



**TAITA TAVETA CSO LEADERS OUTREACH FORUM**

**ON THE PUBLIC BENEFITS ORGANIZATIONS ACT 2013**

**26<sup>TH</sup> & 27<sup>TH</sup> MARCH 2014**

**AT**

**THE CHRISTIAN SCRIPTURE MISSION - VOI TOWN**

**FACILITATORS: SUBA CHURCHILL & DON BONYO**

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## **INTRODUCTION**

The Taita Taveta CSO Leaders Forum was organized for Civil Society Organization leaders from Taita Taveta County to create awareness on the Public Benefit Organizations (PBO) Act, 2013; promote best practices on governance of CSOs and advocate for the commencement of the PBO Act. The forum was held at Christian Scripture Mission, Voi Town on 26<sup>th</sup> March 2014, and was convened and sponsored by World Vision Kenya. 37 participants attended the forum.

### ***Filling of the PBO Scorecard***

Participants were issued with the scorecards to fill. They were informed that this would be a form of baseline survey to assess their understanding of and state of preparedness to implement the PBO Act. *(Find summary on appendix ii)*

### ***Objectives of the forum***

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

### ***Participants Expectations***

1. Formation of a strong network in the region
2. Formation of a strong PBO leadership in the County
3. Improved working relationship of PBOs
4. To achieve better coordination of the PBOs in the Counties
5. Learn how to positively engage with the county government
6. Learn how to build accountability framework for PBOs
7. To build capacity on the PBO Act and gain knowledge to educate other organizations about it
8. To learn more on the PBO Act 2013, the PBO rules and regulations, and how it will affect individual organizations and promote the work of CSOs as opposed to the NGO Coordination Act of 1990
9. To know why the government does not want PBOs to get more than 15% of their revenue from foreign donors and if the government has funds for PBOs
10. Learn how to use the PBO Act for effective engagement in the county
11. Learn more on strategies for positive advocacy
12. Active participation from all the participants in the day's session

13. How to create public awareness of the Act to the people of Kenya who do not yet know about it at the grassroots level
14. How to achieve effective functioning of CBOs within the County
15. Acquisition of knowledge through the forum
16. Knowledge on the PBO Act and how it can bring change in the society
17. To know How to promote harmonious relationship with the National and County Government
18. Find the way forward for the implementation of the PBO Act
19. To understand how other organizations operate and coordinate on matters of public interest
20. To learn more about organizational management in the CSO sector
21. To network, learn and share with other partners especially on non-duplication of work
22. To earn a certificate of participation at the end of the workshop
23. To be able to come up with a strong group to champion the welfare of the people of Taita Taveta County
24. To know whether the World Vision can fund more outreach and dissemination activities of PBO Act to the wider community in Taita Taveta county

### **Background of the PBO Act**

The lead facilitator took participants through the background, context, opportunities and the importance of the Public Benefits Organizations (PBO) Act 2013. He described the PBO Act 2013 as the new legal, institutional and regulatory framework for effective service delivery, greater transparency and accountability for PBOs operating in Kenya.

He clearly informed the group that the Public Benefits Organizations Act (PBO Act) is a law that was developed through a consultative and collaborative process and accords with the Constitution of Kenya, especially Chapter 6 on Leadership and Integrity and Chapter 11 on Devolved Governments. The facilitator further defined Public Benefit Organisations (PBOs) as provided for in the law as organizations that are voluntary, non-partisan, non-profit making and that engage in activities for the benefit of the general public

He highlighted the Sixth schedule of the PBO Act that clearly enumerate areas in which PBOs can work including: Legal Aid; Agriculture; Children; Culture, Disability; Energy; Education, Environment and Conservation, Gender; Governance, Poverty Eradication; Health; Housing and Settlement; Human Rights; HIV/AIDS ; Information; Informal Sector, Old Age, Peace Building; Population and Reproductive Health, Refugees; Disaster Prevention, Preparedness and Mitigation; Relief; Pastoralist and Marginalized Communities; Sports; Water and Sanitation; Animal Welfare and Youth.

