

PRESS RELEASE

CIVIL SOCIETY POSITION ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL 2014 IN SO FAR AS IT SEEKS TO AMEND THE PUBLIC BENEFITS ORGANISATIONS ACT 2013

Preamble

We, the over 200 Civil Society Organizations (CSOs) and stakeholders drawn from all the 47 counties in the Republic of Kenya meeting in Nairobi on July 14 – 15, 2014 to discuss the state and future of the civil society in Kenya, wish to register our pleasure with a number of the proposed amendments to the Public Benefit Organizations (PBO) Act and note that this is a step towards enhancing the spirit of the Act, in line with the Government's promise to support the civil society sector and promote Kenya's political and socio-economic development. While we are pleased with some of the amendments, there is still concern that some of the proposed amendments are stifling and do not promote an enabling environment for the CSO sector.

We therefore passed the following resolutions:

A: Models for Regulation

1. That we call for a balanced board (with equal representation from both government and civil society appointees) empowered to elect its chairperson and appointing a CEO through a transparent and competitive process in line with recommendations of the report of the Presidential Task Force on Parastatal Reforms 2013 (also known as the "Abdikadir Taskforce Report" adopted by the government. The report has critical recommendations on improving corporate governance in state bodies by ensuring the President and Cabinet Secretary play no direct role in the appointment of the board members of any state corporation. This is meant to shield the governing boards from political patronage and cronyism.

B: Transition from NGO to PBO

1. We call for the development of a framework that enables smooth but complete transition from the NGO Council regime to the new National Federation of PBOs. We wish to see a quick end to the chronic wrangling that has plagued NGO Council while ensuring such leadership baggage is not transferred to the new Federation of PBOs through the envisaged transition.
2. The transition framework to comprehensively address the issues of registration and accountability standards of NGOs as they transit to PBOs.
3. The PBO Federation structure to be developed within the context of devolution, taking into account the imperative to include representation from the counties to the National Federation of PBOs

C: Value- Driven Leadership and Principles of PBOs

1. We commit to establish and develop procedures and mechanisms within the PBO Federation and Forums of PBOs, and to establish a code of ethics that will enhance transparency and accountability in the sector. The procedures shall include a system of rewards and sanctions as a way of enhancing accountability and commit to expand our accountability beyond the donors to include accountability to the Government, the Kenyan people that we serve and to ourselves
2. We commit to undertake a process of re-orientation for the PBO Leaders and those working in the sector, including those who will join the sector in order to drive a transformative value- driven PBO Sector
3. We urge the Government to provide adequate financing to the PBO Authority so that the Authority can execute its mandate in holding PBOs accountable at the national and county levels.

D. Our position on the Proposed Amendments to the PBO Act

1. We support the PBO Act for it gives the framework for enhancing good governance of the civil society, fostering effectiveness and sustainability of our work and also streamlining the interaction and partnerships between the State and the Civil Society among other actors.
2. We undertake to support amendments that will strengthen self-regulation of the sector and the independence and effectiveness of the PBO Tribunal, PBO Authority and the Federation.
3. We call upon the Legislature and the Executive to adopt our amendments which aim to ensure proportionate representation of (at least 2/3 of membership) and the associated accountability in the composition and operations of the Board of PBO Regulatory Authority and the PBO Federation.
4. We call for expeditious and consultative process of adoption and implementation of the amended PBO Act and the draft rules and regulations that harmonize the two versions that have been developed by the NGO Board and the CSO Reference Group
5. Pursuant to Article 3 (1) of the Constitution of Kenya, Section 2(1) of the PBO Act and the PBO Voluntary Service Charter for Citizens, we commit to be actively involved in the governance and development processes at both county and national levels. We call upon the national and county governments to reciprocate this gesture and provide the necessary support and enabling environment.

We call on Civil Society Organizations (CSOs) in the country and the millions of Kenyans who appreciate the services provided by CSOs such as health, education, agricultural and livestock services, civic education, anti-corruption initiatives, legal aid, human rights protection or any other service or support to reach out to their Members of the National Assembly and encourage them to vote in favour of the proposed Miscellaneous Amendment Bill 2014 and our proposals on the same.

It is our well-considered view and position that the quest for an enabling environment for civil societies in Kenya will be best served if the well-intentioned proposals on the amendments as articulated heretofore are fully taken into account.

