

**Public Benefit Organisations (PBO) Act 2013
Embu and Kirinyaga Outreach Forum for CSO
Leaders**

Held on 9th April 2014,

at

Izaak Walton Inn, Embu

Workshop Facilitator's Notes

FACILITATOR

Suba Churchill

Introduction

This forum was organized for CSO leaders from Embu and Kirinyaga Counties. It was held at the Green Hills Hotel situated in Embu Town on 9th April 2014. This forum was convened by Poverty Eradication Network the secretariat on behalf of the CSO Reference Group and was attended by 56 participants including CSO representatives and media reporters drawn from both Counties.

Participants were welcomed to the meeting by facilitator from CSO Reference Group Secretariat.

The workshop Meeting objectives

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

Potential Outcomes:

- ✓ Endorsement of the public petition on the commencement of the Public Benefit Organisations (PBO) act 2013
- ✓ Endorsement of the Public Benefit Organisations (PBO) voluntary service charter for citizens
- ✓ Media coverage of the deliberations of the county forum
- ✓ Formation or strengthening of County PBO group

Purpose of this report:

This report presents the session outputs as recorded on the day and offers some summary conclusions for the participants and members of the CSO Reference group to act upon going forward.

Summary:

From the workshop there is *broad agreement* among the participants:

- ✓ To endorse the public petition on the commencement of the Public Benefit Organisations (PBO) act 2013
- ✓ To endorse Public Benefit Organisations (PBO) voluntary service charter for citizens
- ✓ To form County CSOs Forums

The workshop was divided into a number of related and interconnecting sessions:

Session 1:

- Welcome and Introductions
- Participants' Expectations
- Meeting Objectives

Session 2:

- Background, Context, Opportunities and Importance of the Public Benefit Organizations Act 2013 for effective service, public accountability & coordination
- Miscellaneous Amendments Bill of 2013

Session 3:

- Strategies for PBOs participation and engagement in development of Rules and Regulation

Session 4:

Discussion of

- Scorecard and how it relates to the County CSO
- Service Charter for PBOs
- Impact of PBOs to the Economy
- Drafting of Citizens Petition for the commencement date of PBO Act

Session 5:

- PBO County relations
- Coordination strategies at the County

Session 6:

- Resolutions/Way Forward

Session 1: Introductions, Expectations and Meeting objectives

The meeting started with a word of prayer from one of the participants. The co facilitator Judy Gachathi from the CSO Reference Group Secretariat then asked all present to state their name, organisation they represent and give their expectation for the meeting.

The expectations were captured as follows;

Participants Expectations

- a. Learn more about the PBO Act 2013
- b. How PBOs can engage with county government
- c. Learn about the benefits of the PBO Act
- d. Why has the Act not commenced
- e. How the Act will be implemented
- f. More information on how the Act will Impact on PBOs
- g. Role of devolution and relationship with PBOs/CSOs

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

Score Card

The participants were taken through the score card in their folders and requested to fill it out with honest answers based on their organisation and experiences. See annexure on collated responses of the score card.

Most of the people in attendance had no idea of the PBO Act even before the forum, Summary of the score card is in the appendix 4 of this report.

Session 2: Background, Opportunities and Importance of the Public Benefit Organizations Act 2013

Suba Churchill the lead facilitator took participants through first in understanding who the Civil Society Reference Group was and the process the CSO Reference group took in pushing and eventually having a new regulation developed that was to provide an enabling environment for the civil Society Sector.

***The CSO Reference Group** is an umbrella body of about 70 CSOs that came together to push for establishment of an enabling legal, regulatory and institutional framework for CSOs in Kenya that do public benefit work. The group has 4 sub committees – Policy and Legal, Lobby and Media and Publicity and Outdoor activities and has been working for about 5 years, and though the law was passed in Jan 2013; still pushing for operationalisation and implementation of the PBO Act 2013.*

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 and 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 an 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.

The proposed amendments 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.

