

## THE GOVERNMENT AND NGOs IN KAZAKHSTAN: STRATEGY, FORMS, AND MECHANISMS OF COOPERATION

Sergey DIACHENKO

*Deputy Chairman,  
Majilis of the Parliament of  
the Republic of Kazakhstan  
(Astana, Kazakhstan)*

A conspicuous trend in the development of the contemporary world is the growing role of nongovernmental organizations (NGOs) in politics, the economy, and sociocultural progress. This phenomenon is typical of most states that are at different levels of socioeconomic and political development. On the whole, the growth of the nongovernmental sector can be characterized as a global phenomenon. An analysis of the entire range of socioeconomic and political changes associated with the growing role of NGOs in the world at the current stage shows that the so-called Third Sector is an important factor of social transformation.

Taking into account advanced foreign experience and the current development trends in the world's leading countries, several widespread sociopolitical changes have occurred in Kazakhstan. One of the main trends was the change in paradigm of interaction between the government and the nongovernmental sector: the inconsistent dialog of the past has given way to mutually beneficial cooperation.

It is a well-known fact that liberalization of the political system in any country is not only aimed at increasing citizens' participation in sociopolitical life, but also at encouraging their integration in

the system of power relations within the framework of the state's Constitution. One of the main characteristics by which the potential development of a civil society in a particular country can be judged is the ability of its population to carry out sociocultural and political self-organization. In this sense, improvement of the nongovernmental sector is an inalienable attribute of a transforming society, since it directly encourages and expands methods of interaction between civil society institutions and the government. A civil society must be structured in order to function efficiently; therefore, nongovernmental, non-profit associations and organizations are an important part of this society. It stands to reason that the development of a civil society is gauged by the amount, condition, and efficiency of the activity of nongovernmental organizations.

It is believed that NGOs can efficiently mediate between the state and its citizens in regulating public relations by fulfilling many important functions in social processes and transformations. The current disputes concern the relations between a civil society and nongovernmental organizations: do NGOs create a civil society, or vice versa? For example, specialists from Freedom House, an American nongovernmental organization, believe that a civil society creates conditions for the emergence and activity of NGOs, since they make a civil society more viable.<sup>1</sup>

Today we are observing the complex and multifaceted formation of the Kazakhstan nongovernmental sector, on which the foundations and traditions of its future enhancement are being built. The logic of Kazakhstan's further sociopolitical modernization requires building a sustainable civil society in the country at a faster, but qualitative rate. Without the development of this mandatory component of a contemporary civilized state, it will be impossible to achieve further economic and political progress in the country, since the economic, political, and civil spheres form a single system, the elements of which are in intricate, close, and constant interaction with each other.

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Historically, various models of the emergence, progress, and functioning of nongovernmental organizations are forming in different states. The development of the nongovernmental sector is related in each country to the special features of socioeconomic and sociopolitical progress, as well as to historical and cultural traditions. In transition states, NGOs are becoming one of the main tools of the market-democratic reforms. They are helping the state's modernization policy, society's sociopolitical structuring, the formation and realization of diverse citizen interest groups, the self-organization of the population, the implementation of civilian initiatives, and the formation of an infrastructure of sustainable and efficient democracy.

It should be kept in mind that strictly speaking, the abbreviation "NGO" is not a legal term. However, its use is enforced in practice largely because it is widely used in the documents of the U.N., World Bank, and several other international structures for designating nongovernmental, nonprofit associations engaged in development and outreach. In particular, the term "nongovernmental organization" in Kazakhstan largely came into circulation with the help of international sponsor associations to replace the domestically coined "amateur" or independent public associations. It can also be acknowledged that there is still no generally accepted and universal terminology that describes the NGO sector in its entirety. In different countries, a variety of structures and public formations are included in the composition of nongovernmental organizations, as well as excluded from it. In the narrow sense, applied to each state, the term "nongovernmental organization" means only a formally

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<sup>1</sup> See: *Nations in Transit Methodology 2002. Democratization from Central Europe to Eurasia*, available at [www.freedomhouse.org].

and de jure founded structure that is recognized as a legal entity in the particular legal system in which it was established.<sup>2</sup> In general, NGOs are customarily regarded as *open nonprofit organizations not limited by professional specifics (so trade unions are not NGOs) and not striving for state power (so political parties are not NGOs)*.<sup>3</sup>

As an assessment of contemporary Kazakhstan's potential shows, the necessary conditions have long emerged in the republic for the further development of the Third Sector and its integration into the system of state relations. Determining the specific results of the development of a civil society achieved by Kazakhstan during the reform years carried out on the basis of several generally accepted criteria shows that as of today, the country is only just setting out on the path taken at one time by the states of so-called developed democracies. According to international experts, Kazakhstan already noticeably differs from other countries of the Central Asian region in terms of the influence of NGOs on social life and the level of civil society activity. For example, despite the fact that the legislative base in Uzbekistan today is more favorable for the institutional development of nongovernmental organizations, while in Kyrgyzstan the number of NGOs per capita is much higher than in other Central Asian republics, only Kazakhstan has the necessary balance of factors and conditions for forming a mature and professional corps of nongovernmental organizations.

