

## COLLABORATION BETWEEN THE STATE AND NGOS IN KAZAKHSTAN

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**ABSTRACT:** *Interest in collaboration between state and Non-Government Organizations (NGOs) has grown dramatically in recent years in Kazakhstan. This article explores the history of NGOs, and NGO–state cooperation in Kazakhstan, in terms of the mechanisms and forms, the benefits and achievements, and the constraints and success factors. It highlights the positive dimensions in the NGO–state relationship in terms of the legal environment, in the different forms of public participation, and in the financial support provided by government. At the same time, there is a need to provide a real collaboration of NGOs with government. The NGO–state relationship in Kazakhstan is, still, in the early stage of development and is neither confrontational nor complementary. Currently, state social contracts are the most significant source of NGO funding. There is, however, a need to improve mechanisms for state contracting, in order to reflect the needs and priorities of NGOs’ constituents, to provide transparency of social contracts, to build institutional capacity of public sector agencies, and to strengthen long-term collaboration between NGOs and the state.*

**KEYWORDS:** Non-governmental organizations, State, Kazakhstan, collaboration

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### INTRODUCTION

The state–civil society relationship in Kazakhstan is in the early stage of development, but interest in the collaboration of the state with NGOs has grown dramatically in recent years.<sup>1</sup> Under Kazakhstan’s strategy for the development of civil society (Kazakhstan, 2006), effective NGO-state cooperation has become very important for both partners. A number of laws have been enacted to encourage the government to cooperate actively with NGOs, and to establish measures aimed at developing the capacity of NGOs, and improving the quality of dialogue between the government and NGO community. One role of NGOs that has been enhanced and promoted by government is to deliver public services that cannot be provided by state organizations.

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<sup>1</sup> By way of background on the Kazakhstan situation, there were 36,815 registered NGOs in post-socialist Kazakhstan, according to data from the Ministry of Justice. Of these, 8,134 are public associations, 7,965 are cooperatives, private institutions, non-commercial joint stock companies, 4,831 are foundations, 1,331 are religious groups, 1,288 are associations of legal entities, and 13,266 other organizations make up the balance (USAID, 2011).

Collaboration can be defined as the process by which organizations with a stake in a social problem or issue seek a mutually determined solution aiming at objectives they could not achieve by working alone (Gazley and Brudney, 2007). This gives rise to networks of relationships that are mutually beneficial to participating organizations (Sharma and Kearins, 2011). According to Brinkerhoff (2002), state-NGO partnerships can be defined as cross-sectoral interactions whose purpose is to achieve objectives through the combined efforts of both actors, where the roles and responsibilities of those actors are distinct. This definition suggests the factors influencing collaboration: the identified objectives; the mechanisms for combining efforts; and the determining of the appropriate roles and responsibilities of the parties involved. The starting point for any collaboration is, then, establishing clear objectives. Effective cross-sectoral cooperation is key to the success of any policy implementation partnership. Coordination can be achieved by different means: information sharing, resource sharing, and joint actions (Brinkerhoff, 2002).

Reflecting on the state-NGO collaboration issues the post-soviet space, Laboutkova (2009) after analyzing a number of NGOs in the Czech Republic, concluded that a bureaucracy that lacks both the experience and the resources to create a truly democratic alternative has replaced the rigidly centralized bureaucracy inherited from the Soviet era. The main problem has been a lack of clear vision regarding the role of the state in developing Czech civil society, or what function the state in that role should perform. This has resulted in the absence of any clear communication lines between the state and civil society, and thus, a lack of communication with the interest groups (including NGOs), and the limited capacity of state institutions to engage with civil society. Kazakhstan's experience mirrors that of the Czech Republic. Kazakhstan is cautious about the governance role of civil society, and thus the bureaucracy is unclear about its role developing civil society— and has not sort to develop its capacity to cooperate with civil society.

This paper reviews the state of cooperation between the state and NGOs in Kazakhstan, informed by the current literature on the array of collaboration mechanisms and forms; the types of collaboration benefits, constraints, and achievements; and the posited collaboration success factors. It is organized as follows. The next section presents a literature review. This is followed by a brief history of the NGO sector in Kazakhstan. Then, the relationships between the NGO and state in Kazakhstan are delineated and discussed in detail, followed by the conclusion.

