

# REPORT OF THE CSO WORKSHOP ON THE SECOND MONITORING ROUND OF THE GPEDC

20<sup>TH</sup> FEBRUARY 2016

## MAANZONI LODGE, ATHI RIVER, KENYA

The **CSO Workshop on the Second Monitoring Round of the GPEDC** was held on **Saturday, 20<sup>th</sup> February 2016 from 0830hrs - 1630hrs at Maanzoni Lodge, Athi River, Kenya**. The workshop gathered CSOs in Kenya working across all sectors to debrief them on the second monitoring round recently launched by the Global Partnership for Effective Development Co-operation (GPEDC).

The meeting's objectives were to:

- i. Give a chance to CSOs to respond to the questionnaire on **CSO Enabling Environment**
- ii. Inform CSOs on the monitoring exercise and its importance being conducted by government in collaboration with development partners and CSOs
- iii. Discuss way forward for CSOs in terms of engaging effectively in the monitoring exercise

### Opening Remarks | Vitalice Meja

The meeting began at 9.00 am with welcoming remarks from the convener, Vitalice Meja-Executive Director, Reality of Aid Africa. In his remarks, he gave a brief introduction of what the Monitoring exercise entails and the role of CSOs in this process. The second round monitoring exercise of the Global Partnership of Effective Development Cooperation (GPEDC) seeks to generate evidence about progress that has been achieved in development co-operation since the Global Partnership's establishment in Busan in 2011. It will also build political momentum, so as to ensure there are ways to identify remaining challenges and seek ways to improve the effectiveness of development co-operation at country and global levels.

### Session One: Introduction to the GPEDC Monitoring Exercise

Vitalice Meja gave an overview of the Monitoring exercise. He explained that the monitoring exercise takes place every two years. The first one took place in 2013 and CSOs were only invited to validate, not give input. But this time, CSOs are expected to bring something to the table. They are expected to contribute to providing evidence of progress of the implementation of Busan commitments for more effective development co-operation. He also emphasized the importance of Kenyan CSOs participation in the process as the next GPEDC High Level Meeting is scheduled to take place in Nairobi, Kenya in November 2016.

## **What is being monitored?**

The GPEDC tracks progress in the implementation of Busan commitments for more effective development co-operation. The monitoring framework is comprised of a set of 10 indicators which focus on strengthening developing country institutions, increasing transparency and predictability of development co-operation, enhancing gender equality, as well as supporting greater involvement of civil society, parliaments and private sector in development efforts. Some of the indicators are based on those contained in the Paris Declaration on Aid Effectiveness that developing countries identified as particularly important. Other indicators capture some of the broader dimensions of the Busan Partnership agreement. The GPEDC monitoring framework seeks to capture behavior change: it focuses on “how” stakeholders engage in development co-operation. It is complementary with other accountability frameworks which monitor “what” results and outcomes stem from development cooperation (e.g. the MDGs and SDGs monitoring).

## **Why are we monitoring?**

A sound evidence base is vital for sustaining political momentum and driving progress for more effective development co-operation. Information collected through the GPEDC monitoring exercise is compiled into a global progress report ahead of the ministerial-level meeting of the Global Partnership. Ministers from countries at all stages of development, together with leaders from international Organisations, private sector and civil society use the GPEDC monitoring report as input to review progress in implementing mutually agreed commitments. Regular stock-takes help to identify challenges and to further boost efforts. Reviewing progress also provides an entry point for sharing experiences and knowledge between various stakeholders and cooperation modalities. This way, global monitoring provides a key source of evidence to inform political dialogue and accountability within the Global Partnership.

## **How does the Process work?**

Meja focused on expounding on the indicators of importance to CSOs. There are 2 sets of indicators; those measured nationally and globally. At national level, government convenes a meeting to determine implementation at national level and other stakeholders come on board. The data emerging from these indicators is then submitted by government to JST, the validation feeds the country progress report which then forms global progress report for 2016.

The Kenya government launched the process in January 21<sup>st</sup> and are now in the data collection phase. The reports are to be submitted end of February having negotiated for an extension.

The EE indicator is much more qualitative and is sensitive (about perception, political stance etc.) There several processes that are ongoing. The donor process is to be concluded on 26<sup>th</sup> February, and the government process is being done by the NGO coordination bureau. Afterwards, a pre validation is expected to take place in March to present the findings and decide what will be the ultimate report on CSO EE. There will be 5-10 people from each constituency at this pre validation.

