



PUBLIC BENEFITS ORGANIZATIONS ACT 2013

ISIOLO OUTREACH FORUM FOR CSO LEADERS

HELD ON 24th APRIL 2014

AT

Northern Galaxy Hotel in Isiolo Town

FACILITATOR

Ezra Mbogori

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Introduction

This forum was organized for CSO leaders from Isiolo County and was held at Northern Galaxy Hotel in Isiolo Town on 24th April 2014. The meeting was convened by World Vision Kenya and was attended by 40 participants.

The workshop started with a word of prayer from both Muslim and Christian participants. The convener; Philemon Bwanawoy of World Vision Isiolo then welcomed all to the meeting and introduced the visitors and facilitators.

Ezra Mbogori, Co chair of the CSO Reference group was the lead facilitator assisted by Judy Gachathi, from the Secretariat to the CSO Reference Group.

Participants then introduced themselves and gave their expectations for coming to the workshop as listed below.

Expectations

1. To learn more about the PBO Act
2. Improved working relationships of PBOs with County government
3. Knowledge on the PBO Act and how it affects NGOs, CSOs
4. Implementation of the PBO Act

Objectives of the forum

These were then shared with the participants as below;

1. To share with County PBO leaders the context and content of the PBO Act 2013
2. To receive informed inputs and strategies for development of rules and regulations for effective implementation of the PBO Act
3. To mobilize, encourage and build support of County PBO leaders to engage in advocacy for the commencement date for the PBO Act
4. To discuss and agree on modalities for the formation PBO Forums and Federation

Background of the PBO Act Process

The facilitator started by defining and explaining a PBO, PBO Act 2013 and the CSO Reference Group.

He explained that the PBO Act 2013 in Section 5 clearly defines Public Benefit Organisations (PBOs) as “a voluntary membership or non-membership group of individuals or organisations, which is autonomous, non partisan, non profit making and which is:-

- (a) Organized and operated locally, nationally or internationally;
- (b) Engages in public benefit activities in any of the areas set out in the Sixth Schedule; and

(c) Is registered as such by the PBO Authority.

The Public Benefit Organizations (PBO) Act is the law passed by the 10th Parliament in December 2012 to facilitate the establishment, operations and self-regulation by voluntary non-state citizens' initiatives that have previously been known as Non-Governmental Organizations (NGOs). The law creates the framework within which these organizations expect to administer their affairs in the provision of services to the public; and aims at facilitating principled and constructive partnership with the Government in addressing the various social and economic challenges facing the people of Kenya. Once the law commences it will repeal the NGO Coordination Act 1990 and all NGOs currently registered under the NGO Act will transit to become PBOs. Where necessary PBOs will be given one year in which to comply with the new registration procedures.

The CSO Reference Group is an alliance of CSOs of different size, scale and diverse focus united by the quest for a an enabling legal environment for CSOs to operate in so as to sustain good governance within the sector on the one hand, while protecting legitimate civil society activities on the other.

Later the history of the formation of the CSO Reference group and eventual formulation of the new law was narrated. A brief version is highlighted here.

The current NGO Coordination Act of 1990 was commenced in 1992 after some amendments were made and the NGO Council was created. The NGO Coordination Board developed and published a white paper in 2006, which hinted at changes in policy for NGOs. This policy paper provided the basis for a new law. NGOs saw it as necessary to be prepared to comment on Government proposals and the CSO Reference Group was formed in October 2009 with the aim of influencing the regulatory framework and governance of NGOs and more specifically defining the elements that would need to be in place in order to create an enabling environment for the work of civil society organisations. After the promulgation of the Kenyan constitution in 2010, the CSO Reference Group then proceeded to draft a new Bill for PBOs. As part of this exercise an extensive CSO consultation process reviewed the NGO Act 1990, and identified areas of concern and risks to the effective performance and reputation of the entire sector. (The new constitution provides for citizens to draft laws that affect them directly).

The PBO Bill of 2012 was passed through parliament and assent to by the then president Hon. Mwai Kibaki on 14th January 2013 to become the PBO Act 2013. This new law provided a single identity for CSOs that work for the benefit of the public and encourages CSOs to register voluntarily.

The PBO Act 2013 provides for

- One identity for all public benefits organisations
- Acknowledges service, capacity-building & advocacy roles across all sectors

PBO Act also

- Holds the sector to high public disclosure & transparency standards
- Enshrines dialogue between Government & PBOs
- Provides for Leadership Standards aligned with chapter 6
- Advocates for Independent regulation and membership agencies that can redress public complaints

Rejection of Proposed Amendments to the PBO Act

The facilitator described the potential effects of the proposed amendments to the PBO Act tabled in Parliament in October and how they were rejected in December of 2013.

