

***Stakeholder Reflection on PBO Act 2013 and the Future of the Civil Society
14th – 15th July 2014; Panafric Hotel, Nairobi***

CSO 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 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 the state body by ensuring the president and cabinet secretary play no direct role in the appointment of the board members of the state corporation. This is meant to shield the governing boards from political patronage and cronyism.
2. In reference to section 60 of the PBO Act on investment of the Funds, We recommend the federation to be given power to interrogate financial security of the fund
3. There should be an established county delegates to represent interest of local NGOs to the national federation

B: Transition from NGO to PBO

1. We need to develop a framework that enables smooth transition from the NGO council to the PBO Federation
2. We need to further think through the structure of the federation in the context of devolution
3. We need to provide for a framework that comprehensively addresses the issue of registration, accountability standards of NGOs that transit to PBOs.

C: Values Driven Leadership and Principles of PBOs

Like in a bag of potatoes, we acknowledge that we have good, not so good and bad elements in the sector. We accept that we have a new reality, brought about by the PBO Act 2013, that provides an opportunity to renew the PBO Sector. In light of this;

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

D. Consensus on the amendments

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, Civil Society among other actors.
2. We will support the amendments that will strengthen self-regulation of the sector and the independence and effectiveness of the PBO tribunal, board and federation.
3. We are calling upon legislature and executive to adopt our amendments which are supposed to ensure more representation (at least 2/3 of membership) and accountability in the composition and operations of the PBO Board and PBO Federation.
4. Call for expeditious and consultative adoption and implementation of the amended PBO Act and the draft rules and regulations (the NGO Board and CSO versions)
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 Section 2 national levels. We call upon government to reciprocate and provide the necessary support and enabling environment.