## **LITERATURE REVIEW**

### **Mechanisms and forms of NGO-state collaboration**

The study of any NGO–state relations is complex and diverse. Indeed, in recent years, the scope of broader array of public–private partnerships has expanded to embrace different stakeholders, including corporations, international financial institutions, and research institutions (Haque, 2004). Different frameworks and typologies have been presented. NGO–state relationships can, however, be understood as a spectrum: relationships are neither solely conflictual nor solely collaborative. Complexity is furthered by the fact that local NGOs may be accountable to several stakeholders (e.g. the state, community, and donors). This may well result in NGOs' being disconnected from their key constituents on the ground (Appel, 2010). Typological models enable a deeper analysis of NGO-state relationships. The literature presents over twenty typological or conceptual frameworks for describing and analysing

NGO–state relationships. The majority tend to focus more specifically on the effects of the relationship from the viewpoint of the government or NGOs rather than the interactions between the two sectors (Teamey, 2010). According to Ramanath and Ebrahim (2010), typologies of NGO-state interaction can be divided into two categories. The first includes relations based on the policy space available to NGOs. For example, Clark (1991) states that NGO–state interactions depend on the social and political context of the country and NGOs may oppose, complement, or seek to reform the state. The second category presents relationships as the result of strategies that both state organizations and NGOs use. An example is Najam’s (2000) Four Cs model, which offers a more detailed view of NGO–government relations by examining the extent to which their organizational goals and means overlap:

- Cooperative: If the goals and means are similar, then government and NGOs develop a cooperative relationship.
- Complementary: If the goals are similar but the means are dissimilar, then a complementary relationship between government and NGOs emerges.
- Co-operative: If the goals are dissimilar and means are similar, then government tries to build a co-operative relationship with NGOs.
- Confrontational: If the goals and means are both dissimilar, then government and the NGOs are in a confrontational relationship.

Najam’s relationship types are not mutually exclusive; there might be both cooperative and confrontational relationships at the same time within the same relationship (Teamey, 2010).

Brinkerhoff (2002) divided the literature on government-NGO partnerships into three categories, each with their own clear perspectives:

- The normative category, which views partnerships as ends in themselves, and argues that partnership is the most ethically appropriate approach to sustainable development.
- The reactive category, which attempts to counter criticism of the past and is typically illustrated by some international donors, governments and corporations.
- The pragmatic category, which views partnerships instrumentally, as efficient means of achieving objectives.

Studies of the collaboration between the state and NGOs in Central Asia have used both static and dynamic models of state-civil society relations. Within a static model, there are two views on the role of a civil society in relation to the state: one sees the relationship as antagonistic; the other considers civil society and the state as mutually interdependent. According to this latter view, civil society cannot be strengthened independently of the state (Garbutt and Heap, 2003). Within a dynamic model of state-civil society relations, strengths and weaknesses are assumed on both sides, as is the readiness on the party to adjust strategy toward the other in accordance with the external situation, needs and opportunities (Buxton, 2011). Giffen (2005) analyzed NGO-state relations in Central Asia in terms of the distinctions between “open”, “closed”, and “invited” public spaces.

Different typological models involved analyze within a single or a combined framework. For example, within a demand–supply conceptual framework in which there is a weak–strong partnership dichotomy:

- a weak partnership is associated with information sharing and a policy dialogue; and
- a strong partnership is characterized by jointly agreed country programs, multi-annual financial agreements.

Within a regime/neo-institutional conceptual framework a typology of eight alternative relationships indicating the level of power symmetry between the state and NGO: repression, rivalry, competition, contracting, third-party government, cooperation, complementarity and collaboration is presented (Teamey, 2010).

Haque (2004) identifies three forms of cooperation between the state and NGOs in Bangladesh:

- the joint implementation of projects by both partners;
- the subcontracting of public sector services to major NGOs; and
- the direct financial support of NGOs by government.

But he concludes that the most common form of collaboration is the sub-contracting in which the state has formal contracts with major NGOs to implement specific projects.

Finally, the boundaries between sectors need not to be viewed as static, but instead as fluid, with boundaries moving according to changing contexts (Teamey, 2010).

### **Benefits and achievements of NGO-state collaboration**

**Improved quality of services.** Most of literature on NGO-government relationships is concerned with evaluation and measurement of the quality of service provision (Teamey, 2010). The potential benefits of collaborative activity are numerous. They include greater service quality or quantity (Gazley and Brudney, 2007), efficiency and effectiveness of public service delivery (Brinkerhoff and Brinkerhoff, 2002); greater responsiveness to citizen needs and improved program outcomes (Smith, 2008); better services to the people with higher coverage, and the greater availability of, and more opportunities to use, tools and techniques for service delivery (Ullah et al., 2006).