### ***Question and answer session***

- 1. What does the PBO Act say about Fund Embezzlement?**

**Answer:** The facilitator explained that the Act holds stringent conditions that will not allow embezzlement of funds. He additionally explained that the PBO Act establishes the Public Benefit Organizations Regulatory Authority that will be responsible for registration and enforcement of financial reporting obligations by all PBOs. Organizations will be required to file annual activity and financial returns with the Authority. This body shall be conducting stop checks, asking for organizations' financial and annual reports. However, in case embezzlement takes place there are penalties that include suspension of the operations of an organization or deregistration. Assets owned by any organization shall be placed in an inventory provided by the Regulatory Authority or transferred to another identified organization that does a similar project. But the facilitator emphasized that the PBO Act seeks to instill a culture of self-regulation through the National Federation of PBOs at the national level and Self-regulation forums at sub-national levels. The Federation and self-regulation forums will be required to observe a strict code of ethics to ensure compliance.

**2. What does the PBO Act say about small organizations?**

**Answer:** The Act creates the most enabling and conducive environment for the growth and prosperity of all organizations that will be registered under the law. It allows organizations to engage in income generation that is not motivated by profit so that proceeds realized can be ploughed into the resource base of the organization for sustainability. Both the National Federation of PBOs and the PBO Regulatory Authority will undertake capacity building programmes and activities aimed at promoting the growth of all PBOs at all levels. Greater accountability and

**3. What happens to organizations that have branches in various counties according to the PBO Act?**

**Answer:** The Act provides for one registration for each organization depending on the objectives of the organizations and its scope of work. If an organization has branches or chapters in the counties, the branches or chapters will still be able to operate as units of the parent organization. While the national office of such an organization may join the National Federation of PBOs, the branches may find it helpful being part of the county forums for purposes of networking and self-regulation.

**4. What would happen when a commencement date for PBO Act is gazetted?**

**Answer:** The new law will have several stages and processes in its operationalization. Organizations registered under the NGO Act will automatically transit into PBOs and will have 12 months to update their registration and comply with any new registration requirements. The law provides that the NGO Coordination Board and the NGO Council in existence before the

commencement date will continue to serve as the Regulatory Authority and the Federation until the a proper Authority and Federation are established.

The facilitator encouraged the participants to begin sharing information on the activities of their organizations, pointing out that Section 27 of the PBO Act calls for transparent and accountable management of PBOs. The participants were then asked to develop strategies of engagement with both the national and county governments.

The participants broke into groups to discuss the proposed Citizens' Service Charter and the Public Petition to the government on the Commencement of the Act

Thereafter, the facilitator engaged the participants in reading through the Service Charter and the Petition. The groups reported/recommended as stated below:

### ***Highlights of feedback on Rules and Regulations***

1. Participants expressed the need for more information on the proposed Rules and Regulations. They wanted to know the rationale behind the role of the Cabinet Secretary in commencing the Act
2. A group observed on Part 4(b) of the Rules and Regulations that the time provided is too short. The team recommended a period of 3 months
3. Registration process should be devolved
4. Proposed amendments have come too early because the Act has not been operationalized
5. What criteria would be used for inspection of books of accounts by the public? There is need for an orderly way of doing inspection to avoid anarchy by the public.
6. Concern on matter of notification (challenge in case of media of communication)
7. Consider replacing the word 'may' with the word 'shall' in some sections of the Rules and Regulations

### ***Highlight of feedback on the Petition***

1. Word immediate should be replaced with a specific timeline of 14 days (second paragraph)
2. Sense of urgency be added on the last sentence on the last paragraph (with immediate effect)
3. Recommend a legal action if the Cabinet Secretary fails to do what is required of her

It was agreed that recommendations of participants on the Service Charter and the Petition will be shared with wider CSO Reference Group.

In conclusion Mr. Don Bonyo of World Vision emphasized to the participants on the importance of putting in place mechanisms that would enable PBOs in Taita Taveta County to effectively engage in the management of public affairs in the county especially on public participation in county governance. He encouraged them to consider:

- Developing thematic groups and teams to engage both the national and county government
- Engage the Assembly through the 11 county committees in Taita Taveta
- Align their activities with those of county sectors at the Assembly as well as Executive level in order to influence policy formulation and implementation and the development process at the various sectors
- Access information about the agenda of the county (information on the budget and plans of the various wards, county departmental plans, policies of the county etc) and assist in setting the agenda right from the village, the wards, sub-county up to the County level.
- Develop a focused group that would engage in empowerment programs
- Invest in Capacity Building