## Session Two: Key CSO focused Indicators in the Monitoring Exercise

Mr. Meja elaborated on the key CSO focused indicators. These are indicators: 2, 3 and 8. He reiterated how important CSO input is to these indicators.

### Indicator 2 (CSO Enabling Environment)

This indicator tackles how civil society operates within an environment that maximizes its engagement in and contribution to development. It deals with the extent to which CSOs are implementing their own accountability? And how government and DPs provide an EE for CSOs. How are they assisting us to implement our mandate/ activities? How accountable are we?

### Indicator 3 (Private Sector)

This deals with the engagement and contribution of the private sector to development. This provides a three-dimension index providing a measure of the quality of public-private dialogue.

### Indicator 8 (Gender equality and women's empowerment)

Measures % of countries with systems that track and make public allocations for gender equality and women's empowerment

The target is to ensure all developing countries have systems that track and make public resource allocations for gender equality and women's empowerment.

## Session Three: Enabling Environment Questionnaire Focus Group Discussions

The facilitator outlined the modules and the expected outcomes of the discussion groups. Each group was tasked with the role of tackling one of the 4 main modules as given below. The discussions lasted 1hr and 45mins and plenary session ensued.

The four main modules under Enabling Environment are:

1. Space for multistakeholder dialogue on national development policies
2. CSO Development Effectiveness
3. Donor/CSO relations
4. Legal and regulatory environment

## Conclusion

The day ended with presentations of the findings and the plenary session gave insight on the challenges and opportunities for Kenyan CSOs with regards to an enabling environment. These findings ([see below](#)) will constitute CSO input towards the national validation process.

## MODULE ONE: SPACE FOR MULTI-STAKEHOLDER DIALOGUE ON NATIONAL DEVELOPMENT POLICIES

### **Question 1: CSO Consultation by Government in the design, implementation and monitoring of national development policies.**

CSOs in Kenya are actively consulted in the design, implementation and monitoring of development policies indicated by their active participation in the Aid effectiveness process and implementation of Busan outcome as development actors and can be said to influence some. The multi stakeholder consultations are fairly institutionalized indicated by CSOs engagement along the thematic areas of operation. CSOs involved in Aid Effectiveness engage meaningfully with the Treasury while those that are involved in gender equality and women empowerment discourses are also effectively engaged. However, inclusivity is wanting as far as quality, uptake, routine and level of influence in the outcome document. Often the policy approved by the cabinet is revised to align to party manifestos and what government deems priority irrespective of the priorities put forward by CSOs.

#### **B. Consultation at the different levels of Government**

Consultation process at the National level are multi stakeholder and CSOs are actively engaged. This is because the National government has established structures from national to the local level and information is shared through these structures.

However consultation processes at county level are weak due to structural, constitutional and capacity weaknesses as leadership and community awareness.

The devolved governments are still in their formative stages and legislation at the county assemblies at different levels depending on county level diversities and availability of both physical and human resources. The level of engagement by citizens in consultations is also challenged by poor structures and irregular nature of consultative mechanisms.

#### **C. Feedback mechanisms**

The consultative process stipulated in the provision for public participation in the policy making processes enable CSOs participation in the processes. In these processes, suggestions are made and budget discussed and priority programs identified.

However, feedback mechanisms are weak and therefore planning implementation is weakened by absence of these mechanisms. Evaluation of progress in implementation of programs and projects is also a challenge making CSOs lobbying for supplementary budgets difficult.

#### **D. Are traditionally marginalized groups included in the processes?**

The constitution provides for inclusivity and therefore marginalized groups women, youth and PLWDs are invited in the processes. However, the spirit of inclusivity for the benefit of what they represent is weak. The processes are technically intended to allow for active participation and incorporation of interests of these marginalized groups. However politics and vested interests often overshadow the

interests of the marginalized groups leading to further marginalization. The initiatives require to be more structured and engagement takes place at all the levels i.e. Pre-Consultative Awareness creation engagement, during process engagement and Post engagement for feedback.

## **Q2. Do CSOs have the right to access government information?**

Yes.

Information is available in public domains like websites and through the media.

However, the information needs packaging to address different constituencies on common issues. The information is often not timely as websites require updating and frequently media leaks and politicizing chips on the credibility of the information. The Government should be the source and take full ownership of information. Often the political leaders and the executive hold different information on the same issue.

