

Support the Public Benefit Organisations (PBO) Bill, 2012

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| <p>What is the Public Benefit Organization (PBO) Bill?</p> | <ul style="list-style-type: none"> • The Public Benefits Organizations (PBO) Bill 2012 seeks to achieve a new legal, regulatory and institutional framework for civil society organisations (CSOs) doing public benefit work in Kenya. • It was published in the Kenya Gazette Vol. CXIV – No.35 on 4th May 2012 as a private members Bill with the support of Hon. Sophia Abdi Noor, Chairman, Parliamentary Committee on Labour and Social Welfare. • The Bill was developed by civil society organisations in Kenya led by the <i>CSO Reference Group</i>, an umbrella body of civil society organisations formed in 2009 to support CSOs in Kenya review the <u>NGO Coordination Act no 19 of 1990</u>. |
| <p>What is a Public Benefit Organization (PBO)?</p> | <ul style="list-style-type: none"> • A PBO is a voluntary grouping of individuals or organizations that is organized and operated locally, nationally or internationally, to support or promote public benefit. |
| <p>Why Support the PBO Bill?</p> | <p>The Public Benefit Organisations (PBO) Bill 2012 if enacted into law will lead to:</p> <ol style="list-style-type: none"> 1. Strong Public Benefit Organisations sector promoting social welfare and improving the conditions and quality of life for the people of Kenya. 2. Adherence to and promotion of the values of the constitution of Kenya within the Public Benefit Organisations Sector. 3. High standards of governance, transparency and accountability by Public Benefit Organisations. 4. Statutory and legal compliance by Public Benefit Organisations. 5. Enhanced co-operation between Public Benefit Organisations, Government, Private Sectors and Development Partners. |

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The Public Benefit Organisation (PBO) 2012

What is the Public Benefit Organisation (PBO) Bill?

It is a Private Members Bill that seeks to provide for the regulation, establishment and operation of Public Benefit Organisations (PBOs). The Public Benefit Organisations Bill 2012 is a result of extensive discussions and consultations within the Civil Society sector over the past three years. This Bill was published and gazetted by Parliament on 4th May 2012 and is sponsored by Hon Sophia Abdi Noor.

What is a Public Benefit Organisation (PBO)?

A voluntary grouping of individuals or organisations that is organized and operated locally, nationally or internationally, to support or promote public benefit.

Why do we need the PBO Bill?

The current legal and regulatory framework for PBOs has several challenges including the following:

1. Multiple and overlapping legal and regulatory frameworks for PBOs, which present:
 - a. the Government with difficulties in designing harmonized plans for the sector;
 - b. difficulties in ensuring accountability by PBOs.
2. Inadequate mechanisms and processes for self regulation of PBOs in Kenya;
3. Absence of an independent body to provide checks and balances in cases where the self-regulatory mechanism fails;
4. Leadership and integrity problems in the sector;
5. Absence of an effective complaints and dispute resolution mechanism for PBOs;
6. Lack of a general framework to guide collaboration between the Government and PBOs.

Significance of the Bill

The Bill seeks to:

1. Provide a conducive environment for the growth and operation of PBOs.
2. Promote a re-birth of values within the sector.

3. Establish an effective legal, regulatory and institutional framework for PBOs through:
 - a. Establishing an independent registration and regulatory Body – **The PBO Regulatory Authority** – with a governing board selected through transparent procedures (section 29(1) and Schedule 3).
 - b. Providing **clear procedures for registration of PBOs** (Section 7) with an explicit time line for processing registration applications (Section 8(1)).
 - c. Giving steps to be followed, and clear grounds for refusal to register a PBO, or for cancellation of a registration certificate (Section 16 & 17).
 - d. Providing **a framework to guide Government – PBO collaboration** at every level (Schedule 1, section 58)
4. Advance **integrity, good leadership and accountability from PBOs**, their forums and the Regulatory Authority, in line with Chapter 6 of the Constitution. (section 19, 20, 21)
5. Ensure that PBOs maintain **high standards** in their internal **governance** and practice **transparency and accountability**.
6. Provide mechanisms for public access to information on PBOs.
7. Outline clear reporting and compliance requirements for PBOs.
8. Provide **a legal basis for PBOs to engage in commercial activity**.
9. Advance **effective Self Regulation** through permitting PBO forums to monitor compliance with codes and standards by their members, and encouraging collaboration between PBO forums and the PBO Authority.
10. Establish a complaint and redress mechanism - **The PBO Disputes Tribunal** - to provide checks and balances in cases where the self-regulatory mechanisms fail.
11. Allows certain qualifying organisation to be granted PBO status .e.g. Endowed trusts and Foundations.