As we see it, the nongovernmental sector has passed through several development stages in Kazakhstan:

- the first (end of the 1980s-1994)—the establishment of the nonprofit sector;
- the second (1994-1997)—the qualitative and quantitative growth of nongovernmental 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.<sup>4</sup>

■ *The first stage* is characterized by the existence in the U.S.S.R. of the first prototypes of contemporary NGOs and the upsurge of their active development during the perestroika years. In Soviet times, voluntary societies functioned in the U.S.S.R. in compliance with the Regulations for Voluntary Societies and Unions (Organizations, Clubs, Associations, Federations) approved on 30 August, 1930 by a Decision of the Council of People's Commissars and the R.S.F.S.R. Central Executive Committee. According to the official classification, this is what different social institutions—scientific-technical, scientific-engineering, physical education-sporting societies, invalid societies, interests clubs, and so on—were called. Most such structures were created in the 1920s-1930s and met the requirements and tasks of this period: elimination of illiteracy, reinforcement of the defense capacity of the young state, development of sport, etc. The characteristic features of these societies were owning part of the nation's property, having a generally accepted system of values and specific tasks, developing a widespread network throughout the U.S.S.R., and coordinating their activity with the help of the country's central bodies and ruling party. But despite the amorphousness of the first public associations, this period tilled the necessary legal and social ground for the further formation of

<sup>2</sup> See: *Rukovodstvo po razrabotke i primeneniiu zakonov, reguliruiushchikh deiatel'nost nepravitelstvennykh organizatsiy*, International Center of Noncommercial Law, Almaty, 2000, p. 15.

<sup>3</sup> See: *NPO: reshenie problem bednosti*, ed. by A. Iliasova and S. Islamova, UNDP Kazakhstan, Almaty, 2004, p. 39.

<sup>4</sup> See: *Gosudarstvo i NPO posle Grazhdanskogo foruma, Materialy seminarov, Astana, 28-29 maia 2004 g.*, RK Ministry of Culture, Information, and Sport, Astana, 2004, p. 38.

a full-fledged civil society, which we are seeing today. In Kazakhstan, the nongovernmental sector as such began to form when the republic acquired its independence and took its first steps toward carrying out democratic reforms in society.

- *The second stage* was a stage of qualitative and quantitative growth of NGOs, the number of which increased threefold during this period. At this stage, the Kazakhstani nongovernmental organizations carried out their activity by following foreign experience in developing the Third Sector, which is largely explained by the absence of their own traditions of a civil society. The functioning of the NGOs was mainly sponsored by international foundations offering small grants for developing social projects and programs. These grant-givers were mainly interested in spreading information and also teaching the population the basics of democracy and civil initiatives.<sup>5</sup> But, as some experts noted, at this time the sponsors did not take into account the change in the social appearance of the grant-receiving organization, granting financial aid without providing any instruction.<sup>6</sup>
- *The third stage* is characterized by a qualitative change in the situation that developed when the question was raised of developing a state mechanism for interacting with NGOs. The numerous difficulties in building a civil society are related primarily to the fact that the economic and sociopolitical prerequisites for its establishment did not appear in our country until relatively recently, in the last 15-20 years.
- *The beginning of the fourth stage* of development of the Kazakhstani nongovernmental sector was distinguished by the holding of the Civil Forum in October 2003; this is when constructive cooperation between government bodies and NGOs began. According to expert assessments, as a social institution, Kazakhstan's Third Sector is qualitatively superior to the region's other states. This conclusion was drawn up on the following basis: the corresponding legislative base defining the registration procedures and types of activity of the NGOs; the diverse areas of this activity; the relative stability, including organizational and financial, of the NGOs; the place and role of the NGOs in the structure of social relations; the level of interaction between the NGOs and government bodies, and the international recognition of the NGOs.

The NGOs functioning in Kazakhstan are generally distributed unevenly across its regions, since the nongovernmental sector is only gaining ground in the country's economically and culturally developed centers. These organizations registered in the republic's regions and cities of the republic are mainly concentrated in the cities of Almaty and Astana, and in the industrially developed Karaganda, as well as Eastern Kazakhstan and Southern Kazakhstan regions.

Kazakhstan's nonprofit organizations are engaged in a wide range of different activities, whereby the primary emphasis is on resolving social problems. Socially oriented NGOs are in the highest demand, which testifies to the urgency of the existing social problems. Approximately 42% of the NGOs offer services in the social sphere: education, public health, and culture, 24% protect the interests of socially vulnerable groups of the population, and the other 34% concentrate on human rights activity, the environment, and gender policy.<sup>7</sup> More than two hundred thousand people are employed in the nongovernmental sector, and approximately two million citizens enjoy the services of Kazakhstan's NGOs.<sup>8</sup> Nevertheless, to be realistic, there are actually only approximately 1,000 NGOs that exist and function effectively in Kazakhstan, which is a relatively low index.