Mr. Bonyo also emphasized on the importance of engaging the government on accountability issues to ensure that resources are used well for the benefit of the people

The participants came up with the way forward as follows:

### ***Priority issues and way forward***

The following three areas were agreed

- i. To form a secretariat to coordinate systematic actions on;
  - a) Engagement with the county and national governments
  - b) Follow up with government and PBOs to access and initiate processes to pursue issues of public and PBOs interests.
- ii. Develop a strategy in strengthening the capacity of the chapter in:
  - a) Creating county data base for PBOs
  - b) Fundraising
  - c) Handling internal dynamics and unhealthy competition among existing PBOs
- iii. Strengthening various capacities among PBOs in:
  - a) Lobbying and advocacy
  - b) Programming for good governance
  - c) Networking and coordination
  - d) Identifying thematic areas for coordination
  - e) Positive publicity

The participants shared their appointed committee member's names as shown below;

***Interim Executive Committee Members***

- |                      |                                    |                  |
|----------------------|------------------------------------|------------------|
| 1. Christine Kilalo  | Public Leadership Centre for Women | Chairperson      |
| 2. Zacheus Maghanga  | Set Your Roots Organization        | Deputy Chair     |
| 3. John Mlamba       | MAZIDO International               | Secretary        |
| 4. Jasper Mruttu     | Building Africa                    | Deputy Secretary |
| 5. Eileen Marami     | Wakedu Development Centre          | Treasurer        |
| 6. Killian Mwalasha  | African Smile                      | Member           |
| 7. Agnes Mwamburi    | IDGP                               | Member           |
| 8. Elizabeth Walegwa | SEMA Trust                         | Member           |
| 9. Jonathan Manyindo | Voice of Reason                    | Member           |

Margaret of world vision concluded the session by giving a brief session on Human Resource for Health services – A Baseline for Human Resource Services in the Sector. Participants expressed a lot of interest in this session.

Workshop was concluded with a vote of thanks from Christine Kilalo (the Chair Person)

