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The Development of State-civil Society Relations in Kazakhstan

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Abstract This article offers an overview of the state-civil society relations in Kazakhstan, placing emphasis on how the legislative and institutional framework in which Kazakh civil society organizations operate has affected the development of the non-profit sector. In particular, the paper investigates the different stages that Kazakh civil society has undergone since the collapse of the Soviet Union looking at the ways and extent to which national power relations have influenced and shaped its features and functioning. The study contributes to the identification of a new phase in the development of civil society in Kazakhstan in which the government has been increasingly involved in the conceptualization of the role and functions of the non-profit sector. This phase is characterized by an intensification of the state-civil society relations in the country through the establishment of *ad hoc* mechanisms of cooperation and, especially, of a generous government funding scheme for the conduction of social projects.

Summary 1 Introduction. – 2 Civil Society in the USSR. – 3 Civil Society in the Post-Soviet Era. – 4 The Engagement of Kazakh Government with Civil Society Since 2006. – 5 Recent Developments in the State-civil Society Relation. – 5.1 The Current Legal and Institutional Environment. – 5.2 The Financial Environment and the Expansion of the Social Order System. – 6 Civil Society Perspective on Current Developments. – 7 Conclusion.

Keywords Kazakh Civil Society. State-Civil Society Relations. Civil Society Empowerment. Political development in the Post-Soviet space.

1 Introduction

This article aims at offering an overview of the state-civil society relations in Kazakhstan, placing emphasis on how the legislative and institutional framework in which Kazakh civil society organizations (CSOs) operate has affected the development of the non-profit sector. In particular, the paper investigates the following questions: firstly, which stages has Kazakh civil society undergone since the collapse of the Soviet Union? Secondly, when and how did the Kazakh government start engaging with the non-profit sector? And, thirdly, how has the state-civil society relation affected the Kazakh non-profit sector? The study contributes to the identification of a

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203

new phase in the development of civil society in Kazakhstan in which the government has been increasingly involved in the conceptualization of the role and functions of the non-profit sector. This phase is characterized by an intensification of the state-civil society relations in the country through the establishment of *ad hoc* mechanisms of cooperation and especially of a generous state funding scheme.

The paper is based on the examination of official government laws, programs and statements related to civil society as well as interviews conducted with representatives of the Kazakh non-governmental sector and of international organizations active in the country. It is structured as follows. Section two provides a critical overview of civil society engagement in Soviet times. Section three describes the transformations that the Kazakh non-profit sector experienced in the first ten years after the nation's independence and the first attempts of the Kazakh government to engage with civil society through the *Concept of Support for Non-Commercial Organizations*. The second part of the paper is then concerned with a new phase in the state-civil society relationship which started with the adoption of the new *Concept of Civil Society Development* in 2006. In particular, section four and section five analyze the recent changes affecting the legal and financial environment characterizing the Kazakh non-profit sector. Section six is focused on how the new government measures are perceived by some among the most established domestic and international organizations. In the final section, some general conclusions on the evolution of the state-civil society relations in Kazakhstan are presented together with some reflections on possible future developments.

2 Civil Society in the USSR

In Soviet times, civil society remained a very limited phenomenon. As highlighted by Howard in this regard, the Communist Party «prevented the existence of any associational life, political organizations, or social movements that existed separate from the party-state institutional web» (2003, 23). In addition, «the Party (also) attempted to supplant the very need for independent social activities with a dense institutional web of groups and organizations» (Howard 2003, 23) ranging from trade unions, cultural associations, and young, women and workers groups to less-politicized sports and book lovers' clubs. The membership and participation in these groups were generally mandatory, coerced and instrumental since, by joining communist organizations, people could improve their career prospects or receive special benefits (26-7) and enjoy privileged access to otherwise scarce resources.

According to Bunce, the extraordinary penetration, surveillance and control of all aspects of social life on behalf of the Soviet state gave rise to

forms of «adaptive behavior». In this regard, the author states that individuals within the socialist system were encouraged «to divide their personalities into a public and a conformist self, on the one hand, and a private and more rebellious self, on the other hand - what was referred to in the East German setting as a *Nischengesellschaft*, or niche society» (Bunce 1999, 30). The mistrust of a highly politicized and controlled public sphere and of communist organizations whose membership was mandatory, coerced and instrumental, made the Soviet citizens disengage from civic life and rely on intense friendship networks which became themselves a deterrent for community engagement. Similarly, Kazantsev highlights how the Soviet experience, «by affecting the structure and functions of voluntary organizations, has created the first model of 'uncivil society'» - which he also calls «totalitarian» - «and which still has a hugely destructive and distorting influence on Central Asian civil organizations» (2015, 28). In particular, through the use of propaganda and enforcement agencies and the establishment of a system of denunciations, Soviet totalitarianism succeeded in atomizing the individual, undermining generalized trust in society, thus predetermining some forms in the evolution and distortions of civil society (28-9). In addition, the state-controlled organizations constituted under the totalitarian rule contributed to the creation of «negative social capital», «bonding» and connecting people inside a specific group but not «bridging» different groups within society. According to Kazantsev, the prevailing of the bonding over the bridging function has led to a fragmentation of society which reinforces, and is fortified by, the clan-based structure typical of Central Asian states.

