

## A CIVIC SPACE TIMELINE 2013- 2016

<b>TIMELINE</b>	<b>EVENT</b>	<b>IMPACT</b>
<b>2009-2013</b>	Review of NGO Coordination Act 1990 and four year consultation period on Public Benefits Organisations Act 2013 (PBO Act)	Stakeholder consensus on regulation, self regulation, transparency, accountability and domestic philanthropy incentives for the PBO sector in Kenya. Stakeholders involved include; <ul style="list-style-type: none"> <li>• Civil Society Reference Group (CSO-RG)</li> <li>• NGO Coordination Board</li> <li>• NGO Council</li> <li>• Parliament of Kenya</li> </ul>
<b>Jan, 2013</b>	Presidential assent of PBO Act 2013	New legal framework to ensure a more efficient, transparent and publicly accountable sector with effective leadership.
<b>Nov, 2013</b>	Proposed amendments to the PBO Act published in the Statute Law (Miscellaneous Amendments) Bill 2013. Harmful proposals for the sector to cap foreign funding, prohibition on direct funding to PBOs, second tier proof of registration, removal of protection of presumption of registration, excessive authority discretion etc	Alarm on seemingly serious and malicious intent to cripple the CSO sector and irreparably damage livelihoods of Kenyans.
<b>Nov – Dec 2013</b>	Street protests, online campaigns, media engagement, intense lobbying and advocacy efforts against the proposed harmful amendments	Departure from actively serving Kenyans to fire-fighting an attack on the sector. Sector actors lament loss of valuable resources and efforts that should have been channeled for public good.
<b>May, 2014</b>	Proposed amendments to the PBO Act published in the Statute Law (Miscellaneous Amendments) Bill 2014. Harmful proposed amendments to; grant executive control over Board appointments, second tier proof of registration, removal of protection of presumption of registration, excessive authority discretion, etc.	Second round of proposed harmful and substantive amendments through a miscellaneous vehicle causes heightened acrimony and mistrust between sector and state.

<b>May - June, 2014</b>	Street protests, online campaigns, media engagement, intense lobbying and advocacy efforts against the proposed harmful amendments	Further departure from working for the public good to engage with yet another round of fire fighting. It is worth noting that these proposed amendments came after assurances from various government officials that the state sought the best interests of the sector. The gap of suspicion and mistrust widened as a result of this repeated action against sector and public interest.
<b>Oct, 2014</b>	Memorandum of 54 proposed amendments to the PBO Act 2013 circulated by a prominent legislator. Third proposal of harmful amendments to the PBO Act 2013 with notable provisions being to classify PBOs as foreign agents and remove domestic philanthropy incentives.	Further efforts to; deprive the sector of critical resources, label actors as "foreign agents," weaken self regulation and promote executive control. Controlling, archaic and stifling provisions entrenched further existing mistrust and acrimony.
<b>Nov, 2014</b>	Ministry of Devolution and Planning (MoDP) gazettes a Taskforce on the Proposed Amendments to the PBO Act.	Opportunity for consensus between stakeholders represented in taskforce anticipated.
<b>Dec, 2014</b>	Proposed amendment to PBO Act 2013 via Security Laws (Amendment) Bill 2014. The successful amendment provides for the "classification" of PBO's. It is unclear what the purpose and method of classification is.	This amendment came in a raft of other amendments geared at unlawfully and unconstitutionally limiting human rights in the name of national security. The classification of PBOs was vague, unjustified and unwarranted. The sector remains unclear as to the intentions of security agencies towards PBOs.
<b>Dec, 2014</b>	The NGO Coordination Bureau announces that 540 Non-Governmental Organisations have been deregistered for non-compliance in accordance to regulation 24 of the NGO's Coordination Regulation Act. 10 NGO's have their bank accounts frozen, assets repossessed and their names forwarded to the CID, Anti-Terror Police and Interpol for investigation on suspicion of funding terror activities in Kenya and the larger Horn of Africa.	This mass deregistration exercise failed to demonstrate substantive grounds for cause. The effect on the sector was combative and intimidating. Also, the general public sought assurances that the services and representation they benefit from would continue to operate.