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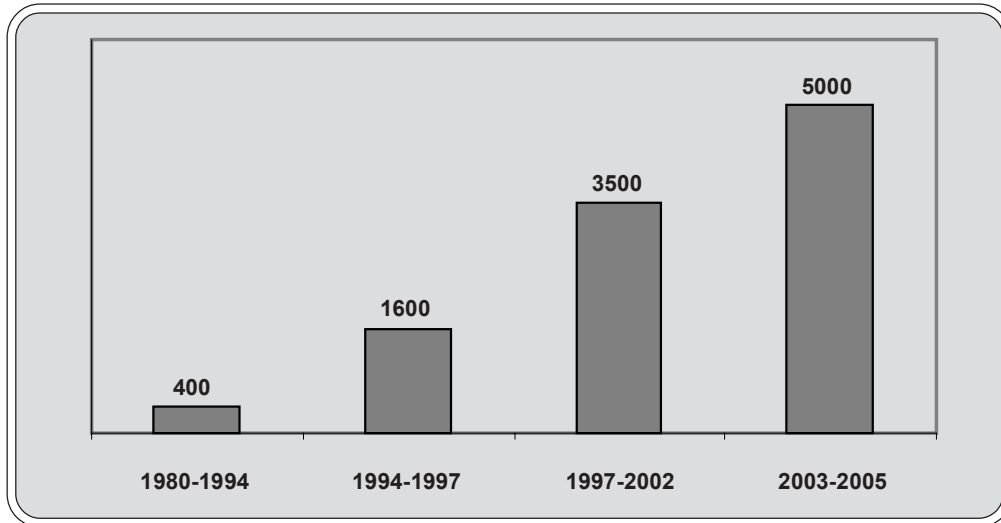
<sup>5</sup> See: O.G. Riabchenko, "Vlast i NPO: strategii sotrudnichestva," in: *Gosudarstvo i NPO posle Grazhdanskogo foruma*, pp. 28-29.

<sup>6</sup> National Information Resource Center of RK Nongovernmental Organizations, available at [www.pro.kz].

<sup>7</sup> According to the data of Kazakhstan's Ministry of Culture and Information.

<sup>8</sup> According to the National Information Resource Center of RK Nongovernmental Organizations, available at [www.npo.kz].

**Dynamics of the Quantitative Growth of  
Nongovernmental Organizations<sup>9</sup>**



The entities of the nongovernmental sector operating in Kazakhstan are grouped according to the degree and nature of their corporate status in terms of republic-wide, regional, and sectoral features. For example, several associations have been created and are functioning in the country, such as the Association of Independent Nongovernmental Organizations of Kazakhstan (AINOK), the Confederation of Nongovernmental Organizations of Kazakhstan (CNOK), the Association of NGOs of the Kostanai Region, the Association of NGOs of the Kzyl-Orda Region, the Forum of Environmental NGOs, as well as the so-called NGO networks—for example, the Asian Society for the Protection of Invalid Rights, Zhan, which unites similar organizations of the Central Asian Region, and others.<sup>10</sup>

Today, Kazakhstan's NGOs are represented in all their diversity; they are developing, gradually acquiring experience and maturity. Due to this, it can be maintained with a certain amount of confidence that Kazakhstan's nongovernmental sector has already made significant progress in its development. An analysis of the improvement in the country's Third Sector shows that at the current stage, the following groups have formed among the republic's NGOs:

- 1) *socially significant NGOs* (women's, NGOs for protecting the vulnerable part of the population offering citizens social services, and charity organizations working in the public health sphere);
- 2) *sociopolitical NGOs* (human rights, environmental, youth, analytical, associations of nongovernmental organizations, etc.);
- 3) *reformer NGOs* (sectoral associations working in education and culture).<sup>11</sup>

<sup>9</sup> According to the data of Kazakhstan's Ministry of Culture and Information.

<sup>10</sup> See: *NPO: reshenie problem bednosti*, p. 41.

<sup>11</sup> See: B.A. Tlepov, A.N. Nukenov, G.K. Kulzhanova, *Praktika vzaimodeystviia vlasti i NPO: na primere g. Almaty*, SaGa, Almaty, 2005, p. 15.

Children's, youth, women's, and gender associations, which have become widely developed in recent years, can also be added to the listed nongovernmental organizations. Nevertheless, most NGOs are best known for their charitable activity. What is more, some data show that society is rather skeptical about the ability of NGOs to improve the situation in several spheres of the country's public life.

As paradoxical as it may seem at first glance, the efficiency of the nongovernmental sector's activity largely also depends on the efforts of government bodies. As a rule, NGO initiatives are being put into practice with the support of competent state authorities, which means that one of the priorities in NGO activity is attracting the attention of government bodies, that is, initiating so-called inter-sectoral interaction.