There is often a disconnection between policy and practice and sometimes deliberate unwritten policies that withhold information from CSOs to avoid been taken to task on issues of transparency and accountability?

### **Operational Mechanisms to Address Legally Disclosed Information**

There are mechanisms in existence through the websites, conference papers and parliamentary proceedings on policies and these are available for the various stakeholders. Mechanisms also exists for accessing information that is deemed confidential and room is provided for appeals through court processes and lobbying platforms. However, the appeal processes often encounters bottlenecks due to structural and human barriers making it not worthwhile due to cost factors.

### **Resources for training opportunities for addressing capacity building of all stakeholders.**

Resources for training and capacity building are available and necessary framework put in place to continuously build the capacity of stakeholders.

The Kenya School of Government continuously undertakes capacity building for public servants and institutions and has been allocated resources to train the public on various issues i.e. PPOA which trains on procurement and finance management; the national treasury on I.F.M.I.S, the Transitional Authority on counties management of resources, social economic empowerment programs like Uwezo Fund has a curriculum developed by Kenya Institute of Curriculum Development. However, these weaknesses are visible in the adhoc manner and nature of design and implementation.

The Kenya School of Government targets only public officials and no other stakeholders.

CSOs capacity building is mainly donor driven and ignores local realities at times which are more sustainable.

Strengthening of mechanisms of capacity building need to be resourced “both financial and human resources.”

#### Plenary Input

1. Related to training – the PBO Act anticipates PBO/Government collaboration is to benefit from such trainings. But this is one of the issues targeted for removal with the proposed amendments. It is captured but is under threat even before it has been operationalized.
2. Kenya School of Government curriculum is Government centered. As such there may be a keen need for a review of the curriculum.
3. Access to Government information especially on websites is not reliable, cumbersome or extremely unfriendly in the packaging making it very hard to consume. For example the extractive industries and access to contracts.
4. We should look at access to information from the context of policy dialogue. How do we access the information and share it. Ability to mobilize constituency and prepare well.
5. Access to information bill is not yet in force.
6. In terms of consultation – What CSOs are consulted? How representative are these CSOs? Are they sector driven?
7. The issue of official secrets
8. Access to information-as much as its digital based according to a KBNS survey, ICT uptake in Kenya is only 54%. What happens to the other 46% which has no access? How this can be deepened in the counties to facilitate efficient county planning remains a challenge.
9. The new security act is been used to harass information flow and access.
10. Government has a responsibility to facilitate engagement at all levels. The accessibility to the process, in the decision making and in the feedback.
11. The need to address tools of exclusion and exclusivity.
12. The danger of celebrity CSOs

## MODULE 2: CSO DEVELOPMENT EFFECTIVENESS; ACCOUNTABILITY AND TRANSPARENCY

### Q4 in Practice are there CSO-managed processes in place to address transparency and multiple accountabilities in CSO operations?

Yes there are CSO-Managed Processes in place to address transparency and accountabilities in CSO operations.

#### Viwango

Kenyan CSOs realized that there was a need to inspire and nurture a culture of continuous improvement to deliver superior value to the relevant constituencies. The civil society leaders were convinced that

high standards of practice and performance could enable CSOs achieve greater relevance, recognition, and results and enhance their Accountability and Transparency. Their efforts led to the ground-breaking Kenya Civil Society Competence and Sustainability Programme (KCS-CSP). KCS-CSP carried out extensive consultations with a broad cross-section of Kenyan civil society and developed a new Civil Society Standards, a Code of Practice and a Self-Assessment Tool. The founding CSOs initiated a Strategic Thinkers' Forum held in March 2009. It was agreed to establish a new institution called VIWANGO to be responsible for driving the new agenda for professionalism and integrity within the civil society forward. VIWANGO is Kiswahili for standards. This new organization is result of 3 years work by leading Kenyan CSOs working in collaboration with the NGO council and NGO Board, civil society networks and the National CBO Council.

The standards for CSOs are therefore intended to create a benchmark against which sector players can measure their own performance and compare with other organizations and act as a catalyst for continuous improvement in the quest for excellence, quality programming organizational sustainability and recognition. VIWANGO promote adherence by CSOs to these generally acceptable ethical standards and operational norms. It set principles and standards of behavior for responsible practice, to protect the credibility and integrity of certified CSOs and their networks in Kenya.