The amendments were seen by the sector and other observers as a surprising effort to control the source and use of funding in addition to applying other stifling measures. The amendments would have jeopardized freedom of association since the consequences of non-compliance with the terms and conditions would be dire.

They would also have created a considerable barrier to the ability of PBOs to access funding; compromised the independence of PBOs, minimised the participation of persons who have experience, knowledge and the best interests of the sector, on the Board of the Regulatory Authority. The amendments were in contravention of many international norms and would have had a debilitating effect on civil society as many PBOs would have had to shut down, or opt to relocate.

The CSO Reference Group embarked on a successful multi agency campaign through holding Meetings with Government and MPs – justice and legal and welfare committees; breakfast meetings and one on one meetings, Public awareness exercises such as a petition at Tom Mboya statue for one week and a procession to deliver the petition, Media – press briefing, articles, coverage of outdoor events, and the use of Social media among others. All these activities played a role in having the proposed amendments rejected by parliament.

Question and Answer session

1. What is the motive behind the government introducing amendments to the PBO Act?
 - a. It is said that some Government officers feel that NGOs are not accountable, are self serving, their impact is not known and they are not regulated.
 - i. *In arguing counter to this, it is recognised that all NGOs are registered with the NGO Board and are required to make annual returns and present audited accounts. The Board should therefore be in a position to establish compliance and assess impact.*
2. Will NGO Board and NGO Council remain on commencement of the Act?
 - a. NGO board will transition to become the PBO regulatory Authority
 - b. NGO Council will cease and another body; The PBO National Federation will come into existence. PBOs can voluntarily become members.
 - c. NGOs, CBOs will choose to voluntarily register with the PBO Authority based on the benefits/incentives provided for in the PBO Act
3. How will the new law handle 'briefcase NGOs'?
 - a. The PBO Act provides for self-regulation of PBOs, a CSO Charter has been developed and will be one of the tools to promote integrity and accountability. The National PBO Federation will also develop self-regulatory mechanisms as way of providing corrective measures and protecting whistle blowers among other mechanisms.

- b. The law also requires all registered PBOs to give a physical address and the PBO Authority can make visits to verify the address and type of activities being carried out.
- 4. How does a PBO meet core costs when donors insist on giving 80% of funds for programme work and only 20% for core cost?
 - a. There is need to educate donors about the reality that staff implementing the programme need funds to survive and do the work efficiently. Basic conditions for staff and motivation will need to be attended to.

Participants dispersed in groups to discuss the PBO Service Charter, Impact statement and Petition. All groups were encouraged to either draft their own petition or sign the circulated copy. In discussing the impact statement of CSOs, groups were asked to think about the impact of their own organizations.

Summary of group reports at the plenary Session

- Participants felt the Petition circulated was too strongly worded and one group drafted a petition that will be worked on further and circulated for signatures among the participants of the workshop and other CSOs in Isiolo.
 - The facilitator expressed that it was in order to expect the law to be commenced by now and this is what the petition is seeking. The circulated copy of the petition is firm but not rude
- On the Impact of CSOs
 - Participants felt they were not equipped to discuss the impact of their organizations with exact figures but were encouraged to be conscious and aware that for every project implemented there is need to assess the short and long term impact for the beneficiaries and also be able to document and share this information with the county government.
 - It was also noted that a lot of acronyms were used in the circulated documentation; there is need to give a list of meaning of all acronyms used in the document or have the full names given in the text of the document.
- There were several comments and clarifications made on the PBO Service Charter as illustrated here;
 - **Item No. 3;** *Keep all documents, as required by law, available to the public in our offices and on our websites. This will include audited annual accounts and reports, current annual budget, list of the Board members or Directors and principal registered Officers;*

Comment: There should be an online portal accessible to all CSOs, NGOs, and PBOs where they can display information on their organizations as not all can afford to create and maintain organizational websites.

A suggestion was made that perhaps such a responsibility could be taken up by VIWANGO the organisation that is promoting good practice standards, assessing and providing certification for CSOs in Kenya.

- **Item No. 5;** *Align our constitutions and practices with the provisions of the PBO Act especially with regards to disclosing the source and use of funding, maintaining integrity in our all systems including sound Board oversight;*

Comment: consider revising the word and statement following integrity to read **integrating all systems including sound Board oversight**;

- **Item No. 11;** *Use our resources solely to support the public benefit purposes for which the organisation was established;*

Comment: Consider rewording the statement to read; for which the resources were provided.

