



PUBLIC BENEFITS ORGANIZATIONS ACT 2013

TURKANA COUNTY OUTREACH FORUM FOR CSO LEADERS

HELD ON 9TH MAY 2014

AT

Ceamo Prestige Lodge in Lodwar Town

FACILITATORS

Houghton Irungu, Mary Kanini,

Orwa Michael& Tom Oketch from the CSO

Reference group representative

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Introductions

This was a one day workshop held in Ceamo prestige lodge in Lodwar Town on the 9th May 2014 for Turkana County CSO leaders. The meeting was convened by OXFAM lodwar office and was attended by 26 participants

The workshop started with a word of prayer from one participant Ms Leah, followed by self introductions of both the participants and the facilitators giving their expectations for the workshop. Mr. John of OXFAM then gave some opening remarks and welcomed the facilitators.

Remarks from the workshop convener

John started by thanking both the participants and the facilitators for creating time and coming to Turkana County to share on the PBO Act 2013. He emphasized that CSOs space enhancement through working with the National and the County governments should be enhanced. The CSOs in Turkana County have been carrying out noble work in the development of the county and the economy of the country and in this point there is perhaps need to stand and ensure that the curtailing of the PBO space is stopped. All interests should be considered both of the citizens and all institutions in the country since this is a constitutional right of all Kenyan Citizens. There is a need to support PBOs in the county to strengthen them to eradicate poverty and create wealth which is one major way of strengthening people in the country. The people also need to understand the role of the CSOs in the country and on the same time the CSOs must understand what is contained in the Act and the role in its implementation

Expectations

1. Learn more about the PBO Act 2013
2. What law existed before the PBO Act
3. The role of the CSO in the implementation of the Act
4. Learn about the conflicting areas with the National government
5. The dialogues between government and the PBOs
6. Opportunities available for CSOs in the PBO Act- benefits
7. What PBO Act has done for the Turkana People
8. Find out the emerging issues after 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

The lead facilitator engaged the participants in a brainstorming session on why they feel that the PBO Act needs to be implemented or its benefits. The following were some of the responses from the participants

It is people oriented and for the public good

It promotes transparency and accountability

It promotes trust and proper working relationships with the government

It well defines the need for standards among the CSOs

Overview of the PBO/NGOs

In the 1980s the Kenya national council of social services existed. In the 1990s, the NGO act was enacted. In the 1989 the churches, the government and other well wishers were supporting citizens. The NGOs have been operating under the NGO Act 1990 for 20 years under the guidance of the NGO Board and the NGO Council. NGOs have an annual budget of 80 billion annually. There are 8,800 PBOs in Kenya, 26 sectors and employs over 250,000. 25% of the Kenyan population enjoys services from the PBOs such as 240,000 PWAs and 290,000 WATSAN. There is ripple effect in insurance banking, agriculture, health education industries. There is 80% compliance with the NGO Act went up from 67% in the year 2011.

The PBO Act was signed into law on 14th of January 2013. A year later the Cabinet Secretary for Devolution and Planning has declined to commence the PBO Act

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.

It provides for;

- holding sector to high public disclosure and transparency standards

- It enshrines dialogue between governments and the PBOs
- And is in line with the Constitution of Kenya's chapter six-leadership and integrity

The statute Law Miscellaneous amendments prohibited PBOs from receiving funding directly mandating that all funds are received and distributed by a PBO federation

Altered the composition of the regulatory authority in favor of the cabinet secretary appointees

Centralized power in Cabinet secretary and control use of foreign funding by Government of Kenya

Why the amendments was rejected by the National Assembly

- Mutilate PBO Act
- Are anti developmental
- Strangle Jubilee manifesto
- It was limiting citizen's constitutional rights

Hard truths and lessons learnt

- Amendments emerge from a climate of mutual mistrust which is still present between the Government and the PBOs
- Limited capacity to mobilize citizens in favor of the sector
- Need for trust building between the government and the PBOs

What we want

Immediate commencement of the law by the Cabinet Secretary

Questions and answers/remarks/concerns from the participants

1. The role the CSOs play is what the government do not like and it's what they are preventing the sector from doing. The government wants to reduce the advocacy strength of the CSOs because of its political interests
2. The definition of the PBO to be clarified, the facilitator referred to the Act section 5 on the definition and clarified what a PBO is and what is not. The PBO Act is very clear on dealing with issues of conflict of interest and discrimination of any minority or community. The Service Charter is also clear on how PBOs should operate
3. In the development of rules and regulations, the registration of NGOs should be considered to be brought to Counties. The idea of devolution once the Act operational will apply even to the Act that people do not travel to Nairobi to register
4. When will the Cabinet Secretary commence the Act? The workshop has been organized to create awareness to PBOs in the County to support in making our voices heard and call

upon the Cabinet Secretary to immediately commence the law. The PBOs in Turkana County can also support in talking to their Governor and legislators to make it agendas in different forums and development meetings in the County and at the National government. The petitioning process through signature collection will also speed the commencement process.