At the same time, the Soviet regime also allowed «the existence of *independent* social activities that were not directly threatening to the state» (Howard 2003, 27, emphasis added). A few large public institutions, such as the Red Cross and the Red Crescent Society, the Nature Protection Society, the Peace Fund, as well as the Children's Fund, were present in Kazakhstan and operated as «quasi-NGOs» (Kabdiyeva, Dixon 2014, 31-2), financed by the government yet acting independently. Even though in the mid-1980s, *perestroika* allowed for more civic participation and «environmental and democratic issues became hot topics», «the communist regime continued to limit basic human rights such as freedom of public assembly and freedom of speech» (Makhmutova and Akhmetova 2011, 18). It was only after the breakup of the Soviet Union that Kazakh civil society experienced a considerable development thanks to the financial support of international donors from the United States and Western Europe in the 1990s and to the government support since the 2000s as will be shown in the next sections.

3 Civil Society in the Post-Soviet Era

Looking at the development of civil society in Kazakhstan, Diachenko (2007) identifies four different stages the non-profit sector has undergone since the country's independence, which can be summed up as follows:

- the first (end of 1980s-1994): the establishment of the nonprofit sector;
- the second (1994-7): the qualitative and quantitative growth of non-governmental organizations;
- the third (1998-2002): raising the question of developing a state mechanism for interaction with nongovernmental organizations;
- the fourth (from 2003 until today): constructive cooperation of government bodies and NGOs. (Diachenko 2007, 46)

Based on a critical reading of Diachenko and going beyond his periodization, this paper contributes to the identification of a fifth phase in the development of state-civil society relations in Kazakhstan since the introduction of the *Concept of Civil Society Development* in 2006. This phase is characterized by a stronger partnership between the state and the non-profit sector, resulting especially from the establishment of a system of tenders through which the former has provided the latter with substantial financial support for the conduction of socially relevant projects. Before proceeding with the analysis of the current developments and challenges affecting the non-profit sector in Kazakhstan, this section of the paper is focused the different phases that have brought civil society to its current stage.

The first years after the nation's independence saw the rise of a newly born Kazakh non-profit sector operating autonomously from the state but which was highly dependent on Western donors. At that time, around 400 non-governmental organizations were created with financial and organizational support of the international donor community, providing them with generous grants and capacity-building trainings. In this first phase, non-governmental organizations set up their agendas according to the priorities of the foreign donors and were focused especially on the promotion of a human rights and democracy agenda together with environmental issues (Saktaganova, Ospanova 2013, 1278). A very active group was, for instance, the international anti-nuclear movement Nevada-Semipalatinsk, advocating for the closure of the nuclear testing site in Semipalatinsk, which was successfully shut down in 1990. The cooperation between NGOs and the state was rare especially due to the lack of understanding of this new phenomenon on behalf of the latter and due to the inexperience of Kazakh NGOs, which were too young and unprofessional to be considered equal partners by the government (Kabdiyeva, Dixon 2014, 32).

In the second phase, a qualitative and quantitative growth of NGOs was registered whose number reached 1,600 by 1997. This rapid expansion of the sector was produced by the large-scale financial and technical support granted by international donors and organizations, such as USAID, UNDP, Soros Foundation, Hivos, Counterpart Consortium, TACIS, Eurasia Foundation, INTRAC and others. In this phase, due to the «absence of the own traditions of a civil society» (Diachenko 2007, 46) and the financial dependency on foreign aid, the Kazakh third sector developed mainly by following the Western models and experience. The most active NGOs were the Kazakhstan International Bureau for Human Rights, Interlegal Foundation, Almaty Helsinki Committee, Feminist League, Green Salvation, EcoCentre, and Association of Young Leaders (Kabdiyeva, Dixon 2014, 33). The rapid development of the sector was also supported by the new national legislation *On Public Associations* introduced in 1996, which provided a more conducive environment for civic engagement. At the same time, there were initial attempts to establish a constructive cooperation between the government, independent public associations and the business sector especially through the organization of international fora and conferences (Diachenko 2007, 49). A great effort in this field was made by the international donor community which tried to stimulate a partnership between the governmental and the non-governmental sector by applying «foreign experience and cooperation models» (50). Nonetheless, in this second phase, the state lacked a systematic approach and a «comprehensive state policy of interaction» and preferred to adopt a «general position with regard to the NGO sector» (Kabdiyeva, Dixon 2014, 33). This resulted in cautious and formal relations between the government and NGOs and slowed down the process of understanding the specificities and needs of inter-sectoral cooperation in the country.

