

Dismay as NGO Law Goes Through in Kazakhstan

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Attempts to block or amend contentious bill come to nothing.

Kazakhstan's president Nursultan Nazarbaev has ratified a controversial bill on non-government organisations (NGOs) in the face of intense lobbying for a veto.

The law gives the government the right to decide which NGOs can receive funding. NGOs must register with the culture and sports ministry, and their financial affairs will be overseen by a dedicated agency.

Nazarbaev signed off on the bill on December 2, after it was passed by both houses of parliament.

Civil society activists warn that the law will allow the government to extend its control over NGOs, using parliament to provide a veneer of legitimacy.

Human rights activist Amangeldy Shormanbaev runs the International Legal Initiative, and was among representatives of 50 leading NGOs in Kazakhstan that signed an open letter urging Nazarbaev to veto the law.

He said attempts to convince lawmakers even to amend the bill failed completely.

"There were parliamentarians who initially supported us," he said. "The rest didn't listen to us. Maybe their minds were already made up. One could see many of them didn't quite know what the NGO sector was all about, and didn't care. Whenever they don't care, they follow the state line – control everything, keep an eye on everyone.

"Besides, the culture ministry presented it as an NGO financing mechanism... and many points were actually added to the bill by members of parliament themselves. It's a [government] tactic to say, 'the members of parliament did it, so what can we do about it?'" Shormanbaev told IWPR.

The Office of the High Commissioner for Human Rights (UNHCR) has warned of the potential effects of such legislation.

"These amendments could have negative and direct consequences on the activities of non-governmental organisations in the country, including their ability to access funding, in violation of Kazakhstan's international obligations related to the right to freedom of association," UHCHR spokeswoman Cécile Pouilly said.

The new law reflects a growing trend across the region. Russia, Azerbaijan and most recently Tajikistan (See **NGO Law Brings Chill Wind to Tajikistan**) have adopted similar NGO legislation, while a bill in Kyrgyzstan is awaiting presidential sign-off.

The Russian law requires internationally-funded NGOs to register as "foreign agents". Although the Kazak law does not go as far as this, there are still questions about whether foreign grants will have to be channeled through the new oversight agency.

Until now, internationally-funded NGOs have had to go through a complicated procedure when applying for grants from international organisations, diplomatic missions and charities. It is unclear how this process might change.

Another major concern is whether the new rules will allow those NGOs that work in areas seen as sensitive or political to operate at all.

The plan is that all NGOs must register with the culture and sport ministry, but the current list of eligible categories does not include human rights issues like freedom of speech, democratic development or the rights of migrants, asylum-seekers and stateless persons.

Organisations that do not comply with the rules will face strict penalties. The law says that failure to provide full and accurate information is an offence, subject to fines, a three-month suspension, and possible closure.

Government officials have put a positive spin on the move, arguing that the oil-rich state is in a position to fund civil society groups without external assistance.

As of 2013, the Kazakhstan government was allocating up to six million dollars a year to NGO funding.

Deputy Culture and Sports Minister Marat Azilkhanov argues that the law will result in new government grants for NGOs.

However, given that Kazakhstan scores highly on international corruption indexes, it is far from clear how transparent the allocation system will be.

One veteran NGO worker, speaking on condition of anonymity, told IWPR that the government funding was not apportioned fairly at the moment.

“Half of this generous amount of money is used to promote government statements and decisions, while another part is used to counteract ‘non-traditional religions’,” the activist said. The term “non-traditional” is used to distinguish smaller groups often of foreign origin from the long-established majority faiths in Kazakhstan – mainstream Islam, as defined by the official clerical establishment, and the Russian Orthodox Church.

“The remaining funds are divided between ‘loyal’ NGOs that have usually been set up by government officials and their relatives to access grant funding,” the activist added.

NGO activists fear that organisations will be under greater pressure than ever to fit in with government policies, and that the funding will strengthen those groups known as “GONGOs” (government-organised non-government organisations).

Sauleta Tolganbaeva leads the Civic Alliance of Kazakhstan, a government-friendly umbrella organisation for more than 500 NGOs, and argues that there is nothing wrong with registering with the authorities.

“There was a public discussion on this bill,” Tolganbaeva told the Vlast news agency on November 25. “All the organisations with an interest in this had their say. I’m not sure what the international organisations are unhappy with. And I don’t understand why they should be separate and shouldn’t be in the joint registry. Funding should be transparent.”

Tolganbaeva, whose Civic Alliance helped draft the bill, said reports that most NGOs would be forced to close down were exaggerated.

“These are all claims; it’s all made up,” she told the news agency. “This bill is very precise. It says that those organisations which make a special contribution to society, which make the same big contribution as our prominent cultural and artistic figures, will be commended.”

But many civil society activists see a much more sinister reality ahead. Independent journalist Sergei Duvanov said the government was avoiding open confrontation with NGOs but ensuring that it had more control of them, and thus more power to control dissent.

“While the Russian authorities openly deemed NGOs to be ‘enemies of the people’ by calling them foreign agents, ours are doing it in a cunning way, imposing financial controls on NGOs that receive foreign grants,” Duvanov told IWPR. “And by this means they’ll defend themselves from ‘velvet revolutions’.”

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*This publication was produced under IWPR project **Strengthening Capacities, Bridging Divides in Central Asia**, funded by the Foreign Ministry of Norway.*

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Topic: [NGOs](#)

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