**Improved management practices.** NGO-state collaboration leads to access to new skills, the ability to buffer external uncertainties, and conflict avoidance, greater organizational learning, and improved public accountability (Gazley and Brudney, 2007). On the basis of collaboration, NGOs can facilitate mutual learning and provide improved relationships with stakeholders. In general, by collaborating, NGOs may improve their collective problem-solving skills, increase the extent of their responsibilities, and gain greater support from stakeholders for organizational decisions (Sharma and Kearins, 2011). Partnership allows both sides to use multiple perspectives and strategies and to contribute to the realization of their respective goals more effectively, to enhance managerial innovation, and to promote people's participation (Haque, 2004).

**Efficiency and sustainability.** Collaboration between state and NGOs is essential to enhance organizational capacity, cost-effectiveness, economic efficiencies, resource mobilization (Gazley & Brudney, 2007; Haque, 2004). By collaborating, organizations can share resources and lower problem-solving costs (Sharma and Kearins, 2011); can improve program efficiency and sustainability; can gain a competitive advantage (Ullah et al. 2006). All these contributions may represent incremental improvements and broader societal change over time (Brinkerhoff and Brinkerhoff, 2002).

### **Constraints in NGO-state collaboration**

**Possibility of loss of control and flexibility.** A potential disadvantages for NGO collaborators are numerous, such as the costs of partnering; the possibility of loss of control, flexibility,

recognition, and public accountability; greater financial instability; greater difficulty in assessing results; and the spending of considerable institutional time and resources in supporting collaborative activities (Gazley and Brudney, 2007). NGO-state collaboration can lead to restriction and threat to institutional autonomy (Brinkerhoff, 1999).

***Different approaches of partners.*** Collaborative activities can be constrained by differences of partner goals, restraints on budget, or the unwillingness of potential partners to share resources (Gazley, 2010). Conflicts may arise from differences among the partners, including unequal access to resources, different problem-solving approaches, different organizational cultures, unequal expertise, and unequal opportunities to define problems, propose solutions (Sharma and Kearins, 2011). Adverse organizational outcomes of partnership include the time-consuming process of resolving disagreements, the use of scarce resources in building partnership skills, the unrealistic objectives set by partners (Haque, 2004).

***Lack of institutional capacity.*** Weinthal (2004) presents an analysis of the relations between national governments, environmental NGOs and international organizations around important environmental issues of the 1990s concerning the clean-up of the Semipalatinsk nuclear testing zone in Kazakhstan. Weinthal argues that Central Asian governments lack the institutional capacity to solve these complex problems. It is one of the main constraints hindering environmental protection in Central Asia. The lack of government capacity (including technical capacity and manpower) to properly manage the process of NGO involvement in a collaboration with a state creates a big challenge (Ullah et al., 2006).

## SUCCESS FACTORS IN NGO-STATE COLLABORATION

***Development of trust between the parties.*** The critical factors associated with effective partnerships are the development of trust between the parties, cooperative interpersonal relationships; active communication, mutual influence, and joint learning (Ashman, 2001), recognition of mutual strengths and values, involvement of all stakeholders at every step, continued commitment of collaborating partners (Ullah et al., 2006).

***Favourable legal frameworks.*** The following success factors in NGO-state collaboration have been identified: favourable policies, laws and regulatory frameworks (Nowicki, 2000; Ullah et al, 2006). For individual NGOs the most favourable policy setting is when legal restrictions are minimized when they have complete freedom to receive funds, to speak out as they wish. In such a setting, the NGO sector is likely to grow most rapidly (Clark, 1991). A supportive legal framework is central to creating effective partnerships (Brinkerhoff, 2002).

***Managing cooperation.*** Managing cooperation includes specification of objectives, mechanisms for combining effort, determination of appropriate roles and responsibilities, and capacity to fulfil those roles and responsibilities (Brinkerhoff, 1999), effective mechanisms of monitoring, measurement; transparency and accountability, goal setting and service delivery; types of capabilities needed; roles of key personnel and interpersonal relationships; governance (Selsky and Parker, 2005).

## A Brief History of NGOs in Kazakhstan: Periodizing NGO-state relations

### The Soviet Era

In the Soviet era there were a few large public institutions—quasi NGOs—such as the Red Cross and the Red Crescent Society, the Nature Protection Society, the Peace Fund, the

Children's Fund. These organizations had their roots in modern NGOs. Creation of these public organizations was possible only by governments. They were financed from the state budget and through membership fees. This practice was typical for all former Soviet Union countries (Ruffin and Waugh, 1999).

### **Since Independence in 1991**

As formal organized entities, NGOs in Kazakhstan have a relatively recent history. Their growth, especially in the early stages of the country's development, would not have been possible without the support of international organizations and programs (Diachenko, 2008). There was significant financial support from international funding agencies, mainly from the United States and Western Europe to facilitate this growth in the early stages.