## Appendix i - List of attendance

#	NAME	ORGANIZATION	EMAIL	TELEPHONE
1	ALICE KYALA	WORLD VISION (K)	<a href="mailto:alice_kyala@wvi.org">alice_kyala@wvi.org</a>	711826598
2	CECILIA MUTANU	WORLD VISION (K)	<a href="mailto:cecilia_mutanu@wvi.org">cecilia_mutanu@wvi.org</a>	724221229
3	CECILIAH MWANIKI		<a href="mailto:mwanikicecilah@yahoo.com">mwanikicecilah@yahoo.com</a>	712588162
4	CHALSE MWAISEGHE	WASHAMI CBO	<a href="mailto:mwembamwisehe@gmail.com">mwembamwisehe@gmail.com</a>	727772079
5	CHRISTINE KILALO	PUBLIC LEAD C. W	<a href="mailto:plcw06@gmail.com">plcw06@gmail.com</a>	722416016;733787955
6	CHRISTOPHER KILETU	SEMA	<a href="mailto:christopherkiletu@gmail.com">christopherkiletu@gmail.com</a>	727763425
7	DAN ODERO	WORLD VISION (K)	<a href="mailto:andyodero@gmail.com">andyodero@gmail.com</a>	701840234
8	DORIS KATANI	PILLAR OF HOPE IN COMMUNITY DEV	<a href="mailto:doriskatani@ymail.com">doriskatani@ymail.com</a>	722296782
9	EILEEN MARAMI	WALEDU COMM DEV CENTRE	<a href="mailto:wakeducdc@gmail.com">wakeducdc@gmail.com</a>	722887658
10	EMANUEL LENGISHO	TAVETA COMM ENV HEALTH BASED ORG	<a href="mailto:ladislaus407@gmail.com">ladislaus407@gmail.com</a>	718882285
11	ERNEST M. MWADIME	TAITA ENVIROMENTAL INITIATIVE	<a href="mailto:mghanusarnest@gmail.com">mghanusarnest@gmail.com</a>	727479564
12	EVELYNE MWANDEMBA	HOMESTAY		723040701
13	EVELYNE MWANDOMEO	SAUTI YA WAMAMA WOMEN GROUP		723040701
14	EZRA MDAM	NYANGALA RESOURCE CENTRE	<a href="mailto:ezra.msongori@gmail.com">ezra.msongori@gmail.com</a>	726101506
15	FAITH ALUKWE	PEN	<a href="mailto:faitha@penkenya.org">faitha@penkenya.org</a>	208164164
16	GLADYS GOMBE	SET YOUR ROOTS ORGANIZATION	<a href="mailto:gombe89@yahoo.com">gombe89@yahoo.com</a>	727281966
17	GODFREY K. MWANDAGHA	G14 THEATRE CLUB YOUTH GROUP	<a href="mailto:gfourteentheatreclub@ymail.com">gfourteentheatreclub@ymail.com</a>	724021126
18	JABU SAIDI	Y-20 INITIATIVE	<a href="mailto:jmwahabengi@gmail.com">jmwahabengi@gmail.com</a>	723864667
19	JACKILINE NDELA	MBOGHONU COMMUNITY UNIT		723091789
20	JANETH PASTOR	GROUP		702314189
21	JASPER MRUTTU	BUILDING	<a href="mailto:jmosesmuruttu@gmail.com">jmosesmuruttu@gmail.com</a>	715056394
22	JOSEPH MWANYALO	TAITA TAVETA WILDLIFE FORUM	<a href="mailto:josephmzozo@gmail.com">josephmzozo@gmail.com</a>	720074358
23	KERL KAMERU	ST JOSEPH SHELTER OF HOPE	<a href="mailto:centrejoseph@yahoo.co.uk">centrejoseph@yahoo.co.uk</a>	721494666
24	LIVINGSTONE MGHENYI	MLILO COMM BASED TOURISM ASSOCIATION	<a href="mailto:lmghenyi@yahoo.com">lmghenyi@yahoo.com</a>	712340875
25	MARGARET NGARI	WORLD VISION (K)	<a href="mailto:margaret_ngari@wvi.org">margaret_ngari@wvi.org</a>	735706409
26	MATHIAS T. KINYODA	SID	<a href="mailto:mkinyoda@sidint.org">mkinyoda@sidint.org</a>	723424802
27	MERCY WAWUDA	GROUP		716840305
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29	MONICA MATUNDA	DARUBINI YA HAKI	<a href="mailto:matundatamu@gmail.com">matundatamu@gmail.com</a>	716361026
30	NATHANIEL MWANDHISHA	VYF	<a href="mailto:nathanielmwandisha@gmail.com">nathanielmwandisha@gmail.com</a>	726174297
31	OCTAVIAN MGHANGA	COASTAL AID PARALEGAL ORG	<a href="mailto:coastalaidken@yahoo.com">coastalaidken@yahoo.com</a>	713318751
32	PAUL MWADIME	MSETO ENVIRONMENT	<a href="mailto:mwadimekombo1@yahoo.com">mwadimekombo1@yahoo.com</a>	724783690
33	PETER MWABILI	SEMA TRUST	<a href="mailto:sematrust@yahoo.com">sematrust@yahoo.com</a>	713271925
34	RELTON MULANDI	MZEDU GROUP	<a href="mailto:timulandi2006@hotmail.com">timulandi2006@hotmail.com</a>	725653366
35	RICHARD BABU	TAITA TAVETA SOCIAL FORUM	<a href="mailto:richardbabusi@yahoo.com">richardbabusi@yahoo.com</a>	721396126
36	SAMBA PHENNY	TAITA TAVETA WILDLIFE FORUM		723389172
37	THOMAS TOLE	TAITA TAVETA PARALEGAL ORG	<a href="mailto:tom.tole@yahoo.com">tom.tole@yahoo.com</a>	725055277

