



21st March 2014.

The Cabinet Secretary Ministry of Devolution and Planning
Government of the Republic of Kenya
10th Floor Harambee House, Harambee Avenue, Nairobi.
P.O. Box 350100-00100, NAIROBI.

Dear Ms. Anne Waiguru

RE: PUBLIC PETITION ON THE COMMENCEMENT OF THE PUBLIC BENEFIT ORGANISATIONS (PBO) ACT 2013

We the undersigned call on the Cabinet Secretary for Devolution and Planning to immediately gazette the commencement date for the Public Benefit Organisations Act 2013.

The PBO sector comprises of 8,800 organisations, employs over 250,000 Kenyans, has a combined annual budget of Kshs 80 billion per year and directly provides essential services to millions of Kenyans. The delay continues to negatively affect funding, coordination, accountability and delivery of the sectors' mandate to Kenyans.

Prior to its coming into law, tax payers' money was used for four years to ensure a comprehensive process of public consultations took place. Parliament debated and passed it into law. The PBO Act eventually received assent by President Mwai Kibaki one year ago on 14th January 2013. Despite this, the PBO Act 2013 still lies on the Ministry's shelves, yet to be commenced by the Ministry of Devolution and Planning.

While the Act provides for your discretion on the commencement date for implementation, over fourteen months is unreasonable. This delay falls short of the threshold of constitutional best practise that states that a law comes into force on the fourteenth day after its publication in the Gazette.

It has been impossible for the sector, the general public and National and County Governments to benefit from the impact and transformation that the provisions of this law seeks. Furthermore, premature proposals for amendments to the law in 2013 created an atmosphere of uncertainty and hostility. This is inconsistent with the Jubilee Government's pledge to create and maintain an enabling environment towards the fulfilment of national development goals.

Given the call for greater integrity, public accountability and transparency of PBOs by the State, it makes no sense that the Government should hold back the implementation of an Act that brings these values into effect any further.

We call on you Madam Cabinet Secretary therefore, to gazette the commencement of the PBO Act and circulate the draft Rules and Regulations for public consultation.

Yours sincerely,