The history of Kazakhstan's NGO sector can be divided into four stages of development.

**Stage 1 (late 1980s–1993).** This period covered the end of the Soviet Union until the early period of Kazakhstan's independence (Nowicki, 2000; Makhmutova and Akhmetova, 2011). Because of a lack of appropriate legislation, regulating public groups, traditional volunteer organizations began to develop a quasi-independent character. During this period, about 400 NGOs were created and these were mostly concerned with human rights issues. Ecological groups were among the first groups developed in the country. One of the first organized ecological initiatives was the international anti-nuclear movement Nevada-Semipalatinsk, created in 1989. The movement's main achievement was the closure of the Semipalatinsk nuclear testing site in 1990 (Civil Alliance of Kazakhstan, 2011). However, this period was symbolized by spontaneous relationships between the state and NGOs. As in all post-Soviet countries, the NGO sector in Kazakhstan was a new phenomenon and faced lack of understanding from the state and the public. NGOs were too young and inexperienced to be equal partners of government.

**Stage 2 (1994 - 1997).** This period saw the independent NGO sector expanded due to new legislation governing the activities of public associations (Diachenko, 2008). This period was marked by a rapid growth in the number of registered NGOs in the country, which numbered about 1,600 (Diachenko, 2008). This period was characterized by a wave of international NGOs that helped newly established charitable sectors in former Soviet countries. International organizations provided grants to support new social initiatives, and arranged training for NGO leaders in the management and administration of the non-profit sector. Among these international organizations were the following: USAID, UNDP, Soros Foundation, Hivos, Counterpart Consortium, TACIS, Eurasia Foundation, INTRAC, and many others. The most active NGOs at that time were Kazakhstan International Bureau for Human Rights, Interlegal Foundation, Almaty Helsinki Committee, Feminist League, Green Salvation, CASDIN, EcoCenter, Association of Young Leaders (Civil Alliance of Kazakhstan, 2011). In 1996 the government passed the Law of the Republic of Kazakhstan "On Public Associations". It states the basics for activities of public associations, their rights and liabilities, their status, establishment, reorganization and termination. In compliance with the law "public associations are established to implement and protect political, economic, social and cultural rights and freedoms, to develop activities and individual initiatives of citizens, to meet their professional and amateur interests, to develop scientific, engineering and creative capabilities, to protect environment, to take part in charity, to promote educational and sport activities, to protect historical and cultural heritage, to carry on patriotic and humanitarian education, to promote and develop international cooperation and other activities not prohibited by the legislation of the Republic of Kazakhstan. However, the law

stipulates that “activities of unregistered public associations are prohibited”.<sup>2</sup> At that period NGOs gradually move from providing social services for their target groups to engaging in a dialogue with the state to discuss new legislation. The state had defined a very general position with regard to the NGO sector, and a comprehensive state policy of interaction with NGOs was not developed yet. This stage can be characterized by a lack of systematic approach in NGO-state relations.

**Stage 3 (1998–2002).** This period saw the creation of a number of NGOs that sought to consolidating the NGO sector (Diachenko, 2008), such as the Kazakhstan NGOs Confederation, Environmental Forum for NGOs, Asian Society for Rights of Disabled persons “Zhan”. At the same time, however, there was a decline in the number of NGOs, due to a number of reasons, ranging from political uncertainties, to financial difficulties in the country (Alymkulova and Seipulnik, 2005). Contributions to NGOs from the state budget declined because of a slowing economy. New restrictive registration procedures further complicated matters for the nonprofit sector, and there was a gradual withdrawal of international financial support, which resulted in the closure of many weak NGOs.<sup>3</sup> National legislation uses the term “non-commercial organization” rather than non-governmental organization. The Law “On Non-Commercial Organizations” in Kazakhstan was issued in January 16, 2001. According to it the following non-commercial legal entities are defined: institutions, public associations, joint stock companies, consumers’ cooperatives, foundations, religious associations, associations of legal entities in the form of association or union.<sup>4</sup> In 2002, the government approved the Concept on State Support for NGOs. A specific programme to implement the Concept was adopted in 2003 and ran until 2005. These important documents aimed at creating conditions for the sustainable development of the NGO sector and enhancing its role in solving social problems. Subsequently, regional programmes to promote state support for NGOs were adopted.<sup>5</sup> The third stage is characterized by formal arrangements for NGO –Government cooperation, a gradual consolidation of the NGO sector, and the rise of organizations engaged in service provision and meeting social development challenges (ADB, 2007).