The PBO Act 2013 is the product of widespread consultations involving stakeholders from relevant government agencies and NGOs involved in public benefit work. The Act was given presidential assent on 14th January 2013 and gazzeted on the 18th March 2013.

Session 3, 4 and 5

These sessions were combined so issues could be discussed in Groups and presented in plenary

The facilitator explained to the participants that rules and regulations strengthen the law. For any Law to be effective and working there is a need to develop rules and regulations/procedures to operationalise the policy. The development of the rules should be done through a participatory process. In anticipation of the call for public participation in developing regulations for the Act the CSO Reference group consulted with CSOs and reviewed the Act to come up with draft regulations that support the current PBO Act.

Participants were requested to read through the draft regulations provided in their own time and raise any issues of concern or clarification within their CSO forums and communicate the same to the Reference Group.

Most groups reported satisfaction with the charter and petition. It was clear that most of the attendees had not interacted with the PBO Act before so it was difficult to discuss the documents in detail. They did however say they would be more proactive in getting conversant with the new law and share with other CSOs.

Participants reported that there was some interaction between the CSOs and County Government but with the formation of CSO forums will encourage CSOs to engage with the county government with one voice.

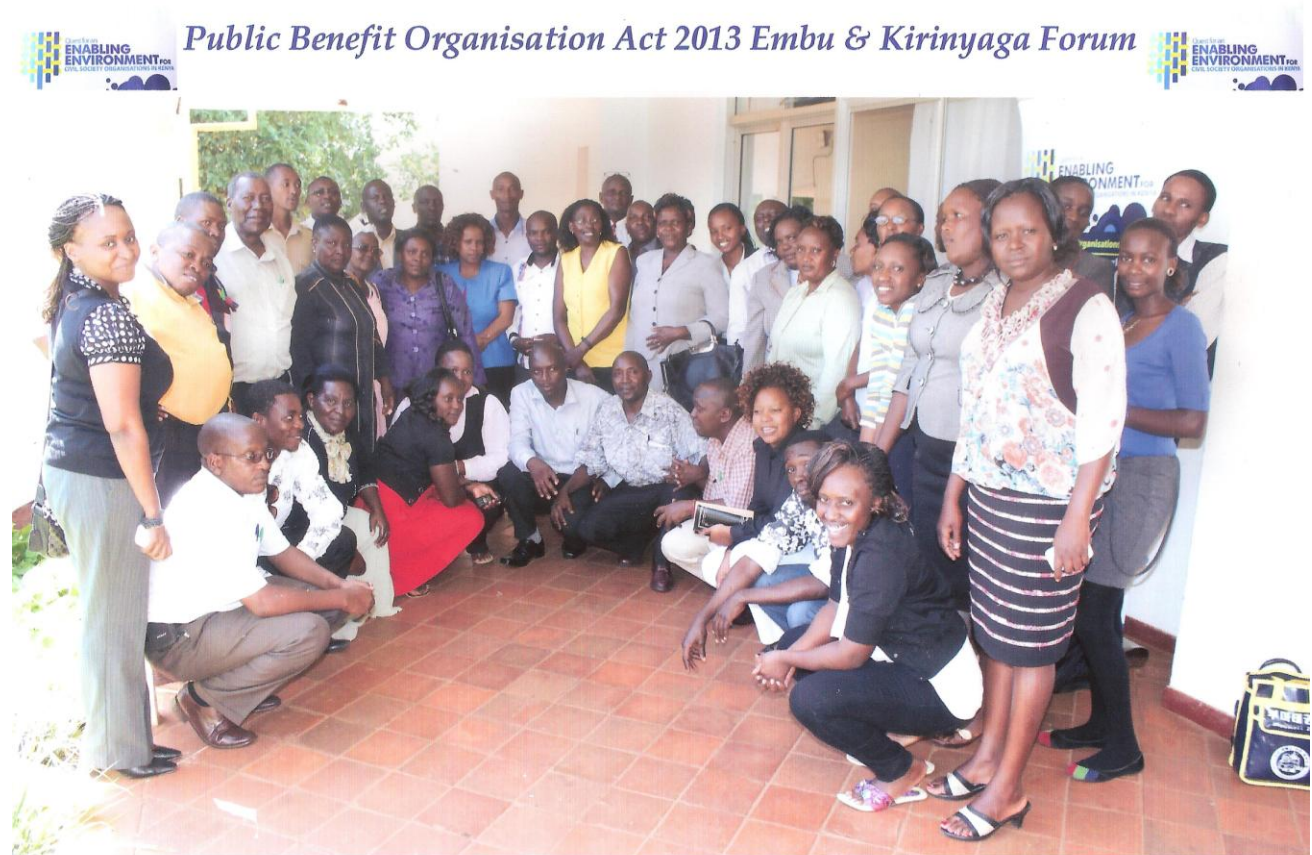
Session 6: - Resolutions/way forward;

