

INVITATION

THE FIRST NATIONAL SUMMIT OF PBO LEADERS

ON EXPANDING CIVIC SPACE AND IMPLEMENTATION OF THE PUBLIC BENEFITS ORGANISATIONS ACT (2013), FRIDAY OCTOBER 7, NAIROBI

The meeting is for all PBOs working in all 47 Counties, nationally and regionally to discuss the latest developments on the commencement of the PBO Act and to agree on the way forward.

Under the Public Benefits Organisations Act (2013), PBOs are defined as “organisations that provide public benefits or act in the public interest”. Public Benefits Organisations can be represented at this meeting by either a Board Director or an Executive Director.

Spaces are limited. Apply for accreditation as soon as possible by either registering at <http://www.eventbrite.com/e/eds-summit-tickets-28256799849> or by emailing edsummit@khrc.or.ke. We will respond by confirming your attendance, venue and an agenda.

We will provide lunch only. Since this is a leadership meeting, delegates are requested to contribute their costs of transport, accommodation and any allowances.

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CURRENT STATUS

September 9 Devolution Cabinet Secretary Mwangi Kiunjuri announces commencement of PBO Act without changes and desire to create an enabling environment for PBO-State relations. The sector overwhelmingly supports this positive move.

September 19 Kenneth Otieno represented by Apollo Mboya successfully gets a court injunction from High Court Justice George Odunga stopping Government Printers from publishing the commencement date citing contradictory provisions, constitutional contradictions and national security threat. The detailed petition cites the PBO Taskforce 2015 and the PBO Act Amendment of 2015 provisions.

A CHRONOLOGY OF KEY MOMENTS IN THE CIVIC SPACE TIMELINE: (2009-2016)

2009-2013

A four-year consultation period leads to the approval to the PBO Act by the National Assembly

2013

January The 3rd President of the Republic of Kenya assents the Public Benefits Organisations Bill hence the Public Benefits Organisations Act 2013 popularly known as the PBO Act 2013

November The Statute Law (Miscellaneous Amendments) introduced with draconian proposals like capping foreign funding, prohibition on direct funding to PBOs, second tier proof of registration, removal of protection of presumption of registration and excessive authority discretion rejected by National Assembly. PBOs also staged street protests, online campaigns, media engagement, intense lobbying and advocacy efforts against the proposed harmful amendments

2014

March PBOs independently develop a voluntary PBO Service Charter as they await commencement

May The second proposed amendments to the PBO Act published in the Statute Law (Miscellaneous Amendments) Bill 2014 are introduced. Harmful proposed amendments to the Act include: granting of control over Board appointments to the Executive, second tier proof of registration, removal of protection of presumption of registration, excessive authority discretion, etc.

October More street protests, online campaigns, media engagement, intense lobbying and advocacy efforts against the proposed harmful amendments. A memorandum of 54 proposed amendments to the PBO Act 2013 is circulated by a prominent legislator. In this third attempt to amend the Act, it includes harmful proposals to the PBO Act 2013 including provisions to classify PBOs as foreign agents and remove domestic philanthropy incentives.

November The Ministry of Devolution and Planning (MoDP) gazettes a Taskforce on the Proposed Amendments to the PBO Act.

December

Another attempt to amend the PBO Act 2013 via the 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.

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.

Selective application of un-commenced PBO Act 2013 with the targeting of International organisations, who report of receiving visits from NGO Bureau staff impressing on them to establish local governance boards with at least three of the Directors being Kenyan.

2015

May

Taskforce report presented to the Ministry of Devolution and Planning. Taskforce members NGO Council, CSO Reference Group and Inter-Religious Council of Kenya disown the report claiming the report’s recommendations are tampered.

Muslim for Human Rights (Muhuri), Haki Africa and the Agency for Peace and Development, deregistered and barred from operating on suspicion of supporting Al-Shabaab activities. Organisations are later allowed to operate. No charges preferred.

June

PBO Act (2015) Amendment introduced in National Assembly seeking to re-introduce 15% cap on foreign funding (17.b.2), prior disclosure by embassies to fund PBOs (17.5.d), mandatory migration of CBOs, trusts, foundations, companies (6.a.1) among others. Bill lapses in National Assembly. 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.

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

August

Petition No. 351 of 2015 filed against Cabinet Secretary for Devolution and Planning, and; The Attorney General of Kenya comes before High Court Justice Oguta

October

The NGO Coordination Bureau deregisters 959 Non-Governmental Organisations for alleged misappropriation and embezzlement of donor funds, diversion of donor funds, money laundering and terrorism financing.

November

The Ethics and Anti-Corruption Commission (EACC) interrogates and records statements from the NGO Coordination Board Executive Director. Issues raised include; academic credentials, allegations of sexual harassment, misappropriation of funds, transfers, sackings and reports of abuse of office.

2016

February

The Ethics and Anti-Corruption Commission (EACC) investigates NGO Coordination Board Executive Director. The report is not yet released to the public

May

Policy dialogue takes place between the Ministry of Devolution and Planning (MoDP) and representatives of civil society.

June

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.

June

The NGO Coordination Bureau convenes meeting with INGO leaders on work permits. Many left uncertain about the future of their jobs or their organisations

2013 - 2016

Reports of alleged extortion, imposition of arbitrary administrative requirements and refusal to register organisations by staff of NGO Bureau are received.