**Stage 4 (since 2003).** This period is characterised by active cooperation between government and the NGO sector (Diachenko, 2008). In 2005, the government passed the Law “On the State Social Order” which executes government orders by implementing NGO social programs in accordance with solving the country’s urgent problems in social security; public health and the environment; civil law; science and education; and culture.<sup>6</sup> In 2006 the *Concept of Civil Society Development in Kazakhstan for 2006-2011* was adopted. Its purpose was further improvement of the legislative, social, economic and organizational-methodical base for comprehensive development of civil society institutes. It planned to improve transparency of the forming and implementation of the state social order, continue the process of interacting between the state and NGOs, and strengthen the institutional and organizational basis of providing support to the NGO sector development.<sup>7</sup> Since 2007, NGOs are exempt from paying taxes, and the regulation of tax privileges has improved (Adams and Garbutt, 2008; Diachenko, 2008). In 2009, the ban on state financing of public associations was

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<sup>2</sup> <http://www.ujk.kz/union/?sid=86>

<sup>3</sup> [www.cap.online.kz](http://www.cap.online.kz)

<sup>4</sup> <http://www.ujk.kz/union/?sid=120>

<sup>5</sup> <http://kazworld.info/?p=18653>

<sup>6</sup> [http://online.zakon.kz/Document/?doc\\_id=30008578](http://online.zakon.kz/Document/?doc_id=30008578)

<sup>7</sup> <http://npoastana.kz/library>

removed by the Law on Public Associations, consistent with the removal of a similar provision from the constitution in 2007 (USAID, 2010). The government also removed some of the burdensome reporting requirements by eliminating supplemental forms that required detailed reporting on transactions and expenditures connected to foreign funds. Since 2009 NGOs receiving foreign funds need indicate only their total expenses in various categories (USAID, 2010; [www.mvd.kz](http://www.mvd.kz)). A number of Civic Forums have been held between NGOs and governmental units to discuss issues relevant for NGO development in the country.

## NGO- state relationships in Kazakhstan

### Mechanisms and forms of NGO-state cooperation

The efficiency of Kazakhstan's NGOs' activities is highly dependant upon, and affected by, state support (Diachenko, 2008; Makhmutova and Akhmetova, 2011). The low level of support from the government in the 1990s was the main reason that Kazakhstan's NGOs sought comprehensive aid, primarily financial, from foreign sources. This was because the government did not know how to respond to the roles of NGOs since there was no history of volunteerism in the country. The adoption of the Conception of Government Support of NGOs in 2003 was a significant event in the development of cooperation between the government and NGOs. The Conception sets forth the main goals, assignments, principles, and forms of government support of NGOs (Diachenko, 2008).

According to Najam's (2000) Four Cs model, relationships between State and NGOs can be cooperative, complementary, co-operative and confrontational. NGO-state relationships in Kazakhstan are neither confrontational, nor complementary. It is an early stage of collaboration. Relationships between state and NGOs are positive, but distant. Insufficient level of collaboration between state and NGOs indicates a lack of understanding of NGOs' vision and the nature of their work by state.

In order to foster cooperation between the state and NGOs, five Civic Forums were held.

***The first Civic Forum (2003, Astana).*** Its aim was to begin the process of establishing a new model of partnership between the government, business, and the NGO sector.

***The second Civic Forum (2005, Astana).*** Its goal was to create a civil alliance of NGOs, introducing a government social order system, and drawing up proposals for interaction between the NGOs and the business sector (Diachenko, 2008).

***The third Civic Forum (2007, Astana).*** This was the first-time ministers publicly declared their cooperation with NGOs.<sup>8</sup> This led the way for NGOs to start implementing state-financed projects in different areas.

***The fourth Civic Forum (2009, Astana with regional sessions).*** This was the first-time participants' established working panels where NGOs could advance the issues of their target groups through dialogue with representatives of state ministries, hear ministers' reports, and develop solutions to issues of importance. Based on the decisions of the Civic Forums, Cooperation Councils were established, which serve as consultative bodies for the local governments and the central government. NGO representatives are now members of the National Council under the President. They are also appointed to the Human Rights Commission, Expert Councils, and the Council for Sustainable Development.<sup>9</sup>

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<sup>8</sup> [www.mvd.kz](http://www.mvd.kz)

<sup>9</sup> [www.cap.online.kz](http://www.cap.online.kz)

***The fifth Civic Forum (2011, Astana with regional sessions).*** This brought together 600 delegates from across the country, as well as foreign CSO specialists, to review the development of civil society in the country, after 20 years of national independence, and to identify the main priorities for future development (USAID, 2011)

***Areas of state-NGO relations***

Cooperation between the state and civil society in Kazakhstan can be divided into three areas (Ovcharenko, 2004):

- adoption of a favorable legal environment to stimulate civil society development and growth;
- public participation; and
- financial support for NGO's social activities by the government.