In the third phase, between 1998 and 2001,¹ the quantitative growth of the non-profit sector decreased significantly due to international and domestic factors such as the international economic crisis and the related withdrawal of foreign financing support for civil society as well as a new and more restrictive registration procedure for NGOs (Kabdiyeva, Dixon 2014, 33). At this stage, a process of selection took place and only the strongest and more professionalized organizations succeeded in surviving: as a matter of fact, in 2001, there were 1,767 organizations registered in the country. Meanwhile «a transition to a qualitatively new stage began in the development of interrelations between the government and the NGOs» (Diachenko 2007, 50) which was realized through the strengthening of

¹ According to the author of this paper, the third phase ends in 2001 instead of 2002 as suggested by Diachenko.

the cooperation and the development of practical mechanisms of interaction between the government and the non-profit sector. The beginning of this new stage in the state-civil society relationship is also testified by the annual address of President Nursultan Nazarbayev on September 30, 1998, during which he introduced the *Social Democratization Program* and stated that «strengthening the role of NGOs in building a civil society is the key element of democratization» (1998). In order to improve the environment in which civil groups operate and to encourage their formation and activities, the registration and supervision procedures for non-governmental organizations active in the country were simplified. In addition, the *Law on Normative Legal Acts* of 1998 introduced the requirement for the legislator to take into consideration the indication coming from the NGO sector in the formulation of new laws (Kazkenov, Ziegler 2015, 208).

The creation of a new conducive environment for NGOs was also supported by the establishment of a special Republic Level NGO Support Center, known as Info-Center for NGOs, in 1999 and of the Confederation of Non-Governmental Organizations of Kazakhstan (CNOK) in 2000. It is noteworthy that the CNOK played a role of pivotal importance in coordinating and shaping the NGO sector, providing «a clear idea of the activity of nongovernmental organizations in society and governmental structures and their potential and role in resolving society's significant problems» (Diachenko 2007, 50-1).

In the following years (fourth phase), Kazakh civil society grew again also thanks to the implementation of the *Law On Commercial Organizations* of 2001 and the *Concept of State Support for Non-Commercial Organizations* of 2002 which were adopted by the Kazakh government as an effort to sustain the development of the third sector. Remarkably, representatives of international NGOs and organizations such as UNDP, TACIS and Counterpart Consortium were involved in the compilation of the *Concept* which established goals, assignments, principles and forms of state support for the non-profit sector (Makhmutova, Akhmetova 2011, 17). As a matter of fact, this involvement is emblematic of the influence that the international community still exercised on the development of Kazakh civil society. One of the main novelties of the *Concept* consisted in the introduction of a system of social contracts (also called tenders or social orders) to support NGOs' socially significant projects which will be presented in more detail in section 5.2.

Moreover, in order to promote cooperation and new synergies between the government and the non-profit sector, since 2003 a biannual «Civic Forum» has been held to «facilitate greater involvement of the NGO community in the government's efforts for political reform nationwide». ² In particular, the forum aims at promoting the cooperation inside the NGO

2 <http://www.kazconsulny.org/en/page.php?id=6c>

sector and between NGOs and the government, providing a dialogue platform for public-civil society partnership. The event is open to NGO representatives from all over the country, representatives of international organizations, members of the Parliament, central and local government officials, media and volunteers which meet to discuss about goals and challenges concerning the development of civil society in Kazakhstan.³

During the Second Civic Forum in 2005, a state-supported umbrella organization called the Civic Alliance of Kazakhstan was created to coordinate the activities of Kazakh NGOs. The Alliance is a federation comprising more than 1,000 CSOs and is present in all the fourteen regions of the country and is focused on the development of a partnership between (civil) society, the government and the business sector.⁴ In particular, the organization is engaged in promoting the active involvement of non-governmental organizations in the policy-making process, «both through formal consultation channels at central and local level and through its contribution on a number of legislative initiatives considered by the Parliament» (OECD 2014, 271).

In 2006, the *Concept of Civil Society Development in Kazakhstan for 2006-11* was introduced. It contributed in strengthening «the institutional and organization basis for providing support to the NGOs sector development» and in consolidating the cooperation between the government and the NGO sector (Diachenko 2007, 51). At the same time, since 2006 there has been a significant increase in the state budget available to non-profit organizations for the implementation of social projects which was also aimed at reducing the financial (and ideological) dependency of the Kazakh third sector on the international donor community. Therefore, the following pages are focused on the description of a fifth phase in the development of civil society in Kazakhstan starting in 2006 and during which an intensification of the relations between the state and the Kazakh non-profit sector was registered. Indeed, this phase is characterized by a substantial expansion of the government's financial support to civil society, aimed also at replacing the centrality and influence exercised by the international donor community in this field. The next sections offer an overview of the new legislative and institutional framework for Kazakh CSOs; the analysis is enriched with some critical reflections on the current challenges faced by the non-profit sector which emerged during a fieldwork conducted in Kazakhstan in the summer of 2014.⁵

3 <http://www.kazakhembus.com/content/ngos-civil-society#sthash.v7Fz2j4A.dpuf>

4 <http://ortcom.kz/ru/catalog/view/438>

5 During the fieldwork, semi-structured interviews were conducted with fourteen well-established Kazakh NGOs based in Almaty, Astana and Kyzylorda; in addition, four expert

4 The Engagement of Kazakh Government with Civil Society since 2006

Since the mid-2000s, the Kazakh government has intensified its engagement with the civil society sector and has been increasingly involved in the conceptualization of the role and functions of civil society and its positioning vis-à-vis the state. This is well exemplified in the *Concept of Civil Society Development for 2006-11* introduced in 2006 by President Nursultan Nazarbayev.

