However, it will be useful to continue following the effect of the Polish legislation, particularly with regards to unemployment, and see if there is a good basis in terms of the long-term impact in helping to alleviate youth unemployment.

Overall, adopting the law would be an important measure, and it has good chances for success. On the 20th of October 2005 in Buryatia members of the Youth Chamber at the Municipal House were elected. This Chamber consists of 31 members aged 17-30. The opportunity to pass the Law on the municipal level and after that on the Republican level is quite reliable, because most of the members are current volunteers or were volunteers in the past. If this legislation is passed, it will be interesting to track its impact in Buryatia. By observing its results here and continuing to observe the results of current legislation in former socialist countries like Poland as they evolve, the law can be refined to become more effective in improving local community life, providing positive leisure time for youth, and enhancing life opportunities.