It is a well-known fact that this interaction is promoted by pooling regulations, methods, and organization techniques jointly drawn up and reproduced without the participation of their creators, providing resources, and implementing joint projects and campaigns put forward by civil society and government institutions, which is incorporated into the functioning conditions of the social sphere in a particular territory and aimed at resolving socially significant problems subject to the current legislation. The essence of inter-sectoral interaction consists in establishing constructive cooperation among the three forces acting on the country's, region's, city's, or other territory's social sphere—state structures, commercial enterprises, and nonprofit organizations.

Each sector occupies its own niche and, as a rule, does not strive to expand beyond it. All the same, not one sector can develop successfully without interacting with the others. In this respect, it is customary to talk about inter-sectoral interaction as a necessary element of efficient nationwide management. The representatives of each sector have different potential and resources for resolving problems in the social sphere, but despite all the differences and associated contradictions, cooperation among the sectors is vital.<sup>12</sup> As for the specifics of the formation of these sectors in Kazakhstan, at the moment, a private business sector has essentially arisen based on a civil business initiative, and the government sector has undergone significant changes due to the reduction of its monopoly influence on the production and social spheres. At the same time, a nongovernmental, nonprofit sector also began to form, being based on civil initiatives in the non-production spheres (education, science, public health, social security, and the environment).

Since the country does not have its own traditions in this sphere, Kazakhstan's NGOs began by basing their activity on international experience. The low level of support from the government in the 1990s was the main reason the NGOs sought comprehensive aid, primarily financial, from foreign sources. And today, the activity of several Kazakhstani nongovernmental organizations is sponsored by international foundations offering grants. But there is the opinion that Western aid was the very reason Kazakhstan's nongovernmental sector failed to undergo robust development.<sup>13</sup> However, the main problem was not only the absence of institutional and reliable support of the Third Sector by the State, but also, and most importantly, the absence of any dialog between the government bodies and NGOs.

The first attempts to establish constructive cooperation between the government and independent public associations did not appear until the second half of the 1990s, which was largely assisted by holding several international forums and conferences in the republic, resulted in the adoption of several agreements. The key idea behind the mentioned measures was finding points of contact in interaction among the three sectors of society—the state, the nongovernmental sector, and business. What is more, the first international meetings became a powerful engine for

<sup>12</sup> See: E.M. Osipov, *Sotsialnye tekhnologii v mezhsektornom vzaimodeystvii*. *Vestnik Moskovskogo universiteta*, Series 21, No. 4, 2005, p. 95.

<sup>13</sup> See: E. Sadovskaia, "O sovremennykh problemakh grazhdanskogo obshchestva i razvitiia 'setevogo' sotrudnichestva NPO Kazakhstana," *OrganiZatsiia*, No. 2-3, 2004, p. 16.

generating fresh ideas, as well as for creating new organizations in Kazakhstan and other countries of Central Asia.<sup>14</sup>

Cooperation strategy issues were mainly discussed at the initial stage during meetings between NGO representatives and government bodies. Those interested in establishing a government-NGO dialog focused on analyzing, choosing, and developing forms and mechanisms of interaction between nongovernmental organizations and local authorities. They considered the need for establishing close working ties, holding joint seminars, exchanging information, and creating NGO coalitions. They studied the possibility of involving nongovernmental organizations in resolving a variety of different social problems.

Cooperation between the government and the nongovernmental sector developed with the active participation of foreign structures and funds, keeping in mind foreign experience and cooperation models. This period is characterized by cautious relations between the government and the NGOs, as a result of which the slightly slower process of understanding the need for inter-sectoral cooperation led only to formal cooperation. Nevertheless, this period should not be underestimated, for this was the time when the foundations of a civil society were laid in the republic. The formation process itself occurred by means of evolution—systematically overcoming the political, social, and cultural barriers.

At the end of the 1990s, the transition to a qualitatively new stage began in the development of interrelations between the government and the NGOs. This was a time for strengthening cooperation and developing practical mechanisms of interaction. *The Social Democratization Program* offered by President Nursultan Nazarbaev within the framework of his annual address of 30 September, 1998 to the people of Kazakhstan.<sup>15</sup> The head of state noted that strengthening the role of the NGOs in building a civil society is the key element of democratization. As a result, the theses expressed became a powerful boost for developing interaction between the government and the nongovernmental sector.

Subsequently, the talks between government structures and Third Sector organizations ended in the formation of a special republic-level center for the support of nongovernmental organizations. On 12 February, 1999, twenty-four Kazakhstani NGOs signed an Agreement on Cooperation and the Formation of a Republic-Level NGO Support Center called Info-Center of NGOs.<sup>16</sup> For several years now the center has been rendering government support to the nongovernmental sector by providing informational, methodological, consultative, and organizational-technical assistance. The activity of Info-Center of NGOs is aimed at strengthening and expanding the interrelations between state power bodies and nongovernmental organizations. On the whole, this organization should be regarded as the first dialog platform between the NGOs and the government.