In the *Concept*, civil society is described as «a society where the individual, with all his or her needs, interests and values, is at the center of all processes and relations» (Makhmutova, Akhmetova 2011, 17). The term also refers to «all social relations – political, economic, cultural, national, religious, family and other – that are independent from the state and reflect a variety of private interests» (Makhmutova, Akhmetova 2011, 17). Civil society includes political parties, local associations, professional unions, religious associations, creative, social and scientific unions and associations, and all non-governmental organizations which offer a wide range of services to the public and perform various activities (Nazarbayev 2006).⁶

The document clarifies the relationship existing between civil society and democracy; in particular, «the development of civil society and the development of democracy in the country are (seen as) closely related: the more civil society develops, the more the state is democratic» (Nazarbayev 2006).⁷ According to the *Concept*, in a democracy, civil society and the state are interdependent. More specifically, the objective of a democratic, secular, legal and social state is to produce the necessary conditions for the full development of civil society, in which different

interviews were carried out with two officers working for the EU Delegation in Kazakhstan in the field of promotion of democracy and human rights, one officer working for the United Nations Development Program (UNDP) and one representative of a German foundation active in Kazakhstan in the field of political education.

6 «К институтам гражданского общества относятся политические партии, местные сообщества, профессиональные союзы, религиозные объединения, творческие, общественные и научные союзы и объединения, средства массовой информации, а также неправительственные организации, реализующие широкий спектр услуг для общества, осуществляющие различные виды деятельности, созданные в виде негосударственных фондов, некоммерческих учреждений, союзов (ассоциаций) юридических лиц, других организаций и инициативных групп в целях решения общественно полезных задач».

7 «Становление гражданского общества и развитие демократии в стране находятся в тесной взаимосвязи: чем более развито гражданское общество, тем демократичнее государство».

kinds of citizens' associations and legal entities (parties, NGOs, media, unions, associations, initiative groups and others) build a bridge between individuals and the state and do not allow the latter to usurp power (Nazarbayev 2006).⁸ It follows that the task of civil society is to mediate between the individual and the state (Nazarbayev 2006),⁹ protecting the interests of every member of society, representing these interests in front of authorities and society, exercising public control over the activities of the government and formulating domestic and foreign policy of the society (Nazarbayev 2006).¹⁰ In the document, different instruments for the strengthening of the cooperation between state bodies and civil society institutions are indicated: for instance, the establishment of regular civic fora functioning as national dialogue platforms as well as the creation of permanent cooperation mechanisms at the national and regional level such as public hearings, public councils, advisory bodies, *ad hoc* commissions and working groups.

The *Concept* recognizes a common goal for the state and civil society: the improvement of the level of public services in order to achieve modern standards of quality of life and ensure the protection of human rights (Nazarbayev 2006).¹¹ The document encourages especially NGOs to engage in socially oriented projects focused on the protection of the rights of the most vulnerable groups of the population such as disabled people, women and the youth. It is noteworthy that these social projects are eligible to receive state support through the system of social orders introduced in 2005, which will be presented in more detail in section 5.2.

In addition, since 2006, several laws and measures have been implemented by the Kazakh government to improve the capacity of the non-profit sector as, for instance, the ratification of the *Optional Protocol to the 1966 International Covenant on Civil and Political Rights*, the reduction of the NGO registration fees, their exempt from paying taxes and the simplification of the

8 «Задачей демократического, светского, правового и социального государства является создание необходимых условий для всемерного развития гражданского общества, в котором различные по своей природе объединения граждан и юридических лиц (партии, НПО, СМИ, союзы, ассоциации, инициативные группы и другие) осуществляют связь между человеком и государством и не позволяют последнему узурпировать власть».

9 «Задача гражданского общества - быть посредником между индивидуумом и государством».

10 «Целью гражданского общества является защита интересов каждого члена общества, представление его интересов перед лицом власти и общества, общественный контроль за деятельностью власти и формирование внутренней и внешней политики этого общества».

11 «Государство и институты гражданского общества стремятся повысить уровень государственных услуг населению в целях достижения современных стандартов качества жизни и обеспечения защиты прав человека».

reporting requirements for NGOs receiving international grants.¹² Moreover, «in 2009, the ban of state financing of public associations was removed by the Law on Public Associations, consistent with the removal of a similar provision from the constitution in 2007» (Kabdiyeva, Dixon 2014, 33-4).