- **Item No. 12;** *Intentionally build the capacity of local organisations which are registered and compliant with the PBO Act and other laws that regulate the activities of these organisations;*

Comment: Who should build capacity of others? All PBOs International, local, big or small have a responsibility to build the capacity of new and struggling organisations to enable them do their work better. Example; community health workers build capacity of care givers at home to be able to take care of the sick in that household.

- **Item No. 13;** *Uphold diversity in the composition of the governance bodies of our organizations and ensure that at least one third of the Board members are Kenyan citizens, resident in Kenya;*

Comment: This statement is meant for international originations working in Kenya. It seeks to protect the interest of Kenyans in the work being implemented.

- **Item No. 17;** *Following commencement of the Act in its current form, we commit to register and undertake all practical steps to comply with the provisions of the PBO Act 2013.*

Comment: Is this an obligation for all CSOs? Once registered as PBO then the organisation will be required to abide by the standards set and guidelines of the PBO Act.

- **Steps to Implement this Charter Step 8;** *Sensitize and invite community leaders, local and county administration to hold all PBO's accountable to the commitments in the Charter;*

- **Comment:** Does this comment not open PBOs to misuse by the public? The purpose of this statement is to let the public recognize what the PBO does and highlight the impact to the community.

Resolutions and way forward

The facilitator asked about the relationship of CSOs in Isiolo with the County government and was informed that the county appreciated the input from CSOs in development of the county and in provision of essential services. The current Governor of Isiolo; Godana Doyo has a background from the CSO sector and therefore appreciates the CSOs.

Interim Isiolo CSO Forum Committee

The participants resolved to revive the former Isiolo CSO Forum which will then facilitate regular meetings among PBOs and the county government and discuss issues affecting the sector and development in general. The interim team would visit the Governor's office and discuss setting up quarterly forums for sharing, coordination of members and county representatives.

The draft petition developed at the workshop would be polished and circulated to CSOs in Isiolo for signing. Philemon Bwanawoy of World Vision Isiolo would facilitate the meeting of the interim team to finalise the petition by 1st of May. World Vision contact will forward the signed petition to the secretariat of the CSO Reference group to be forwarded with other signed petitions to the Cabinet Secretary.

A CSO core team was selected to coordinate revival and strengthening of Isiolo CSO Forum.

1. Bitacha Sora 0720106075 sora.bitacha@kenyaredcross.org;
2. Patrick Nyaga 0721385196 pinyagah@gmail.com;
3. Salad Tutana 0720267212 saladtutana@yahoo.com; As Chair,
4. Rose Karimi 0710917256 rosekariuki@yahoo.com;
5. Florence Kinyua 0720237625 fkinyua@ermisafrica.org;
6. Philemon Bwanawoy - philemon_bwanawoy@wvi.org; - to convene the first meeting where the team can agree on way forward and develop the Terms of reference.

Appendix 1 Kenya News Agency Article; NGOs Want PBO Act Gazetted

Non-Governmental Organizations operating in regions occupied by pastoralists have appealed to Devolution and Planning Minister to gazette the organisations' legislation that former President Kibaki had assented to.

The NGOs and CBOs operating in Meru, Tharaka Nthi, Isiolo, Laikipia and Samburu Counties said that fresh amendment that the government wants to introduce in the NGOs bill was improper and intended to bring the organisations down.

The legislation that Kibaki had assented to gave the NGOs freedom of soliciting for funding from major donors without any interference by the government.

And the intended amendment by the current government has been agitating to have the organisations solicit for 15 per cent only from donors which they feel would not help communities that have lagged behind in development over the years.

Addressing over 50 participants at Isiolo hotel, the Co chairman of Civil Society Reference Group Ezra Mbogori said that 15 per cent rule would work against areas which are less developed.

He demanded that the organisations be left to be answerable to the communities and their umbrella bodies like the NGOs council so as to execute their development mandates smoothly.

He said the only way of fast-tracking development of hardship areas would be through the help of NGOs and Faith Based Organization which build schools, Hospitals and Water pans.

Mbogori said that NGOs had employed over 80,000 people and benefited over 200,000 others in pastoralist communities in arid and semi-arid areas.

He added that the organisations had contributed to capacity building of over 10,000 people who were trained and employed in public and private sectors.

He urged the devolution cabinet secretary to gazette the legislation signed into law by retired President Kibaki after the parliament passed the bill without further delay.

Islamic Foundation of Kenya, Isiolo Branch Chairman, Sheikh Abdirahaman Mugwika said that NGOs and CBOs had contributed a lot to building capacities for most leaders in the current government which had led them to the positions they hold.