42 Participants signed the petition and agreed to take the Charter to their organisation for further discussion and endorsement.

Kirinyaga county representatives formed a CSO Network; **Kirinyaga Citizen Forum**. Kirinyaga Forum convenor; Joseph Ngundo will mobilise CSOs from Kirinyaga to meet and discuss CSO matters with County government.

The Embu Local Urban Forum (ECLUF) will seek to bring on board other CSOs in Embu to form a single forum. Peter Muchangi will coordinate the Embu CSOs in several consultations to agree on a unified representative forum

Appendix 1; Group Photo



Held At Izaak Walton Inn Embu On 9th April 2014

**Public Benefit Organisations (PBO) Act 2013
Embu and Kirinyaga Counties CSOs Forum
9th April 2014 at Izaak Walton Inn**

Appendix 2; Programme

Time	Activity	Facilitator
08:30am-9:00am	Welcome and Introductions Participants' Expectations Meeting Objectives	Convener Embu County & Judy Gachathi- CSO Reference Group Secretariat
09:00am-09:15am	Filling of scorecard by Participants	Judy Gachathi- 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 –(Member CSO Reference Group)
10:30am-11:00am	Tea Break	
11:00am-11:30am	Strategies for PBOs participation and engagement in development of Rules and Regulation	Lead Facilitator (Member CSO Reference Group)
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 	(Member CSO Reference Group)
01:00pm-02:00pm	Lunch Break	
02:00pm-03:00pm	PBO County relations Coordination strategies at the County	Lead Facilitator (Member CSO Reference Group)
03:00pm-04:00pm	Resolutions/Way Forward Press statement and Group photo	Convener & Lead Facilitator