Table 1. Overview of the development of civil society in Kazakhstan for the period 2006-2010

Form	April 2006	November 2008	May 2010
State institutions	20,840	21,280	21,334
Private institutions	6,097	5,688	(5,500)*
Public institutions	5,820	7,204	8,034
Foundations	3,340	4,204	4,751
Religious associations	1,360	1,399	1,388
Associations (unions) of legal entities	1,072	1,210	1,324
Consumer cooperatives	4,846	5,319	5,553
Rural consumer cooperatives	833	1,517	1,769
Housing and building cooperatives	215	290	339
Non-commercial joint-stock companies	*	3	63
Housing owners' cooperatives	2,186	2,363	2,417
Notary chambers	16	16	18
Bar colleges (associations)	14	15	16
Auditors' chambers	16	13	(13)*
Chambers of trade and industry	16	16	(16)*
Agricultural partnerships	29	35	29
Subtotal (private NCOs)	25,860	29,292	(31,201)'
Total (including state NCOs)	47,600	50,572	(52,564)'

* No official data available. In parenthesis, estimates by Makhmutova and Akhmetova (2011)
Source: Ministry of Justice of Republic of Kazakhstan, taken from Makhmutova and Akhmetova 2011, 21

Table 1 offers an overview of the development of civil society in Kazakhstan since the introduction of the government's *Concept of Civil Society Development* of 2006, providing detailed information on the number of organizations registered and their field of involvement. Although a quantitative growth was registered between 2006 and 2010, this did not necessary correspond to a qualitative development of the sector. Indeed, as pointed out by Makhmutova and Akhmetova, in the past years the state, the rul-

12 <http://www.kazconsulny.org/en/page.php?id=6c>

ing party and oligarchic economic groups have been actively engaged in creating «quasi-official NGOs» which are used as «government showcases of democracy» (2011, 20) rather than representing grassroots views and interests. In addition, a peculiar form of NGO – the Government Operated Non-Governmental Organization (GONGO) – flourished in the country in this period, thereby increasing the number of registered organizations which, however, are neither independent from the government nor really active (22).

5 Recent Developments in the State-Civil Society Relation

In the early 2010s, tragic events took place in Kazakhstan which brought about a dramatic worsening of the legal environment in which Kazakh CSOs operate. Although terrorist attacks have been occurring in the country since at least 2000, a suicide bombing in 2011 followed by a series of low level explosions and attacks at law-enforcement officers prompted speculations of an Islamic threat for the country.¹³ In addition, the same year was characterized by social unrest with hundreds of oilfield workers in the Western region of Mangystau going on strike for better working conditions and higher wages for more than seven months. The protest escalated over the 20th anniversary of the country's independence from the Soviet Union on December 16, during which at least fourteen demonstrators were killed by the police in the oil town of Zhanaozen. These episodes led to a vehement reaction on behalf of the government, which since 2011 has placed significant restrictions on the activities of religious groups and increased the overall pressure on civil society as will be shown in the next section.

13 <http://thediplomat.com/2011/08/kazakhstans-islamist-threat/>

5.1 The Current Legal and Institutional Environment

The *Law on Religious Activities and Religious Associations* came into effect in October 2011 and introduced new provisions officially aimed at curbing religious extremism in Kazakhstan. In particular, the new law obliges all religious groups to re-register by meeting the requirement of at least 50 adult members for the registration as local organization, 500 members for the registration as regional organization, and 5,000 members for the registration as national organization. Due to the new stipulations, small groups have faced difficulties in regularizing their position: as reported by USAID in this regard, «in 2013, the court liquidated religious organizations that had not re-registered» and, as a result, «the number of religious associations decreased by about 32 percent» (USAID, 2013, 96). In addition, the law also requires the theological examination of all religious texts and materials on behalf of the State Religious Affairs Agency and limits their distribution.¹⁴ As a matter of fact, the new restrictions applied to confessional groups were classified by OSCE and Freedom House as violating the freedom of religion (USAID 2013, 96).

In 2012, a *Law on National Security of Kazakhstan* was signed by President Nazarbayev which, according to USAID (2013), contains some provisions that limit the freedom of speech in the country and impose criminal liability for attempting to overthrow the political system. These provisions also affect civil society and, more specifically, are described by USAID as restrictive for CSOs' engagement in the field of advocacy (USAID 2013, 99). At the same time, USAID highlighted that in the past years increased pressure was exercised on independent trade unions and human rights organizations whose public image was negatively affected by the government's control of social networks and the tendency of Russian mass media to portray NGOs as foreign agents (USAID 2013, 95).