This dialog has led to perceptible activation of NGOs that in the past were distinguished by passivity. A Confederation of Nongovernmental Organizations of Kazakhstan (CNOK) was created at a founding conference held in Almaty in 2000. Its founders were well-known republic nongovernmental public associations, foundations, nonprofit associations, and nongovernmental organizations engaged in implementing various socially significant programs.<sup>17</sup>

The following are designated among the CNOK's main tasks at the current stage: coordinating the activity of nongovernmental organizations on general problems; creating stable mechanisms of

<sup>14</sup> See: *Gosudarstvo i NPO v Kazakhstane: opyt i formy vzaimodeystviia*, UNDP Kazakhstan, Astana, 2003, pp. 5-7.

<sup>15</sup> See: *On the State of the Nation and Main Areas of Domestic and Foreign Policy: the Democratization of Society and Economic and Political Reform in the New Century. Address of the Kazakhstan President Nursultan Nazarbaev to the People of Kazakhstan*, September 1998, available at [www.akorda.kz].

<sup>16</sup> See: *Vzaimodeystvie gosudarstva i NPO: iz opyta sotrudnichestva*, Methodological Textbook, RK Ministry of Culture, Information, and Public Consent, Astana, 2002, pp. 17-18.

<sup>17</sup> See: *Istoria sozdania KNOK*, Official website. Confederation of Nongovernmental Organizations of Kazakhstan, available at [www.knok.kz]



cooperation between the government and society; lobbying the passage of draft laws through the Kazakhstan parliament; making amendments to current legislation; and forming a clear idea of the activity of nongovernmental organizations in society and government structures and of their potential and role in resolving society's significant problems.<sup>18</sup>

On the whole, it can be stated that the CNOK has played a key role in actually bringing the government and nongovernmental sector closer together. For example, the first Civil Forum of Nongovernmental Organizations held on 14-15 October, 2003 and attended by the head of state was a result of the Confederation's activity.<sup>19</sup>

Nevertheless, despite certain achievements in establishing inter-sectoral cooperation, an acute need was still felt for large-scale public campaigns, innovative approaches, and decisions capable of bringing cooperation between the government and the nongovernmental sector to a qualitatively new level. There was a need for a systemic and organized approach, as well as for involving a wide circle of government, business, and NGO representatives in the inter-sectoral dialog. The first Civil Forum was extremely instrumental in satisfying the needs of the NGOs, government formations, and business structures. The Civil Forum was created for the purpose of establishing a new model of partnership relations among the government, business, and the nongovernmental sector.

The precedent of holding the Civil Forum with the participation of the republic's leader and government representatives helped society to better understand the importance of building a constitutional triad in Kazakhstan—a law-based, democratic, and social state. Objectively, the forum was instrumental in defining the nature of further interrelations between the government and the nongovernmental sector.

On 11-12 September, 2005, the Second Civil Forum was held in Astana attended by President Nursultan Nazarbaev. During this event, the results of the First Civil Forum held in 2003 were summarized and tasks were defined for enhancing cooperation between government bodies and NGOs in the near future. The new initiatives of the Second Civil Forum consisted in creating a Civil Alliance of Nongovernmental Organizations to support the ideas of the Kazakhstan president; introducing a government social order system at the central, sectoral, and regional levels; and drawing up proposals for interaction between the NGOs and the business sector.

The Civil Forum expresses the desire to raise the status and level of NGO development, as well as to bring the government structures and nongovernmental organizations closer together. Initiation of the forum is a serious attempt by government and nongovernmental organizations to become social partners. Based on this, the Civil Forum should be viewed as an evolutionary shift in cooperation between NGOs and the government; and the fact that it was organized largely on the initiative of the nongovernmental sector shows in turn a certain level of maturity of the contemporary NGOs.

The events held showed that relations between the government and the NGOs should be partner-oriented: a joint strategy should be drawn up to involve the Third Sector in resolving urgent social problems. The Forum formed a productive dialog platform for the government and the NGOs—within this formation, many urgent issues of civil society development are being born and transformed into a real program of action. As a result, positive advancements were traced in the government-NGO dialog.

For example, according to the results of the decisions of the Civil Forum, *Interaction Councils* were formed, which are consultative structures under the republic-level and local government bodies.

<sup>18</sup> Ibidem.

<sup>19</sup> See: V.A. Sivriukova, "Ob osnovnykh problemakh i perspektivnykh napravleniakh vzaimodeystviia i effektivnogo partnerstva organov vlasti i nepravitel'stvennykh organizatsii," in: *Gosudarstvo i NPO posle Grazhdanskogo foruma*, pp. 14-15.



NGO representatives have become members of the National Council under the Kazakhstan President, the Human Rights Commission, expert councils, and the Council for Sustainable Development under the government.<sup>20</sup> Thanks to the activity of the Interaction Councils, a system of dialog and partnership relations has currently been set up between government bodies and the NGOs. Within the framework of the talks, it has also been possible to discuss practical solutions for urgent social problems. The Interaction Councils are helping to exercise public control over the work of the government and making a systemic impact on its decisions reflecting society's interests. In so doing, raising the efficiency of its own activity in order to carry out its chosen mission is motivating the NGOs to cooperate. On the other hand, the government is primarily motivated in its cooperation with nongovernmental organizations by more precise orientation of its work toward the needs of society, an increase in resources, an increase in activity efficiency, the creation of feedback channels, and, of course, greater trust and support by society.