## Appendix ii – Summary: Scorecard Review

**23 participants gave responded to the scorecard questions**

1. Had you read the PBO Act before this workshop?	Yes	7	No	17			
2. Is your PBO part of a local forum operating in the county	Yes	16	No	7			
3. How strong is your working relationship with county government? <b>52.2% of the organizations represented felt that their relationship with the county government was either not strong, weak or no relationship existed, 26.1% felt it was fairly good and 21.7% did not respond</b>							
4. What prevents better coordination?							
<ul style="list-style-type: none"> <li>• <b>Lack of communication</b></li> <li>• <b>Lack of awareness on matters of the county and national CSOs and PBOs</b></li> <li>• <b>Mistrust by the county government</b></li> <li>• <b>Poor networking</b></li> <li>• <b>Disinterest of county government in CSOs operations</b></li> <li>• <b>Fear</b></li> <li>• <b>Personal interests especially financial</b></li> <li>• <b>Lack of opportunity for engagement</b></li> </ul>							
5. Are you audited accounts and annual reports available to the public?	Yes	9	No	14			
6. If yes, how can they be accessed? Please tick or state other <b>87% of the participants did not provide a reference where their audit accounts can be accessed</b>							
In office	1	On Website	1	By email request	0	Other	- <b>Through NGO Coordination Board</b> - <b>During annual general meeting</b>
7. Does your Board receive any allowances beyond reimbursement of the costs of their participation?	Yes	0	No	22			
8. Do you have a conflict of interest register that Board members and the staff are accountable to?	Yes	3	No	20			
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	17	No	7			
10. Does your governing body have at least one third of its members as Kenyans resident in Kenya?	Yes	20	No	3			
11. Does your PBO have a policy against fundraising or campaigning for any political candidate or political party	Yes	9	No	13			
12. Does your PBO actively educate and support citizens to express their views on public policy or matters in the public interest	Yes	21	No	2			

### **Appendix iii – Summary: Evaluation Feedback Form Review**

1. The civil society needs to engage with the government in order to enjoy the fruit of devolution
2. The sector needs to work extra hard
3. Good governance, transparency and accountability of PBOs
4. The sector needs to unite and work proactively as a team
5. The workshop was an eye opener
6. Need to petition the County government on issues affecting the county of Taita Taveta
7. Responsibilities of CSO's
8. Provide more reference materials: citations
9. Add topics on advocacy, devolution and good governance public/community participation especially in budgeting process
10. Allocation of more time for the workshop
11. Inclusion of persons with disabilities (both as a topic & participants)
12. The participants felt that the notice of invitation was timely rated above average
13. From the evaluation a large percentage of participants also felt that the workshop was good but the venue should be changed
14. The workshop was informative need more of the same kind. It was an eye opener for the participants
15. The facilitation great and the topics well articulated.
16. The participants thanked World Vision for their continuous support
17. The revelation of how bad the CSO sector is doing, and the fact that the sector has not taken its rightful place
18. Need to find ways and processes of making CSOs felt in the country
19. Engagement with the MCAs
20. Need more information on capacity building on organizational management and planning
21. The need to implement what has been discussed in the workshop

## Appendix iv Programme

Wednesday 25<sup>th</sup> March 2014

Time	Activity	Facilitator
<b>02:00pm-2:30pm</b>	Welcome and Introductions Participants' Expectations Meeting Objectives	Convener World Vision - ( Member CSO Reference Group)
<b>02:30pm-03:45pm</b>	Filling of scorecard by Participants	Mathias Kinyonda, SID ( Member CSO Reference Group)
<b>03:45pm-4:15pm</b>	Background, Context, Opportunities and Importance of the Public Benefit Organizations Act 2013 for effective service, public accountability & coordination  2013 Miscellaneous Amendments	Suba Churchill , NCSC – (Member CSO Reference Group)

Tuesday 26<sup>th</sup> March 2014

Time	Activity	Facilitator
<b>8:30am-9:30am</b>	Strategies for PBOs participation and engagement in development of Rules and Regulation	Suba Churchill , NCSC – (Member CSO Reference Group)
<b>9:30am-10:30am</b>	Discussion of <ul style="list-style-type: none"> <li>• Service Charter for PBOs</li> <li>• Impact of PBOs to the Economy</li> <li>• Drafting of Citizens Petition for Commencement date of PBO Act</li> </ul>	Don Bonyo, World Vision (Member CSO Reference Group)
<b>10:30am-11:00am</b>	<b>Tea Break</b>	
<b>11:00am-12:00noon</b>	PBO County relations Coordination strategies at the County	Don Bonyo, World Vision (Member CSO Reference Group)
<b>12noon-1.00pm</b>	Resolutions/Way Forward Press statement and Group photo	Convener