In 2014, a new Trade Union Law was adopted which according to USAID, «restricts the rights to freedom of association and collective bargaining», and the Law on Communication was amended to allow the temporary shutdown of websites and social networks to prevent the dissemination of information considered as harmful to society and as containing calls to commit «extremist» acts (USAID 2015, 105). In the same year, the Code of Administrative Offences was revised and outlined administrative offences on behalf of leaders or members of public associations which can lead to fines, suspension or complete banning of their activities. The list includes the creation of, participation in, or financing of unregistered public associations and the conduction of activities which go beyond the goals and

¹⁴ <http://en.odfoundation.eu/a/6629,report-the-harrasment-of-civil-society-in-kazakhstan>

tasks defined in a public association's charter (Article 489) (USAID 2015, 104). In addition, the new Criminal Code introduced in 2015 has imposed criminal liability on public associations and expanded the list of offenses. The list includes different punishable activities such as «interfering in the lawful activities of government bodies; establishing or participating in 'illegal' associations; publishing rumors that could 'create public disturbances'; and 'provoking' labor conflicts» (USAID 2015, 104).

Yet, whereas the legal environment for CSOs has deteriorated in the past years, an amelioration of the financial environment was registered thanks to a significant increase of state budget available to NGOs for the implementation of social projects. As we will see in the coming section, this trend is linked to the government's attempt to enhance the cooperation between the state and the non-profit sector as well as to decrease the (financial) dependency of Kazakh civil society on the international donor community.

5.2 The Financial Environment and the Expansion of the Social Order System

As mentioned in section three of this paper, the *Concept of State Supports for Non-Commercial Organizations* of 2002 introduced a system of social contracts providing non-profit organizations with state support for the conduction of projects in different fields, including social security, public health, environment, civil law, education and culture. Table 2 offers a quantitative picture of the first calls for tenders issued by the Kazakh government between 2003 and 2005 and testifies the rapid growth of this phenomenon.

Table 2. Overview of the first waves of tenders issued by the Republic of Kazakhstan between 2003 and 2005

Tender	Number of Applications	Number of Organizations applying	Number of projects financed	Total amount financed
First pilot tender (Sept. 2003)	120	109	20	10.7 million tenge (ca. 67.352 EUR)
Second tender (May 2004)	142	119	20	9.7 million tenge (ca. 58.995 EUR)
Third Tender (July 2005)	234	165	50	59.7 million tenge (ca. 365.428 EUR)

Source: Data retrieved under <http://www.mk.gov.kz/>

The mechanism of social procurements was consolidated in 2005 with the introduction of the *Law On Social Orders* aimed at improving the realization of social projects in the country through the «participation of the citizens of the Republic of Kazakhstan in the solution of social problems».¹⁵ This social orders system specifically addresses NGOs, which are defined in the law as «non-profit organizations set up by citizens and (or) non-state entities on a voluntary basis in order to achieve their common objectives in accordance with the laws of the Republic of Kazakhstan».¹⁶ Political parties, trade unions and religious organizations are not recognized as NGOs by the law and, therefore, are not eligible to apply for this funding scheme.

Table 3. Overview of the development of the social order system for the period 2006-2013

Year	Amount in tenge	Amount in EUR
2006	317.700.000 tenge	2.114.476 EUR
2007	453.000.000 tenge	2.801.831 EUR
2008	819.000.000 tenge	4.356.615 EUR
2009	1.231.000.000 tenge	5.806.876 EUR
2010	Not available	
2011	2.000.000.000 tenge	9.595.087 EUR
2012	4.500.000.000 tenge	24.033.326 EUR
2013	5.000.000.000 tenge	25.193.994 EUR

Source: Own table based on data made available by USAID 2011, USAID 2013 and USAID 2014

As shown in Table 3, the social order system has grown dramatically in recent years, reaching over 25 million EUR invested by the Kazakh government in social programs in 2013,¹⁷ and representing the major source of funding for NGOs active in the country. Whereas in the pilot phase, the Ministry of Communication and Information was the main actor involved in the implementation of the tender system, nowadays several ministries are supporting NGOs' projects as, for instance, the Ministry of Education and Science, the Ministry of Health and the Ministry of Ecology, financing programs in their specific sectors. As a result, the social order system cov-

15 <http://sport.gov.kz/eng/wp-content/uploads/2012/05/%D0%BE-%D0%B3%D0%BE%D1%81.-%D0%B7%D0%B0%D0%BA%D0%B0%D0%B7%D0%B5.docx>. Interestingly, the *Law on Social Order* of the Republic of Kazakhstan of April 12, 2005 # 36 referred to «projects». The word «projects» was then replaced by «social projects» by the Law of the Republic of Kazakhstan of 22.12.2011 n. 515-IV (entered into force on 01.01.2012)

16 <http://sport.gov.kz/eng/wp-content/uploads/2012/05/%D0%BE-%D0%B3%D0%BE%D1%81.-%D0%B7%D0%B0%D0%BA%D0%B0%D0%B7%D0%B5.docx>.