An important aspect of inter-sectoral cooperation is overcoming the stereotypes and clichés popular in government bodies with respect to civil society structures. It is also important for NGOs to carry out an analysis of the principles and mechanisms of the government's activity, find out how the country's budget system works, and become knowledgeable in methods and ways to control budget spending.<sup>21</sup>

The adoption of the Conception of Government Support of NGOs in 2003 was a significant event in the development of inter-sectoral interaction. In addition to concerned ministries and departments, well-known representatives of NGOs and international structures, such as the UNDP, TACIS, and the Counterpart Consortium, participated in drawing up this strategic document. The adopted Conception sets forth the main goals, assignments, principles, and forms of state support of nongovernmental organizations, the development of which is ensured by the specific steps taken by government bodies to cooperate with NGOs.

One such specific step is the Program of State Support of NGOs in the Republic of Kazakhstan for 2003-2005, drawn up by the Ministry of Culture and Information. This document was aimed at forming an efficient system of partner relations between the country's government bodies and nongovernmental organizations. The program also envisaged creating specific conditions for encouraging the sustainable development of NGOs as a part of a civil society and increasing their role in resolving socially significant problems.<sup>22</sup> In compliance with this document, government support of NGOs can be carried out in different forms: informational, consultative, methodological, and organizational-technical, as well as by rendering assistance through state orders.<sup>23</sup>

In cooperation with the government and NGOs, the legislative base is also playing an important coordinating role. On the one hand, legislation is an element of state control over NGOs, while on the other, it acts as a shock absorber for government policy with respect to the nongovernmental sector. There is the opinion that after enforcing certain prohibitions, the government should interfere as little as possible in the development of the nongovernmental sector. It is thought that legislation regulating the NGO sector should permit and support the existence of such organizations, as well as ensure their legal protection, while in so doing protect society from violations and abuses by government representatives. On the whole, the legislative foundations of public participation in the adoption and implementation of government decisions are regarded as one of the main elements in the interrelations between the government and the nongovernmental sector.

<sup>20</sup> National Information Resource Center of RK Nongovernmental Organizations.

<sup>21</sup> See: V.A. Sivriukova, op. cit., p. 18.

<sup>22</sup> See: O.G. Riabchenko, "Vlast i NPO: strategiiia sotrudnichestva," *Gosudarstvo i NPO posle Grazhdanskogo foruma*, pp. 28-29.

<sup>23</sup> Ibid., p. 30.

In this context, the participation of Third Sector representatives in the law-making process is significant, since the government bodies that draw up laws for regulating both the nongovernmental sector and the social sphere in which NGOs function, frequently have different subjective views of the social processes or are not entirely clear about society's real needs.

It seems to us that citizens and a civil society should show an interest in the policy being drawn up and take part in all the corresponding stages—beginning with problem formulation, policy elaboration, and decision-making and ending with putting decisions into practice and assessing them. In the developed countries of the world, the practice of involving NGOs in the law-making process is a customary phenomenon.

It should be noted that such steps have long been taken in Kazakhstan. For example, in 2003, representatives of the nongovernmental sector became involved in drawing up laws within the framework of the *Assisting the Development of Legislation for NGOs* project. This issue was actively discussed by the Kazakhstan parliament. In particular, according to the initiative of the Senate Committee for Legislation and Judicial-Legal Reform, hearings of the draft law *On Nonprofit Organizations* were arranged, in which deputies of the Majilis participated, as well as representatives of Kazakhstan and foreign NGOs.<sup>24</sup>

The regulations of the Majilis and the Senate of the Parliament contain special provisions regarding the holding of open parliamentary hearings with the participation of its representatives. Employees of nongovernmental organizations have often been included in parliamentary working groups for drawing up and reviewing draft laws. In this respect, it should be emphasized that a form of extra-parliamentary discussion of certain draft laws is largely used—round table meetings attended by representatives of the public, NGOs, political parties, and trade unions. Draft laws are subjected to broad public discussion in the mass media.

Debates resulted in a project being presented for systematizing law-making partnership between the government and NGOs within the framework of creating a Public Experts Chamber (PEC) under the Majilis of the Parliament. Founded in 2006, the PEC aims to develop cooperation between legislative power and civil society institutions, improve legislation, adopt effective laws, form a legal culture in society, and create conditions for raising the civic activity of the population and developing a civil society.<sup>25</sup> The working principles of this body are legitimacy, open access, and transparency, but in so doing the Public Experts Chamber has the status of a consultative body. The PEC is not a government structure, but its members are approved by the Majilis of the Parliament. The Chamber's decisions will be recommendatory in nature and adopted in the form of conclusions, proposals, and statements.

In 2006, the Conception of the Development of a Civil Society in the Republic of Kazakhstan for 2006-2010 was approved and adopted, the main idea of which is equal partnership between the government and civil society institutions. This document enforced the government's initiatives to establish constructive and productive relations with NGOs in order to build an open, democratic, and prosperous society of free people and a ruled by law state in which the vital features and traditions of our multinational and polyconfessional society are harmoniously blended.