Appendix 3; Participant List

EMBU & KIRINYAGA COUNTY					
NO	NAME	ORGANIZATION	EMAIL	TELEPHONE	COUNTY
1	Belinda Nyakio	Society for Women & AIDS in Kenya	sawkembu@gmail.com	0725 262 826	Embu
2	Fatima Wanjiru	IQRA		0713 561 881	Kirinyaga
3	Caroline Machai	Community Policing Integrity Mission	communitypolicingmission@gmail.com	0720 843 246	Kirinyaga
4	Kennedy Muriithi	Ray of Light	kethigaci@yahoo.com	0721 642 671	Kirinyaga
5	Duncan N Ngoroi	ECSZ	dacanngoroi@yahoo.com	0727 883 475	Embu
6	Nelson Mwaniki	St. John Ambulance	eastern@stjohnkenya.org	0721 697927	Embu
7	Sospeter Gitonga	PCOD	partnersdevkenya@gmail.com	0721 955 843	Embu
8	Peter N Ngoci	KOVCA	kovcacbo@gmail.com	0723 329065	Embu
9	Ruth Wairimu	CEFA	r.wairimu94@yahoo.com	0725 2440 22	Embu
10	Táchira Martin	EYAA	eyaa.group@yahoo.com	0721 423 023	Embu
11	Dedan Gitahi	Embu Community health workers CBO	dedangitahi72@yahoo.com	0722 776 935	Embu
12	Gichaya Diana	Umbrella of change	dinwanja@yahoo.com	0712 815 788	Kirinyaga
13	Jane Githinji	MUKINDURI CBO	shie2002ke@yahoo.com	0720 570 044	Kirinyaga
14	Francis Murigi	Y-TAC	ytackenya@yahoo.com	0728 952 915	Embu
15	Lorna Mwita	Mwiouhvi SHG	lmwita@yahoo.com	0722 202530	Embu
16	Peter Muriithi		pmuriithiA@gmail.com	0724 556 822	Embu
17	Anne Njeri	Kirinyaga County board org		0723 854566	Kirinyaga
18	Joseph Mwari	Mt. Kenya Animators& Puppeteers	mwarijoe09@yahoo.com	0720 222504	Kirinyaga
19	Nicasio N Chege	Kiangombe CFA	nicasiochege@gmail.com	0721 272 005	Embu
20	Reuben Githinji	Star Newspaper	githinjireuben@gmail.com	0728 414 636	Embu
21	Samuel Muriuki	Embu Action Group	muriukisamuel@gmail.com	0726 511034	Embu
22	Patrick k	Njukiri CFA		0725 442860	Embu
23	Mary Mukami	Dairy Goat A of Kenya		0722 170 897	Kirinyaga
24	Rizpah Mwaniki	Embu Youth Friendly Service	rizpahmwaniki@yahoo.com	0721 760 183	Embu
25	Joseph Ngundo	Ngaru Initiatives NGO	josengundo@mail.com	0720 655 854	Kirinyaga
26	Bancy Wachira	Kabanga Progressive	bancy@gmail.com	0725 789147	Kirinyaga

NO	NAME	ORGANIZATION	EMAIL	TELEPHONE	COUNTY
27	Rashid Abdi	Embu sacerbase		0701 057714	Embu
28	Gudson Muchina	Tesere Resource Grp	teseregroupp@gmail.com	0720 407 642	Kirinyaga
29	Antony Ndwigah	Royal Media services		721334356	Embu
30	Orwa Michael	SID	morwa@sidint.org	0736 277753	Nairobi
31	Florence Wanjala	Shouldlean Pillar of Hope	muthanjeflorence@yahoo.com	0726 265 313	Embu
32	Josephine Njoki	Community Health Workers		0723 308 932	Embu
33	Mary Gatumu	Mwietheri SHG	Marygatumu@gmail.com	0727 152 158	Embu
34	Lisper Njue	Joy Memorial Org	lispermunginjue@yahoo.com	0729 808 406	Embu
35	Jacinta Karanja	Sentiimels Kirinyaga County	Karanja.jacinta@yahoo.com	0712 132998	Kirinyaga
36	Jeremia Kinyua	MT Kenya FIDA Partners	jeremia.kinyua@yahoo.com	0722 817247	Embu
37	Grace Njagi	Dallas women& Youth CBO	gnjagi8.gn@gmail.com	0725 480427	Embu
38	James Muriuki	Embu Youth Dev Initiative	aljymo@yahoo.com	0737 908 828	Embu
39	Persia Everlyne	Comforter CBO	persiamuriithi@yahoo.com	0726 170 844	Embu
40	Jessie Nyaga	Street Children Program		0725 117627	Embu
41	Ruth Mumai	Red Cross Society	ruthwamumai@yahoo.com	0710 175855	Kirinyaga
42	Njuguna Kamoche	KBC /CORO FM	njugunawagio@gmail.com	0723 573656	Chuka
43	John Irungu	KNA		0727 964101	Mbeere
44	Dickson Macharia	K 24/Kameme fm		0726 886243	Kirinyaga
45	Peter Nthiga	KNA		0728 962514	Chuka
46	Caroline Njue	Action Aid Kenya	caroline.njue@actionaid.org	0722 347074	Embu
47	Margaret Njagi			0721 282515	Embu
48	Ken Wanga	Embu Rotary Club	ken.wanga@yahoo.com	0726 569150	Embu
49	Peter Muchangi	Embu Local Urban Forum; convener	muchangi.peter@yahoo.com	0723 940425	Embu
50	Caroline Kendi	Chuka Youth Educators	carolinekendi10@gmail.com	0726 799622	Embu
51	Andrew Gitonga	Embu Youth friendly Grp	andrew.mbaya@yahoo.com	0723 634594	Embu
52	Peter Njeru	Grokasha HCSL	Peternjeru42@gmail.com	0729 373170	Embu
53	Jane Ndinji	League of Kenyan voters		0723 358349	Kirinyaga
54	Timothy Njeru	Citizen TV	timnjeru@yahoo.com	0725 946 428	Meru
55	Timothy Kariuki	the People N/paper	kntimothy@gmail.com	0720 404 523	Meru