17 <http://www.kazconsulny.org/en/page.php?id=6c>

ers a variety of areas ranging from education and research, information, culture and art to the protection of public health, of the environment and of the historical and cultural heritage. This mechanism is also open to projects supporting socially vulnerable segments of the population, such as women, youth, children (especially orphans) and unemployed people, and strengthening social cohesion and national unity. Moreover, it is open to many other initiatives «given that they do not contradict the legislation of the Republic of Kazakhstan».¹⁸

It is noteworthy that the increase of state financing for social orders reflects a political vision already expressed by the Civil Alliance of Kazakhstan in the second half of the 2000s, according to which NGOs should achieve financial independence from foreign donors and the government should be the main provider of funding in the country. As a matter of fact, in 2013, the President of Civil Alliance, Nurlan Erimbetov, pronounced himself against the overall sponsoring of Kazakh CSOs on behalf of international donors, stating that this system is characterized by hypocrisy and duplicity.¹⁹ According to Erimbetov, it is the Kazakh government that should finance the activities of those non-governmental organizations now receiving grants from foreign donors, provided that these projects are useful for Kazakh society.²⁰

6 Civil Society Perspective on Current Developments

When asked about the current developments characterizing civil society in Kazakhstan, some concerns were expressed by the leaders and representatives of domestic NGOs and international organizations interviewed during the summer of 2014. Kazakh civil society was presented as «in a state of crisis» and «in an important moment of transition». After the rapid growth registered in the past twenty years, which took place especially thanks to the generous contribution of the international community, the sector is stagnant and is «in search of a new identity and new approaches» also in order to overcome the lack of political efficacy and of trust and support on behalf of the regular population. As a matter of fact, the interviews revealed that the Soviet heritage is still affecting the image of the non-profit sector and that a significant gap exists between Kazakh civil society and

¹⁸ Article 5 of the Law on Social Order of 2005 as amended by the Law of RK of 22.12.2011 n. 515-IV (coming into force from 01.01.2012) of 15.02.2012 n. 556-IV (into force after ten calendar days after its first official publication)

¹⁹ http://tengrinews.kz/kazakhstan_news/erimbetov-kazahstanskije-npo-doljnijsponsirovatsya-iz-za-232728/

²⁰ http://tengrinews.kz/kazakhstan_news/erimbetov-kazahstanskije-npo-doljnijsponsirovatsya-iz-za-232728/

citizens. As reported especially by the NGOs active in the field of human rights, the Kazakh population shows very limited interest in politics and political life and is more concerned with the individual economic advancement rather than with the improvement of the political situation and of the human rights standards in the country. At the same time, the mistrust that Soviet citizens had in public associations did not cease to exist: in particular, Kazakh CSOs tend to be perceived as not authentic since they are too detached from local communities and their needs. Moreover, they are considered as not autonomous since they are financially but also ideologically too dependent on either foreign donors or the national government. As a result, also in the post-Soviet era, people prefer to rely on private social networks and family ties rather than on civic engagement and the involvement in public associations to address their concerns.

Despite the introduction of the state's system of social orders, the interviews confirmed the dependency of the Kazakh NGO sector on the international funding schemes and pointed out a strong preoccupation related to the reduction of foreign support available. Indeed, besides a shift in the geographical priorities of bilateral and multilateral donors, which in the past years have decreased their financial commitment in the Central Asian region, since 2013 Kazakhstan has been upgraded as an upper middle average country and, therefore, is less eligible to receive development cooperation aid. The scarcity of foreign assistance concerns especially those organizations that depicted their relationship with the government as tense and conflicted since it is very unlikely for them to receive financial support on behalf of the state in the framework of the new system of social orders.

The system of tenders introduced by the government in 2005 was presented with some skepticism by the interview partners. Although some organizations²¹ described the government's engagement in this field as a good alternative to the international sponsorship and highlighted the centrality of this mechanism in ensuring their financial sustainability over time, three main shortcomings related to its implementation came into sight. First of all, the interviews pointed out that this system does not grant the right of initiatives typical of international programs which usually give NGOs more freedom in the selection of topics and activities to be implemented. In fact, this tender system is focused on the provision of social services in specific sectors, which are pre-defined by the government in the calls, and covers limited fields of activity mainly related to social rights. In this regard, the organizations of the sample engaging with more politicized topics, such as human rights, rule of law and good governance, reported about their automatic exclusion from the state-funding scheme

21 This applies especially to organizations specialized in the provision of social services to people with disabilities.

which they considered to be an attempt of the state to shape and influence the agenda and mission of the Kazakh non-profit sector. Secondly, although the system of social orders should be based on «transparency and openness» and ensure «equal opportunity for non-governmental organizations participating in the competition»,²² a lack of transparency in the selection process was pointed out by the interviewed who highlighted that the awarded organizations tend to be owned by relatives of the ruling elite. Finally, the financial constraints characterizing this mechanism were emphasized in the course of the interviews during which it was stated that the selection of the projects to be awarded is based on cheapness rather than on the quality of the services provided. In addition, the selected projects are reimbursed only after their completion, and this condition makes it very difficult for small and less-established organizations to run a project without having the necessary resources available in advance.