In this way, the government's current interest in a full-fledged civil society, as well as the nongovernmental sector's desire for cooperation with the government are conducive to transforming the periodical campaigns for state support of the NGOs into a regulated system.<sup>26</sup> Today we can confidently say that a strategy has been drawn up in Kazakhstan, areas of activity designated, and efficient

<sup>24</sup> See: G.T. Iliasova, "Zakonodatel'stvo o gosudarstvennom sotsial'nom zakaze kak mekhanizm resheniia aktualnykh problem obshchestva," *Gosudarstvo i NPO posle Grazhdanskogo foruma*, pp. 28-29.

<sup>25</sup> National Information Resource Center of RK Nongovernmental Organizations.

<sup>26</sup> See: V. Ovcharenko, "Kratkiy obzor mekhanizmov vzaimodeystviia i gosudarstvennoy podderzhki grazhdanskogo obshchestva v Kazakhstane," *OrganiZatsiia*, No. 2-3, 2004, p. 37.

mechanisms of inter-sectoral interaction established with a transfer to equal cooperation. An assessment of Kazakhstan's potential shows that all the prerequisites exist in the republic for further qualitative development of the Third Sector and its successful integration into the system of contemporary social relations.

The discussion on inter-sectoral interaction is also raising the question of serious organizational-practical support of nongovernmental organizations. At this point in Kazakhstan's historical development, the state's support of NGOs is acquiring special importance, since it has the necessary resources for raising the productivity of the entire nongovernmental sector.

One of the most widespread forms of such support in world practice is a government social order. As we know, such bidding is based on state financing projects drawn up to resolve specific social problems, and nongovernmental organizations working directly with the population put these projects into practice. The principle of subsidiariness forms the core of the social order (as of other forms of interaction between civil society institutions and government bodies). That is, the introduction of the social order will mean the government is showing a greater interest in creating and developing civil society institutions, since this is the only way to achieve social participation. The main thrust of this order is to prompt target groups to create objective and subjective conditions for developing their ability to provide for themselves and is not aimed at serving everyone who might be in need, since this list could be prolonged infinitely.<sup>27</sup> It is the state's responsibility to determine the most competitive supplier of a particular service by means of a tender in order to make rational use of budget funds. At the same time, the state order should be open to any nonprofit organization able to offer the service in demand.

It should be noted that the Law *On the Government Social Order* adopted in 2005 takes significant account of world experience in executing government orders by implementing NGO social programs drawn up in keeping with a wide range of the country's urgent problems:

- in social security;
- in public health and the environment;
- in civil law;
- in science and education;
- in culture.

The legal field created by the legislative acts adopted makes it possible to carry out a competitive order for social services offered by nongovernmental organizations. In turn, the NGOs are showing an interest in participating in such competitions. Today we can already talk about the first, but important, practical results in this area. For example, 120 applications from 109 NGOs were submitted to the first pilot tender (September 2003) from almost all the republic's regions. The corresponding commission selected 20 projects as winners, totaling 10.7 million tenge. One hundred and nineteen organizations (from all the regions of Kazakhstan), which submitted 142 applications, participated in the second tender (May 2004). Twenty projects totaling 9.7 million tenge were implemented. On 19 July, 2005, a third tender was held in which 165 NGOs submitted 234 applications for projects totaling 59,700,000 tenge, that is, the financing volume increased six-fold. Fifty NGOs were the winners. The Kazakhstan Government allotted 350 million tenge in the 2006 budget for holding contests to carry out government social orders, and according to the proposal put forward by the Ministry of Culture and Information, this sum was increased by another 200 million tenge, which presumed participation in the tender of a larger number of NGOs.<sup>28</sup>

<sup>27</sup> See: E.M. Osipov, op. cit., p. 98.

<sup>28</sup> According to the information of the RK Ministry of Culture and Information, available at [www.sana.gov.kz].

However, there is an inconsistency in the technique for carrying out a government order with respect to cooperation between the government and NGOs, which is expressed in the following statement: “NGOs receive support or help from the state in the form of a social order.” Here it should be emphasized that socially vulnerable strata of society are in need of help, and NGOs, in turn, help the government to resolve the population’s problems in a more targeted manner, using their own methods, resources, and budget funds.

Nor is it expedient to equate a social service with a commercial one aimed at obtaining profit. The purpose of the social order is to raise the quality of citizen life, without aiming to obtain pure profit, and most projects are carried out at self-cost. On the whole, the government social order is regarded as the most efficient economic-legal way of carrying out priority targeted social programs aimed at resolving socially significant problems at the state, sectoral, or local levels.