5. For transparency and enhancing trust with the Government, the CSOs need to share budgets to the County governments
6. Is the federation in place and how can we access it? The federation is still not there since the Act is not there
7. How can the CSOs speed the process of commencing the Act- through the petition going on, the CSOs need to lobby as many people as possible to sign the petitions and forwarding them to the CS pushing her to commence the law.
8. Turkana County is in a process of developing an Act for the PBOs. Turkana County Assembly is in haste in developing many policies without consultations and this can result to many repercussions to the space of the CSOs within the County. The Government is doing this because the CSOs voices are not heard. The CSOs are not united and working together and engaging the government and this makes the politicians take advantage of the disunity to disintegrate and disempowering the CSOs

Discussing the service charter

Chapter six of the constitution of Kenya is not meant for leaders only but also to the citizens and to all the institutions. The CSOs need to be accountable to the beneficiaries, to the donors and also to the government. The PBOs also should follow the service charter to guide them in service delivery

PBO County relations

Existing County PBO networks in Turkana County

1. **Turkana County natural resources and governance Hub-** an umbrella of CSO undertaking land, environmental advocacy. It has a membership of 41 organizations. The chairman is Mr. KenyamanEriong'oa of AKIDEIN NGO. 10 members were present
2. **Turkana gender/child protection network.** It is composed of both the government and CSOs where issues of gender and children rights. It has a membership of 26 institutions
3. **Turkana disability network** -has a total membership of over 5000 individual members
4. Turkana environmental resource association
5. Turkana climate change working group
6. Turkana ecotourism and culture association
7. Turkana civil society congress
8. Turkana development organization forum

9. Greater Turkana civil society network
10. Unites association- Addresses drought issues in the county
11. Turkana CSO platform
12. Turkana women advocacy and development organization
13. Turkana county counselor service network

How can a person who would want to meet CSOs in Turkana go about? Different suggestions as follows;

Use the Turkana natural resources and governance Hub which had 10 members represented in the workshop

Form their own network to address their own issues as CSOs since the existing networks are sectoral.

How would a disabling environment look like?

1. Lack of PBO transparency and standards
2. Non institutionalized partnerships that rely on personalities
3. Closed and exclusive county governance
4. Force us to give up to x% of our funding to county governments
5. New or additional registration processes to national registration requirement
6. Denial of freedoms and rights contained in our constitution disconnected investment plans among others among others

An enabling environment encourages us to;

1. Increasingly align our own plans, programmes and investments with county government plans
2. Prioritize investments in county plans that we believe are citizen led
3. Increase investments in plans that have been proven to be well and transparently managed
4. Invest in areas where we can get a return such as training, infrastructure, sensitization, institution building
5. Continue to invest in local civil society and others

For an enabling environment there is need of a forum and strong leadership must be there for coordination purposes. The organization to coordinate this and provide leadership in the county was given to the Hub.

Follow up Actions

1. Hub to take up the responsibility of drafting and circulating a statement. They will also convene the next meeting. The participants agreed to meet before the week ending 16th May 2014
2. Sign the petition and lobby for more signatures
3. Create awareness/ publicize through barazas, through print and electronic media and local FM Radio stations, through community parliament, through county monthly newsletters and dialogues with leaders
4. Creation of an apex organization to bring all CSOs in the county together

Closing remarks from a participant

They have been enlightened and now understand the PBO Act and will support in the implementation in the County and engage their leaders

Appendix 1 Summary of the scorecard

Name: No of people who responded on the scorecard were 24				
Public Benefit Organisations in TURKANA COUNTY				
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	21	No	3
If yes, what is it called? 13 different fora were listed however Turkana natural resource and governance Hub appeared to be the most popular and active with 10 representative members in the workshop				
3. How strong is your working relationship with county government?	Yes	8	No	16
4. What prevents better coordination? <ul style="list-style-type: none"> • The CSO agenda is mostly assumed because most networks are thematic/sectoral • Poor coordination by CSOs and the government 				
5. Are you audited accounts and annual reports available to the public?	Yes	18	No	6
6. If yes, how can they be accessed? Please tick or state other				
In office	22	On Website		By email request
			2	Other state please
• During AGM audited accounts are presented				
7. Does your Board receive any allowances beyond reimbursement of the costs of their participation?	Yes	5	No	19
8. Do you have a conflict of interest register that Board members and the staff are accountable to?	Yes	11	No	13
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	15	No	9
10. Does your governing body have at least one third of its members as Kenyans resident in Kenya?	Yes	23	No	1
11. Does your PBO have a policy against fundraising or campaigning for any political candidate or political party	Yes	20	No	4
12. Does your PBO actively educate and support citizens to express their views on public policy or matters in the public	Yes	22	No	2

interest				
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Appendix 2 Turkana Workshop Agenda

Time	Activity	Facilitator
08:30am-9:00am	Welcome and Introductions Participants' Expectations Meeting Objectives	Convener Turkana County – OXFAM & Orwa Michael - CSO Reference Group
09:00am-09:15am	Filling of scorecard by Participants	CSO Reference Group - Tom Oketch
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	Irungu Houghton – (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	Irungu Houghton – (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 	Orwa Michael (Member CSO Reference Group)
01:00pm-02:00pm	Lunch Break	
02:00pm-03:00pm	PBO County relations Coordination strategies at the County	Tom Oketch (Member CSO Reference Group)
03:00pm-04.00pm	Resolutions/Way Forward Press interview and Group photo	Convener Turkana County

Appendix 3 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. Regular updates from the CSO Reference group on the PBO Act process.
4. More workshop days at least 2 days to deliberate on issues affecting the sector.
5. Create strategies on how CSOs can engage the county government.
6. Communicate any changes made on the Charter to the participants as highlighted in the plenary session.
7. Encourage PBOs to interact more and share ways on how to address their challenges
8. The PBO Act forums should reach out to all counties in Kenya.
9. Engage citizens more who are our beneficiaries to support in raising our voices high

Appendix 4 List of Attendance

Name	Organization	Email	Tel
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