***Favorable legal environment.*** Ovcharenko (2004) explored that the main problem in the area of legal environment was the prohibition of activities of non-registered NGOs, which resulted in citizens being unable to engage without first establishing legal status as an NGO. In addition, territorial divisions in the registration of public associations which are required to be registered as local, regional, or national organizations gave authorities an excuse to ban national activity of any public association not registered as a national organization.

In order to improve legal environment, five positive modifications in the laws and regulations for civil society in Kazakhstan were introduced in 2009. These improvements allowed state financing of public associations, reduced specific tax reporting requirements for NGOs, and provided strong incentives for local businesses to make in-kind donations to a broader range of organizations. In addition, the definition of grant was expanded so that grants from Kazakh NGOs included in the government-maintained list would be tax-exempt for a grant recipient (formerly, only foreign-based organizations and governments could provide tax-exempt grants) (USAID, 2010).

Several legal initiatives were also introduced in 2011. They were intended to improve the legal environment for NGOs in the future. The Senate passed the Law on Introduction of Amendments in Some Legislative Acts on Issues of State Social Contracting. These amendments were intended to improve state support for NGOs. The amendments created a special agency within the government that would be responsible for coordinating and monitoring the activities of other government bodies awarding state social contracts (SSCs) (USAID 2011).

***Public participation.*** There are three quite developed mechanisms of public participation through NGOs in Kazakhstan:

- *Civil society representatives' participation in policy development (national, regional, and local):* Representatives of NGOs are increasingly involved in working groups drafting policy statements or normative acts.
- *Consideration by the government of civil society initiatives.* The most recent example is the revocation by the President of his directive to enact the Law on NGOs, a repressive and anti-NGO draft that was sharply and broadly criticized and opposed by NGOs throughout the country.
- *Participation of NGO representatives in councils created and functioning within the executive.* NGOs helped to create, and for the past three years have participated in, Cooperation Councils that operate in five Oblasts (Provinces) of Kazakhstan (Ovcharenko, 2004). These boards advise the government on strategies of cooperation with civil society. In addition, at the national level, three NGOs (Confederation of NGOs of Kazakhstan, Diabetic Association of the Republic of Kazakhstan, and Consumers Rights' Protection League) were

included in the National Council, the advisory board of the President of Kazakhstan. These Cooperation Councils represent a first step in creating a structure for long-term engagement of the state with civil society organizations. Unfortunately, the status of such Cooperation Councils is only advisory and is governed by acts of executive authorities rather than by legislation adopted by parliament. The criteria for selecting NGO representatives are not transparent.

**Financial support for NGO's social activities by the government.** This is an important area of the cooperation between the State and civil society in Kazakhstan. The main sources of funding for NGOs were grants from international donors. Many of these donors decreased funding programs in recent years (Makhmutova and Akhmetova, 2011). NGOs are attempting to diversify their sources of funding. NGOs have several potential sources of funding, including government agencies, international organizations, private businesses, other Kazakhstani NGOs, foreign companies, urban residents, educational institutions, Kazakhstani businesses and banks, religious groups, and NGOs from neighboring countries (USAID, 2009).

According to the Civil Alliance of Kazakhstan, NGOs should have financial independence from foreign donors, and the government looks likely to be a main provider of funding (Makhmutova and Akhmetova, 2011). State social contracts are currently the most significant source of funding for NGOs in Kazakhstan. Total funding for state social contracts in 2011 amounted to approximately 2 billion tenge (approximately \$13.5 million), compared to 1.9 billion tenge in 2010 (USAID, 2011). When government funding started in a systematic way in 2005, the Ministry of Communications and Information (formerly known as the Ministry of Culture and Information) was the main ministry involved. Gradually other ministries (such as Education and Science, Health, and Ecology) have gotten involved in financing NGOs and have supported projects in their particular sectors. For example, the Ministry of Education and Science had social contracting worth 266 million tenge (\$2 million) in 2009; the Ministry of Health had social contracts totaling 40 million tenge (\$308,000) in 2009 (USAID, 2010).

### **Benefits and achievements of NGO-State collaboration**

**Improved quality of services.** Kazakhstan experienced the creation of new NGOs as parts of health sector reform. Family Group Practice Associations (FGPA) served as intermediaries between public sector health agencies and newly created family group practices (FGP), which provided improved levels of primary health care. The FGPAs have helped to improve the effectiveness of health service delivery, though this experience remains preliminary. The following benefits can be found from this collaboration: developing new patterns of governance; increased openness of government to informational input from NGOs in the formulation and implementation of health policy; flexibility, autonomy and responsiveness of NGO structures (Brinkerhoff, 2002).