As a result of the practical application of government social orders, the financing of the activity of domestic organizations by international foundations in Kazakhstan is being gradually replaced by internal sources.<sup>29</sup>

On the whole, cooperation with the government is a qualitatively new stage in the development of the nongovernmental sector, but, objectively, far from all NGOs today are ready for this work in the interests of their own target groups. For example, certain nongovernmental organizations are refusing to cooperate, believing that the government should be controlled at a distance. There are NGOs that are steadily financed by foreign sponsors, so they have no need for domestic relations. Of course, there are plenty of other problems in developing a dialog between the government and NGOs, but the main result of establishing cooperation today can be considered the transfer from word to deed. The rate of development of civil society institutions in Kazakhstan is not very high at the contemporary stage of modernization, but certain measures aimed at strengthening local NGOs have already been adopted.

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Summing up the above, we can say that it is difficult to overestimate the role of the nongovernmental sector today in building a civil society, developing its democratic foundations, and transforming public opinion during the political decision-making process. The participation of NGOs in the formation of social policy is manifested at different levels of interaction between government bodies and private business structures, whereby in the most diverse forms.

In the end, close cooperation among all three sectors—the government, business, and NGOs—is helping to improve the business environment and resolve the population’s social problems, as well as strengthen stability, promote social progress, and enhance the development of a mature civil society.<sup>30</sup> What is more, it should be recognized that building a civil society is a long evolutionary process. It is impossible to achieve instant results by simply skipping some of the development stages. In contrast to many countries in which democracy grew on the basis of a civilized civil society, Kazakhstan is building democracy, its civil society, and its statehood at one and the same time. There can be no doubt that the Third Sector has reached a major milestone in its evolution, and the nongovernmental organizations have confidently moved on to a new level of development characterized by an intensive improvement in interrelations between the government and NGOs.

During the more than ten years of the republic’s independence, certain positive results have been achieved in forming NGOs. These primarily include the creation of a functioning nongovernmental

<sup>29</sup> See: Z. Balkenova, “Gosudarstvennyy sotsialnyy zakaz: kto pridumaet pravila igry?” *National Information Agency KazInform*, 20 September, 2005.

<sup>30</sup> See: Speech by Kazakhstan President Nursultan Nazarbaev at the Second Civil Forum. Astana, 12 September, 2005, available at [www.akorda.kz].

sector, comprised today of more than five thousand different organizations and associations. Significant changes have occurred in the legislative sphere that regulates the activity of the sector, as well as positive shifts in the mutual perception of NGOs and government bodies. The noticeable activation in state support of the development of the nongovernmental sector is reflected in the creation and introduction into practice of a system of privileges, as well as in the distribution of government social orders among nongovernmental organizations. The mechanism of the government social order is opening an entirely new page in the cooperation between the government and NGOs, promoting the formation of as favorable an environment as possible for the development of the Third Sector.

We can already say that cooperation between the government and NGOs is acquiring a systemic nature. A reliable dialog and partnership relations mechanism is being developed in the republic between the government bodies and nongovernmental organizations, and the key link in this is played by the Civil Forum. Trends have also been designated toward internal consolidation of NGOs, which is evidenced by the activity of the CNOK, the Civil Alliance of Kazakhstan, and so on.

Nongovernmental organizations are already playing a certain role as mediators between the government and citizens, are assuming certain functions in the social changes, and are making a specific contribution to resolving various problems in the social sphere.

Nevertheless, certain difficulties relating to the development of the NGO sector in the republic are drawing attention to themselves. This applies in particular to improving the legislative-legal base, ensuring government support of the sector's functioning, simplifying relations among NGOs, government bodies, business, and so on. To be objective, it should be noted that there is still insufficient stability in the activity of the NGOs. The measures being carried out by nongovernmental organizations are frequently incomplete. The NGOs are still not capable of independently resolving urgent social problems, which is largely due to the underdeveloped material-technical base of the domestic Third Sector, as well as the absence of specialists working on a permanent basis. Despite the overall increase in the number of registered NGOs, a significant percentage of the organizations are still passive. The unequal development of the nongovernmental sector at the regional level is giving rise to a good number of questions, particularly in rural areas. All the same, it is important to emphasize that the above-mentioned problems relating to the activity of nongovernmental organizations are the topic of an open public discussion aimed at achieving a broad consensus based on dialog.

We believe that further expansion of cooperation between NGOs and the government and business will help to successfully resolve the above-mentioned issues. Ensuring sustainable development mechanisms of Kazakhstani society and drawing up efficient social policy are the main tasks of constructive inter-sectoral interaction. Cooperation between the government and NGOs is focused on achieving a high standard of living for all Kazakhstani.

Today the government is openly making contact with nongovernmental organizations and attracting the business sector into cooperation. It is presumed that the NGOs and business will become actively involved in the public processes by means of social partnership with the State. What is more, by representing civil and private interests, as well as by retaining a certain amount of autonomy, the NGOs and business can become a force capable of correcting and supplementing the social policy of the government bodies. At this stage of development in Kazakhstan, impressive democratic prerequisites have been created and stage-by-stage reform of social relations is being carried out. The NGOs, in turn, are becoming visible participants in public life. It is expected that the governmental and civil initiatives put forward today will have a positive effect on the republic's socioeconomic progress, as well as on the establishment of a full-fledged civil society in Kazakhstan.