**Q5 Do CSO- Initiated Coordination processes exist to facilitate consolidated and inclusive CSO representation in policy dialogue (E.g. Umbrella Organization, CSO Network, Consultation practices**

Yes there are Initiated Coordination processes that facilitate CSO representation

The Civil Society Organization Reference Group (CSO-RG)

This is a membership organization of National, International and Community based non-governmental organizations whose vision is conducive and enabling environment for the CSOs in Kenya. Its main mission exists to protect and enhance an independent and effective civil society voice and agency in the public interest ,It also catalyze collaborative/dialogue relationships between different levels to government, the public and other state actors in pursuance of its Vision and create an effective ,efficient and publicly accountable self-regulated sector. The CSO-RG seeks to demonstrate sectoral leadership in practices by advancing principles of integrity, open governance and ethical behavior nationally. The main core values are drawn from the PBO ACT 2013, Article 10 OF THE Constitution of Kenya 2013 and the CSO –RG Charter which are Integrity, Transparency and Accountability as well as justice, professionalism, equality and non-discrimination

**Q6 Do Mechanism exist to facilitate Coordination on programming among CSOs (Collaboration to optimize impact and avoid duplication) and with other development actors? (Yes /No)**

YES –Viwango is helping in this through their Standards in which there is a whole component of CSO Partnership and External Relations that elaborate of on how CSO are supposed to have polices to encourage Healthy networking and others in its Operating Environment, that is CSOs should Cooperate with other actors on Common Agenda e.g. advocacy for policies governing the sector

Viwango Standards on this component also requires and Organization to have policies and procedures in place to enable it cultivates and grows useful relationships with all its development partners and other organizations, thus the CSO partners and networks with likeminded organizations and complements their activities. The standard also require that CSOs have clear guideline that proactively prevent and Address UNHEALTHY Competition among its close/Immediate publics

**Q7 Are there other Significant Initiatives related to CSO developments effectiveness principles (Istanbul Principles and the International Framework for CSO Development Effectiveness being implement at your Country level?)**

Yes there is Significant Initiative related to CSO development effectiveness principles

Viwango is currently implementing the *Global Standard for CSO Accountability* an initiative of nine well-established civil society accountability networks from around the world. The overarching aim is to strengthen the effectiveness of CSOs worldwide by devising a collective Global Standard on CSO Accountability. The networks will over three years cooperate to learn from each other, gain a truly global view on CSO accountability, improve their codes and reduce transaction cost. The Global Standard will be built bottom up, carving out the significant existing overlap on core parameter for CSO accountability in all participating codes. It will be used as a key reference standard for the nine networks and serve as a global point of orientation for CSO accountability globally.

It is the ambition to mutually recognize the Global Standard reporting requirements between all participating networks. Their constituencies, representing nearly 1500 CSOs across the world, will be actively engaged in developing and testing the Global Standard parameters and sharing it with other CSO networks. The INGO Accountability Charter has been the driving force in developing this project and will be one of the nine Project Partners. The International Civil Society Centre is the Implementing Partner and responsible for the smooth and efficient implementation. Viwango has work closely together with CIVICUS and other key stakeholders in the sector and will seek to align our work with essential accountability initiatives such as the Istanbul Principles and the Core Humanitarian Standard.

**Q8 Do CSOs report annually to government on the basic finances sectors of support and main geographic areas of involvement in development**

Yes –The CSOs report annually to the Government,

It's a requirement by the NGO Coordination Board that all NGOs to submit annual returns (AR) is articulated in section 24 of the NGOs Regulations 1992. Each NGO is encouraged to submit annual returns 3 months after the end of their financial year on Form 14 (F-14) which is the statutory form set out for the same.

The Form 14 which is the Statutory form requires (Section D) that each CSO to fill in the projects that they have implemented and the geographic areas

### Module 3: OFFICIAL DEVELOPMENT COOPERATION WITH CSOS

**Question 9 – Do providers of development cooperation consult with CSOs on their development policy/programming in a systematic way?**

***Are consultations processes institutionalized, inclusive and accessible?***

- Not very accessible as it excludes the grassroots
- Mother Country Policies e.g. change of governments come with dictation of key areas
- It is mostly for reporting the positions that the mother countries. It is more of providing information.
- The views are sought on what you can do or on how you can streamline your activities to their priorities. For example the new Dutch government cut funding on governance and moved the money to Gender issues, LGBT and also worked with the environment. USAID called a consultative meeting but has never reported back.
- Donors even choose areas of focus and operations thereby leading to emergence of CSOs who are formed just to fit into the donors policies and not to respond on the people's needs
- There are no institutionalized structures and systems for such consultation hence it is dictated with political changes in the mother countries