NO	NAME	ORGANIZATION	EMAIL	TELEPHONE	COUNTY
56	Rose Mwikali	APHIA PLUS	rosemwikali08@gmail.com	705 377815	Embu
57	Suba Churchill	Facilitator	suba_churchill@gmail.com	0722 594938	Facilitator
58	Fridah Mukami	APHIA PLUS	fridahmukami@gmail.com	0714 440816	Embu
59	Grace Kinuthia	SID		0728 673354	Nairobi
60	Judy Gachathi	PEN	jgachathi@penkenya.org	0714 531 874	Nairobi

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Appendix 4; Summary PBO Scorecard

PUBLIC BENEFITS ORGANISATIONS ACT 2013 PARTICIPANTS AT EMBU PBO ACT FOURM 9TH APRIL 2014 SCORECARDⁱ

1. Had you read the PBO Act before this workshop?		Yes	4	No	31		
2. Is your PBO part of a local forum operating in the county		Yes	20	No	13		
If yes, what is the local forum called?							
<ul style="list-style-type: none"> • Embu County Local Urban forum • Embu county gender working group • Embu County Young Leaders Caucus 							
3. Is your working relationship with county government strong?		Yes	23	No	8		
4. What prevents better coordination between the Local PBOs and County Government?							
<ul style="list-style-type: none"> • Lack of support an poor networking • Bad political Influence • Lack of information • Unwillingness of county assembly in steering public participation i.e. citizens • Inadequate funds to facilitate forums since the county has no vote head for that. • No proper networking • County is very rigid • Bureaucracy • Lack of communication and transparency • County fear of the unknown • Lack of proper decision making mechanism • Slow devolution services delivery • Poor leadership at county level • Protocols within the county government • Corrupt officials 							
5. Are you audited accounts and annual reports available to the public?		Yes	17	No	16		
5. If yes, how can they be accessed? Please tick or state other							
In Office	13	On Website	1	By email request	4	Other please state	<ul style="list-style-type: none"> • On request • Annual reports
7. Does your Board receive any allowances beyond reimbursement of the costs of their participation?		Yes	2	No	32		
8. Do you have a conflict of interest register that Board members and the staff are accountable to?		Yes	11	No	21		
9. Do you know where to report any cases of corruption, sexual harassment or behavior that is against the spirit of the PBO Act?		Yes	28	No	6		
10. Does your governing body have at least one third of its members as Kenyans resident in Kenya?		Yes	32	No	2		
11. Does your PBO have a policy against fundraising or campaigning for any political candidate or political party		Yes	10	No	24		
12. Does your PBO actively educate and support citizens to express their views on public policy or matters in the public interest		Yes	31	No	4		

Appendix 5; Evaluation of Workshop

Issues to be addressed at the next workshop

1. More time needed to engage in discussion of the PBO Act and Regulations at least 2 days
2. Share the information on the PBO Act and process with more grassroots organisations
3. Capacity building for CSOs in formation of networks and strengthening grassroots CSOs
4. Need to have regional at from all sub counties as members and leaders of the CSO forum once formed.
5. Need information on how best to engage the county government
6. Have more meeting to share progress of the PBO Act process
7. Clarify the relationship between the CSOs and county government
8. More info required on harmonising CSOs at county level