Sheikh Mugwika said that the civil society which is now called Public Benefit Organization has sponsored over 3,000 secondary students especially girls to education institutions.

He said that elites from Isiolo, Marsabit, Samburu, Turkana, Wajir, Garissa and Mandera were sponsored by Catholic Church through Child fund, Anglican Church of Kenya and African Muslim Agencies and of late World vision and other development partners had chipped in for the success of poor and needy people.

By Abduba Mamo

KNA

<http://kenyanewsagency.go.ke/?p=23123>

Appendix 2 Summary of the scorecard

(Most participants came late so did not get a chance to complete and submit the score card.)

Name: No of people who responded on the scorecard were 17						
Public Benefit Organisations in ISIOLO						
1. Had you read the PBO Act before this workshop?	Yes	3	No	14		
2. Is your PBO part of a local forum operating in the county	Yes	9	No	7		
If yes, what is it called? <ul style="list-style-type: none"> Isiolo CSO Forum 						
3. How strong is your working relationship with county government?	Yes	11	No	3		
4. What prevents better coordination? <ul style="list-style-type: none"> Lack of partnership and involvement Lack of information No networking sessions Unhealthy competition by CSOs Lack of transparency 						
5. Are you audited accounts and annual reports available to the public?	Yes	14	No	2		
6. If yes, how can they be accessed? Please tick or state other						
In office	6	On Website	3	By email request	Other please state	• During AGM audited accounts are presented
7. Does your Board receive any allowances beyond reimbursement of the costs of their participation?	Yes	8	No	9		
8. Do you have a conflict of interest register that Board members and the staff are accountable to?	Yes	11	No	5		
9. Do you know where to report any cases of corruption, sexual harassment or behaviour that is against the spirit of the PBO Act?	Yes	13	No	4		
10. Does your governing body have at least one third of its members as Kenyans resident in Kenya?	Yes	15	No	2		
11. Does your PBO have a policy against fundraising or campaigning for any political candidate or political party	Yes	12	No	4		
12. Does your PBO actively educate and support citizens to express their views on public policy or matters in the public interest	Yes	15	No	2		

Appendix 3 Workshop Programme

Public Benefit Organisations (PBO) Act 2013 Isiolo County CSOs Forum Programme 24th April 2014 at Northern Galaxy Hotel, Isiolo

Time	Activity	Facilitator
08:30am-9:00am	Welcome and Introductions Participants' Expectations Meeting Objectives	Convener Isiolo County – World Vision & Judy Gachathi - CSO Reference Group Secretariat
09:00am-09:15am	Filling of scorecard by Participants	CSO Reference Group Secretariat
09:15am-10:30am	Background, Context, Opportunities and Importance of the Public Benefit Organizations Act 2013 for effective service, public accountability & coordination 2013 Miscellaneous Amendments	Lead Facilitator – Ezra Mbogori
10:30am-11:00am	Tea Break	
11:00am-11:30am	Strategies for PBOs participation and engagement in development of Rules and Regulation	Judy Gachathi
11:30am-1:00pm	Discussion of <ul style="list-style-type: none"> • Service Charter for PBOs • Impact of PBOs to the Economy • Drafting of Citizens Petition for Commencement date of PBO Act 	Lead Facilitator – Ezra Mbogori
01:00pm-02:00pm	Lunch Break	
02:00pm-03:00pm	PBO County relations Coordination strategies at the County	Lead Facilitator – Ezra Mbogori
03:00pm-04:00pm	Resolutions/Way Forward Press interview and Group photo	