Overall, the financial framework in which Kazakh NGOs operate was presented as a burden for the creation of coalitions and synergies inside the non-profit sector. The organizations included in the sample had extensively collaborated with each other and had been engaged in the conduction of projects in partnership with local organizations throughout the country. Nonetheless, the interviews underlined the prevalence of a commercially oriented mentality among CSOs which compete against each other for the same (scarce) resources.

Talking about the strategy to overcome the paucity of international aid available, two alternative paths were mentioned by the interviewed organizations that vary according to their apolitical vs. political forms of engagement. A first group of organizations made up of NGOs providing social services for underprivileged groups, such as people with disabilities and people with HIV, plans to employ a mixed approach combining national and international support. In particular, this group intends to continue applying for the national tender system to finance its service provision activities in Kazakhstan and for the international grant system to finance service provision and capacity-building activities in Central Asian countries still eligible for development assistance. The second group is composed of organizations which are active in the promotion of civil and political rights and which – as stressed by them – tend to have a conflicting relationship with the government. Since these NGOs cannot rely on the national tender system, they plan to diversify their source of income by specializing in the provision of research and consultancy service and to devote part of their revenue to awareness and advocacy activities in the field of human rights and capacity-building activities for the NGO sector in the country.

22 <http://sport.gov.kz/eng/wp-content/uploads/2012/05/%D0%BE-%D0%B3%D0%BE%D1%81.-%D0%B7%D0%B0%D0%BA%D0%B0%D0%B7%D0%B5.docx>

7 Conclusion

This paper provides an overview of the development of Kazakh civil society by looking at the ways and extent to which the state's engagement has affected the dynamics characterizing the non-profit sector. Based on a critical reading of Diachenko's work and going beyond his periodization, the paper identified five phases in the development of the state-civil society relations in Kazakhstan in which a gradual intensification of the government's interest in the non-profit sector has taken place.

As was shown, during the first and second phase of its development, the Kazakh non-profit sector remained the domain of international organizations and donors which, through their generous financial and organizational support, sought to seed a Western-style civil society. It was only at the end of the 1990s - what we identified as the third phase - that the first mild attempts were made by the Kazakh government to engage with civil society through the creation of mechanisms of interaction and cooperation with the non-governmental sector such as the Info-Center for NGOs and the Confederation of Non-Governmental Organizations.

Since 2001, the Kazakh government has increased its efforts in promoting cooperation and new synergies with civil society and its organizations. In particular, the *Law on Commercial Organizations* of 2001 and the *Concept of State Support for Non-Commercial Organizations* of 2002 were important steps in the establishment of consistent forms of state support for the non-profit sector such as the system of social orders which, in its initial phase of implementation, was seen as a complement and not a substitute of the international system of grants. It is noteworthy that the involvement of the international community in the compilation of the *Concept* can be interpreted as evidence of the influence it still exercised on Kazakh civil society during its fourth phase of development.

As a matter of fact, it was with the introduction of the *Law on Social Orders* of 2005 and of the *Concept for Civil Society Development* of 2006 that the Kazakh government started playing a major role in shaping the functions of civil society and its positioning vis-à-vis the state. Above all, the national system of tenders providing direct support for NGOs' social projects can be interpreted as the first instrument that the Kazakh government has at its disposal to affect the agenda of the non-profit sector and steer its engagement towards specific fields. In this fifth phase, national and international funding schemes are not seen as complementary anymore as testified by the words of the President of Civil Alliance, Erimbetov, according to which the mechanism of social procurements is meant to replace foreign sponsorship and to give an end to the financial dependency of Kazakh civil society on foreign donors.

The analysis revealed that recent developments such as the adoption of the new criminal code and the changes affecting the national and in-

ternational funding schemes tend to reduce the autonomy of the third sector. In particular, the organizations interviewed pointed out that the new financial environment has affected their ability to operate in more politicized fields such as political and civil human rights. In addition, the paucity of international funding available has increased the competition between CSOs: this leads inevitably to a fragmentation of the sector which limits its capacity to advocate united vis-à-vis the state.

Nonetheless, in 2014, important economic developments took place in Kazakhstan with the country facing a new economic crisis and the government devaluating its currency by 19 percent. The devaluation, which, as reported by USAID, increased the cost of almost all goods by a third, has also led to a decrease of the value of the state support provided in the framework of the system of social orders. In addition, an overall reduction of the state budget available for social contracts was observed together with the establishment of the new international USAID-funded «Good Governance Program» launched by the Eurasian Foundation in the same year. At this point, it is impossible not to recognize that these economic changes might have significant repercussions on the state-civil society relations in Kazakhstan. Thus, it is licit to wonder whether a sixth phase in the development of the Kazakh non-profit sector has already begun.

List of Acronyms und Abbreviations

CSO	Civil Society Organization
GONGO	Government Operated Non-Governmental Organization
EUR	Euro
INTRAC	International NGO Training and Research Centre
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
TACIS	Technical Assistance to the Commonwealth of Independent States
UNDP	United Nations Development Program
USAID	United States Agency for International Development

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