<b>2014</b>	Selective application of un-commenced PBO Act 2013 International organisations report receiving visits from NGO Bureau staff impressing on them to establish local governance boards with at least three of the Directors being Kenyan.	While this is a good provision in the PBO Act, it is not a provision in the NGO Coordination Act (1990). The Bureau's selective use of some provisions of the un-commenced PBO Act is unlawful and raised questions as to its intentions.
<b>May, 2015</b>	Taskforce report presented to the Ministry of Devolution and Planning	The sought after consensus between stakeholders was not achieved and a great opportunity lost here. The treatment of this report by the Bureau was heavy handed and exclusionary. It was kept from the taskforce members, CSO actors and the general public who had given their views. The report was only released in July after demands were made via the media and social media pressure was applied.
<b>May, 2015</b>	Muslim for Human Rights (Muhuri), Haki Africa and the Agency for Peace and Development, announced deregistered and barred from operating on suspicion of supporting Al-Shabaab activities.	The court found, at first instance, that there was no evidence to substantiate actions to freeze accounts and operations of the accused PBOs' The failure of the NGO Bureau to provide substantive evidence to support their arbitrary actions cast suspicion on Bureau motives.
<b>June, 2015</b>	Petition by National Civil Society Congress and Coalition for Constitutional Implementation to National Assembly. This petition sought to have the Cabinet Secretary for Devolution and Planning summoned by Parliament to show cause why the PBO Act 2013 had not been commenced to date.	Parliament failed to acknowledge or act on these petitions. To date, no response has been received from the National Assembly on this petition. It is unclear why the National Assembly has chosen not to take up its duty to address a public petition to conclusion. Especially as pertains to public accountability of a public officer.
<b>June, 2015</b>	Notice of amendment to Section 1 of the PBO Act, 2013 to provide for the commencement of the Act by law; filed by Hon Augustine Neto	The proposed amendment went through its second reading on the 11 <sup>th</sup> August 2016. It awaits the third reading.
<b>Aug, 2015</b>	Petition No. 351 of 2015 filed against Cabinet Secretary for Devolution and Planning, and; The Attorney General of Kenya	This matter seeking a judicial order for the commencement of the PBO Act has been heard. The judgment date was set for 26 July 2016. However, this date has since been deferred. It awaits a court date for judgment delivery.
<b>Oct, 2015</b>	The NGO Coordination Bureau announces that 959 Non-Governmental Organisations are on notice to be deregistered for alleged misappropriation and embezzlement of donor funds, diversion of donor funds, money laundering and terrorism financing	This arbitrary, broad sweeping use of power was demonstrative of the capacity of state agents to act in detriment of the sector. A dangerous precedent was prevented from being set on this occasion. It however raises cause for grave concern within the sector for the future.
<b>Nov, 2015</b>	The Ethics and Anti Corruption Commission (EACC)	Allegations of corruption, impunity, threats, harrassment and

	interrogates and records statements from the NGO Coordination Board Executive Director. Issues canvassed in the investigations include; academic credentials, allegations of sexual harassment, misappropriation of funds, transfers, sackings and reports of abuse of office.	intimidation of the sector regulator leadership brings disrepute to the sector, undermines confidence in leadership, and is detrimental to sector efficiency.
<b>Feb, 2016</b>	The Ethics and Anti Corruption Commission (EACC) summons NGO Coordination Board Executive Director in continued investigations	Ongoing investigations impact as above.
<b>May, 2016</b>	Policy dialogue between the Ministry of Devolution and Planning (MoDP) and representatives of civil society.	Meeting consensus was as follows: <ul style="list-style-type: none"> <li>• MoDP would seek possibility of immediate commencement of the PBO Act</li> <li>• MoDP would not proceed with proposing amendments to the PBO Act prior to the conclusion of petition No. 351 of 2015 in the High Court</li> <li>• MoDP would revert with feedback on agreed areas of discussions</li> <li>• Wider feedback would be sought by participants on MoDP proposals</li> </ul>
<b>June, 2016</b>	The NGO Coordination Bureau announces that it will no longer issue work permits to expatriates unless it is demonstrated that Kenyans lack the requisite skills and qualifications to undertake the jobs. Outrageously claims that the sector is rife with gross salary inequalities	Division of the sector which serves the whole general public. Blanket harassment of expatriates that are duly operating with work-permits and visas.
<b>June, 2016</b>	The NGO Coordination Bureau convenes meeting with INGO's on work permit announcement and other matters arising.	The manner of the meeting with reported pre-set questions by the convener and planned outcomes was disingenuous, intimidating and created uncertainty among international partners as to continued participation in support of Kenya's development agenda.
<b>2013 - 2016</b>	Reports of alleged extortion, imposition of arbitrary administrative requirements and refusal to register organisations by staff of NGO Bureau.	A widening rift between the state and sector. A closing of the civic space for engagement on public interest. Substantive erosion in international faith and confidence in Kenya as a global and regional development hub.