***Are there feedback mechanisms demonstrating how CSOs inputs have been taken into account?***

- There are no feedback mechanisms to demonstrate how the CSOs inputs have been taken into account
- Reporting guidelines are dictated by the donor. Donors are focused on financial accountability

***Do consultations take place at relevant levels i.e. providers' headquarters, country offices?***

- Consultation is limited mostly at the national level and is dictated by the donor for example an ambassador calls celebrity organizations
- It is mostly at the providers' headquarters and country offices or somewhere out of the area of focus of the CSOs

***Are there initiatives to promote such consultations?***

- Partly yes for example the CSO-RG brings together donors, INGOs, National NGOs and grassroots
- There are thematic groups like Climate Change Working Group, Kenya Wetland Forum etc. but they are not accessible to all as they in most cases to gate keepers

**Question 10 – Are providers promoting a CSO enabling environment in their cooperation with CSOs?**

***Through a CSO Policy, Do the providers have an overarching CSO policy? If so, does it explain the purpose and modalities of supporting CSO and working with CSOs?***

- Donors have policies for engaging with CSOs but they are motivated by the motherland policies

- Donors are trying for example the CSO-RG where the intention to have a structure where they can be a coordinated access
- CSO-RG emerged from constricting civic spaces so the main question is what if there was no constricting civic space
- They create the spaces to advance their motherland policies and objectives. The constricting space also affects the donors so they are not in it to help us but to help them
- The guidelines and requirements to access the funds are restrictive and not accessible to all. For example the requirements to have offices, whole country presence, registration, office space
- Donor preference – in some cases donors have created some people who they relate to and when the gate keepers leave, the funding stops

***Through Financing Mechanisms, do donors offer a mix of funding mechanisms that balance support to CSOs defined objectives (CSO right to initiate) with complementary objectives defined by the development cooperation recipient and provider country governments? Is CSO funding reliable, transparent, easy to access, and disbursed impartially?***

- Amkeni Wakenya tried to provide the space and funded organizations in the grassroots who have now grown to big organizations
- PACT Kenya, OSIEA and FAHAMU
- Not reliable as they are periodic
- They are not transparent as there are in most cases have preferred people to work with
- The funds are not accessible to all due to complexities of requirements like registration certificates, office space etc.
- The disbursement is not impartial as there are celebrity activists and CSOs who have direct access to the funds
- Some instances the donors ask organizations to put some aspects of the donor objectives in the program but the rest of the day the implementing organization follows their objectives and strategic plan
- USAID came and captured the idea of Bunge la Mwananchi-BLM and supported alternative structures trying to compete and replicate BLM thereby killing the original idea

***In their administrative requirements, are transaction costs for CSOs minimized? Are administrative requirements strategic, standardized, and where possible harmonized across providers?***

- Disjointed reporting as every donor wants their own reports even if the project is the same and funded by different donor
- No harmonized administrative requirements and this end up making focus to reporting other than service provision

***If No are you aware of any initiatives from providers to further engage in the promotion of CSO enabling environment?***

- CSO-RG is one of the initiatives

**Question 11 – Is the promotion of a CSO enabling environment an agenda item in providers’ policy dialogue with partner governments?**

Yes

***Does this dialogue include discussion on appropriate legal framework for a free, open and capable CSO?  
Does this dialogue include encouragement of CSO engagement in policy processes?***

- Donors have been asking the government to develop an appropriate legal framework for a free, open and capable CSO.
- Insist on the centrality of CSOs in their agenda but in the process they also seek to promote their agenda
- Reporting back is wanting and the only way CSO get feedback is through public pronouncements
- The donors are against the PBO Act 2013 and have been openly stating this
- The donors have been encouraging CSO engagement in policy processes and this can be evidenced by donors supporting various process where CSO develop policy positions
- In some instances the CSOs ask the donors to speak on their behalf in dialogues with the government. Sometimes back, CSO-RG held a meeting with ambassadors to talk to Kenyan government on PBO ACT. PBO Act has become a fear mongering tool to the CSOs.
- Amnesty International and Frontline has also spoken on behalf of activists on the request of activists and CSOs.