Appendix 4 List of Attendance

No.	Name	Organization	Email	Tel	County
1	Jane Meriwa	Samburu Women Trust	Samburuwomen@gmail.com umeriwa@gmail.com	0722889973	Laikipia
2	Margaret Super	Samburu Women Trust	Margsup@yahoo.com	0722229269	Laikipia
3	Abdi Ibraim	Disabled Persons Organisation CBO	Isiolodisabledyouthgroup@yahoo.com	0728089597	Garbatula
4	Beth Kamau	Royal Media Group	wakabet@yahoo.com	0721778688	Isiolo
5	Pastor Francis Kimathi	NCKK/Interfaith	Franciskimathi2012@gmail.com	0725581371	Isiolo
6	Saria Ibrahim	Waendoldo Women Group		0727420983	Isiolo
7	Abdia Boru	Isiolo Social Audit Group	boruabdia@yahoo.com	0718685449	Isiolo
8	Patrick Nyaga	Adsmke Isiolo Station	patrickn@adsmke.org	0721385196	Isiolo
9	Lekisantal Fred	LOIP CBO		0727416907	Isiolo
10	Eric Lenyangum	LOIP CBO		0707636306	Isiolo
11	Abduba Mamo	Kenya News Agency (KNA)	mamoabdube@yahoo.com	0725791697	Isiolo
12	Rosemary Gatiria	Media max Company	Rosemarygatiria@gmail.com	0713227745	Isiolo
13	Anderson Ngeno	Isiolo FM Limited	andyngeno@gmail.com	0727241090	Isiolo
14	Frank Leshomo	Child Fund	frankleshoomo@yahoo.com	0724316147	Isiolo
15	Gerald Muturi	Catholic Diocese of Isiolo	g.gemu19@gmail.com	0722717030	Isiolo
16	John Paul Kinuthia	Catholic Diocese of Isiolo	johnpaulkinuthia@yahoo.com	0723291388	Isiolo
17	Lesuucla Hiida	Pastoralist Women for Health	naokuhiida@yahoo.com	0721836478	Isiolo
18	Florence Kinyua	Ermis Africa	fkinyua@ermisafrica.org	0710917236	Isiolo
19	Rose Karimi	D.PC Peace Forum Isiolo County Women	rosekariuki@yahoo.com	0710917236	Isiolo
20	Asha Abdirahman	Tupendane CBO		0723596566	Isiolo
21	Rahma Osman	Tupendane CBO		0726793862	Isiolo
22	Salad Tutana	MID-P	Saladtutana@yahoo.com	0720267212	Isiolo
23	Fred Obya Mbai	NRT-Northern Rangelands Trust	Fred.obiya@nrt-kenya.org	0724107998	Isiolo

	Name	Organization	Email	Tel	County
24	Dr. John Kikai	Ngaremara Community Development Programme	Development4ngaremara@hotmail.com	0707393136	Isiolo
25	Dr. Diana Onyango	VSF – Suisse	donyango@vsfsuisse.org	0722834153	Isiolo
26	Selinah Asipitai	Tupendane CBO		0725286807	Isiolo
27	Philemon Bwanawoy	WVI-Isiolo	Philemon_bwanawoy@wvi.org	0722665101	Isiolo
28	Bitacha Sora	Kenya Red Cross	sora.bitacha@kenyaredcross.org	0720106075	Isiolo
29	Ibrahim Hussein	MeCap	ibrahimhussein2013@gmail.com	0729569165	Isiolo
30	Nicholas Willigis	PRASO	willigismuthomi@yahoo.com	0716466534	Isiolo
31	Abdikadir Osman	Call for Change	osmakh@yahoo.com	0724481124	Burat
32	John Leparsanti	Samburu Women Trust	leparasntijohn@yahoo.com	0720215273	Isiolo
33	Christine Monari	Caritas Isiolo	caritas.orgisiolo@gmail.com	0729628073	Isiolo
34	Janet Mwendwa	Nuru Women Group		0723829059	Isiolo
35	Matet William	Christ Follower Faith and Community Development Initiative	cffcomdevcbi@yahoo.com	0724039485	Kiwanja
36	Absiizack David	Waso Climate Provacny	abdirizaekd@gmail.com	0725302286	Isiolo
37	Moses Lerosion	LOIP CBO	liipkenya@yahoo.com	0720867541	Isiolo
38	Abdirahman Muweka	Islamic Foundation		0723660261	Isiolo
39	Cecilia Mutanu	World Vision	Cecilia_mutanu@wvi.org	0724221229	Nairobi
40	Ezra Mbogori	Akiba Uhaki Foundation	mbogori@akibauhaki.org	0722386621	Nairobi
41	Judy Gachathi	CSO Reference Group Secretariat	jgachathi@penkenya.org	0714531874	Nairobi

Appendix 5 Summary Evaluation Form

Issues to be addressed at the next workshop

1. Engage the county government to participate and discuss a way of relating with CSOs.
2. Implementation of the PBO Act.
3. Try and get CSOs from all sectors and especially those working with marginalised groups like youth and disabled.
4. Regular updates from the CSO Reference group on the PBO Act process.
5. More workshop days at least 2 days to deliberate on issues affecting the sector.
6. Make enough copies of handouts for everyone.
7. Invitation of participants should be done well in advance of the meeting.
8. Get a public address system.
9. Create strategies on how CSOs can engage the county government.
10. Communicate any changes made on the Charter to the participants as highlighted in the plenary session.
11. How to address challenges of PBOs.
12. The PBO Act forums should reach out to all counties in Kenya.