**Successful campaigns on nuclear waste.** Buxton (2011) points out achievements of environmental NGOs of Central Asia in the work with government:

- successful campaigns on nuclear waste, bio-diversity, and conservation;
- acceptance by environmental ministries of advice and recommendations from NGOs; and
- recognition by city authorities of NGO inputs into environmental cleanup and waste-management schemes.

**Improving quality of life.** Many examples illustrate the effects of NGO-Government cooperation in Kazakhstan. A case in point is the role of the Diabetics Association of the

Republic of Kazakhstan (DARK), which seeks to improve the quality of life for people with diabetes. During the early years of transition, the government introduced health sector reforms that only covered the cost of treatment but did not cover the costs of medication. As a result, only 20 percent of the country's diabetics could afford insulin. Health activists responded by creating DARK to lobby the government to cover the cost of insulin. By 1996 DARK was recognized by the government as a partner in improving government's health policy for diabetics. The President of DARK was appointed as civic observer on the insulin procurement commission. In November 2000, after public hearings in various parts of the country, the Prime Minister approved DARK's proposal for a comprehensive three-year Diabetes Program. By 2003, compulsory provision of insulin free of charge was made law (Alymkulova and Seipulnik, 2005).

**Successful advocacy.** A coalition of more than 50 NGOs working for the rights of the disabled took part in writing the 2009 UN Human Development Report for Kazakhstan. The coalition successfully lobbied for Kazakhstan's ratification of the International Convention on the Rights of Persons with Disabilities. Similarly, the Women's Rights Center in Almaty successfully advocated for the removal of obstacles to citizens' access to court hearings.<sup>10</sup>

### **Constraints in NGO-State collaboration**

Despite some positive changes in the NGO-state relations, there are clear deficiencies.

**Lack of trust.** One of the constraints in NGO-state relations is a lack of trust created by a lack of understanding of NGOs' work by the state. A considerable amount of the government's social contracts are distributed through a relatively small number of NGOs and the procedures for state social funding are not transparent (Makhmutova and Akhmetova, 2011). According to local NGO activists (Ruffin and Waugh, 1999), in Kazakhstan the government does not view NGOs as strong partners. In these conditions, NGOs use their resources for adapting to the changes in the environment. According to experts' opinion, along with recognizing the NGO sector as a social institution, the state underestimates the potential of NGOs. This strongly reduces the possibilities of NGOs development in Kazakhstan. Experts state, that the NGO opinions are often taken into account only at the initial stage of decision making (when working out the agenda), but at the final stages of decision-making the NGOs' opinions are usually neglected (Civil Alliance of Kazakhstan, 2011). On the whole, the NGO sector as a social institution does not participate in decision-making and remains outside the process of governing. Throughout Central Asia collaboration between state and NGOs has been easier and more productive at local level than at national level (Buxton, 2009; Giffen et al., 2005).

**Ineffective mechanisms of social contracting.** The mechanisms for state contracting are not effective. Human rights organizations are not included in social contracting (Buxton, 2009). State Social Contracts (SSCs) tend to be short-term thereby making any long-term orientation problematic. Moreover, little information is available about projects carried out under state social contracts. There are some cases of ineffective spending of money by NGOs that have received state social financing (USAID 2010). The increased number, scope of NGOs require more transparency and verification of NGOs' activities and performance. This has become a growing issue with SSCs, which allow the government to contract with NGOs to provide social services and are rapidly becoming the most significant source of funding for NGOs in Kazakhstan. SSCs focus on supporting government programs and do not provide support for NGOs' institutional development (USAID 2011).

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<sup>10</sup> [www.carec.kz](http://www.carec.kz)

There also is concern that NGOs that have received state social financing spend the money ineffectively, do not fulfil the obligations of their contracts, or even disappear after they receive funding. As a result, the issue of NGOs' performance and verification of activities is widely discussed by relevant ministries and NGOs. The services provided by NGOs do not always reflect the needs and priorities of their constituents and communities and are often tied to funding under the SSC program (USAID, 2011).