***If No, are you aware of any initiatives from providers to further position the promotion of CSO enabling environment in their dialogue?***

**Question 12 – Do providers share information on their CSO support with government? If yes please describe how?**

- Donors do take information to the government for example ICPC was part of a Diakonia led process which ended up in the Ministry of Devolution
- Sometimes the information is shared unofficially by infiltrators especially those working on areas that are critical to the government
- CSOs in their reporting have to mention where they get the funds and from which donors
- Donors report to their mother countries

***If No, are you aware of any initiative to improve information sharing?***

- There are initiatives like in Diakonia through Public Accountability Forums in the counties.
- Diakonia also called meetings to announce the organizations they have supported for accountability
- KAS also did

## MODULE FOUR: LEGAL AND REGULATORY ENVIRONMENT

### **Q 13: Is there a recognition of and respect for CSO freedom (association, assembly and expression), in the Constitution and more broadly in policy, law and regulation?**

It exists in the constitution but not in practice. Freedom of Association, Assembly and Expression are guaranteed by Article 33, 36 and 37 of the Constitution of Kenya 2010. However, in practice, there have been attempts to curtail these freedoms through such means as amendments to the PBO Act, Security Laws Amendment Act 2014 and through regulatory action by the Communications Authority.

The NGO Sessional Paper No. 1 2006 recognizes the above freedoms at the policy level. Similarly, the Judiciary in Kenya upholds the provisions of the Constitution with regard to Freedoms of Assembly, Association and Expression, despite attempts by the Executive to control it.

Kenya is signatory to UN and AU and other international (multilateral) charters that protects the freedoms for the citizens. Nonetheless, there have been arrests of Human Rights defenders during demonstrations. There has also been deregistration of CSOs that are seen to be critical of the government.

Security Laws have also been increasingly used to curtail freedoms in the constitution for example the arrest and prosecution of bloggers.

Initiatives to increase recognition and respect of Freedoms of Assembly, Association and Expression include:

- Court judgements that have reinforced these freedoms, for example the courts throwing out the provisions of the Constitution.
- There is an ongoing campaign by the CSOs to fight back attempts to the amendments to the PBO Act that will do away with the gains made so far.

### **Q14: Is the legal and regulatory environment enabling for CSO formation, registration and operation.**

- a) Yes. There are movements that exist and have been recognized by the government through joint activities with groups such as the CSO RG, NCSC, Bunge la Mwananchi.
- b) Registration has to go through NIS and some organizations have been either denied registration or have had their registrations suspended indefinitely.
- c) Grounds are indicated in the associations/registration Act but requirements vary with different cases. The PBO Act makes provisions to appeal to the authority and further to the tribunal in case of denial or deregistration, though this law is not in force.
- d) There are some objectives that find resistance at the point of registration although legally these reasons are not indicated e.g. atheist associations or sexual minorities.
- e) The NGO Council that is supposed to provide the framework for self-regulation is controlled by government agents and there is also constant government interference.

The PBO Act makes provisions for the National Federation of PBOs as well as self-regulating forums along regions and themes although this is not implemented as this law is not operational. Individual organizations are legally allowed to do this but organizations dealing with governance and human rights are continuously interfered by with government through hacking of the websites and emails.

- f) There is no protection from unwarranted interference by the government on digital communication of civilians and CSOs due to delay in passing the Data Protection Bill.
- g) The PBO Act was initiated by the sector to have policies and practices that improve enabling conditions and maximizes on CSOs role in governance and development processes. There are also regional agreements that are being domesticated to provide these policies and practices.
- h) There are political limitations to the operation of CSOs that speak for certain minorities and marginalized groups.

**Q15: Does the legal and regulatory environment facilitate access to resources for CSO?**

- a) There are currently no restrictions on accessing resources but there are attempts through amendments to the PBO Act to limit these, such as limiting foreign support to 15% of annual budget.
- b) There are no incentives to promote contributions by the local businesses though profits can be exempted from taxes on profits if these profits are used for charity purposes. The PBO Act has provisions allowing PBOs to engage in income generating activities to raise money for their activities. It also contains provisions for tax incentives for organizations/companies contributing to public benefit causes, and further provisions for government funding and capacity building.
- c) There is some funding by some government agencies to projects on HIV, Substance abuse but these are unreliable and inaccessible.

**Q16: Does the legal and regulatory environment marginalize certain groups?**

- a) Organizations dealing with advocacy and governance have an antagonistic relationship with the government as compared to development based organizations.
- b) They are able to carry out their mandates though with a lot of difficulties.