**Insufficient financial mechanisms at village level.** Administrative structures at village-level have insufficient financial resources and totally rely on budgeting decisions at the *raion* (district) level. This means that rural communities have difficulty in presenting their concerns, and grassroots NGOs have lacked mechanisms to engage the state in addressing community issues. The Eurasia Foundation's Kazakhstan Open Budget Initiative worked to increase civic engagement in the process of budget development and monitoring to better meet the needs of local constituencies. Working under the rubric of the initiative, the Center of Justice in Taraz organized a budget school for representatives of NGOs and mass media in several cities on how to increase civic engagement in the budget process (ADB, 2007).

### **Success factors in NGO-State collaboration**

**Civic Forums.** These can be considered as a good example of communication between the state and NGOs. They have provided an opportunity for NGOs to present their interests to the government. At the Fifth Civic Forum in 2011, ministries working in the social sphere presented reports on their activities and NGOs had an opportunity to communicate directly with high-ranking officials about development of the sector. Additionally, participants developed recommendations to strengthen civil society in eight different areas, including state social contracting, NGO legal issues, philanthropy, local self-governance, volunteerism, and ecological issues (USAID 2011).

**Public participation.** There are some positive examples of public participation in Kazakhstan. The government presented its Human Rights Action Plan and Legal Concept in September 2009. The Action Plan and Legal Concept were created through discussion and exchange of ideas within the Working Group of Human Rights created in 2006. The group—consisting of government representatives, parliamentarians, judges, and human rights activists—developed the National Human Rights Action Plan of the Republic of Kazakhstan for 2009-2012 and the Legal Concept for 2010-2020. The recommendations proposed in these two documents aimed to improve legislation, the functioning of democratic institutions, and the mechanisms for human rights protection. The government continues to focus on the implementation of the National Human Rights Action Plan and Legal Concept, in close cooperation with local civil society groups and NGOs (USAID, 2010).

**Support of donors.** Buxton (2011) analyzed the triangular relations between NGOs, the state, and donors in Central Asia, and concluded that support of donors encouraged NGOs to raise issues with government. International donors and NGOs have made a huge contribution to facilitating new contacts, relationships for civil society organizations in the region.

**Transparency.** The United Nations Development Program (UNDP), the Ministry of Economic Development and Trade, and the Institute of Economic Research are developing a new project to involve NGOs in evaluating the operation of state agencies, in recognition of their improved public image and qualifications. Public associations and independent experts will evaluate the effectiveness of state agencies to ensure their objectivity and transparency. In addition, the Ministry of Economic Development and Trade is establishing a working group to develop a procedure for engaging CSOs in the evaluation of state agencies (USAID, 2011).

**Multi-stakeholder partnerships.** Some interesting examples of forming multi-stakeholder partnerships between government authorities, NGOs, and business can be found in relation to extractive industries. For instance, under Extractive Industries Transparency International (EITI), NGOs located in mineral extracting areas work in multi-stakeholder groups with local government authorities and extracting companies to promote transparency and accountability of extractive companies' payments to local budgets. NGOs increasingly create temporary alliances, partnerships, and coalitions to meet eligibility requirements for donor grants (USAID, 2011).

## CONCLUSION

This paper has raised and discussed important issues in the collaboration between NGOs and the state in Kazakhstan, which reflect the challenges face by NGOs throughout the former republics of the Soviet Union. Some positive results have been achieved as a result of collaboration between the state and NGOs. A number of Civic Forums were held to strengthen this cooperation. Local and central governments on the whole have, after 20 years of national independence, have a fairly positive perception of NGOs, as evidenced by the fact that they regularly partner with NGOs to solve local social problems (USAID, 2011).

Improvements in legal environment, different forms of public participation, financial support of NGOs by government has facilitated the dialog between government and NGOs. For example, cooperation councils represent an initial step toward creating a structure for long-term engagement of the State with civil society. Despite these positive results, there is a need to have a genuine collaboration between NGOs and the state as equal partners. NGO-state relationships in Kazakhstan are neither confrontational, nor complementary. It is, however, only an early stage of cooperation. In general, relationships between state and NGOs are positive, but distant. Insufficient level of collaboration between state and NGOs indicates a lack of understanding by state of NGOs' vision and the nature of their work.

The growth of NGOs has long been highly supported by international organizations. Many, however, have decreased their funding programs, a product of shifting priorities. The development of domestic funding sources has been slow. In the current situation State Social Contracts are the most significant source of funding. The services so provided do not, however, always reflect the needs and priorities of the delivering NGOs' constituents and communities. The mechanisms for state social contracting are, moreover, not effective. They tend to be short-term, making any long-term orientation problematic. Little information is available about projects carried out under State Social Contracts. There is, thus, a need for greater institutional and financial transparency, for a strengthening of long-term collaboration between NGOs and the state, and for the build institutional capacity of public sector agencies to engage with civil society.

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