



## **INCEPTION REPORT ON**

# **REVIEW OF NGO LEGAL AND POLICY FRAMEWORK AND ITS IMPACT ON THE OPERATION OF NGOS IN UGANDA**

**A review of the NGO Policy 2010, NGO Act, and the process of  
rationalization of NGOs and their impact on the operation of the NGO  
sector in Uganda.**

**SUBMITTED TO  
Centre for Constitutional Governance (CCG)  
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## **List of Acronyms**

CCG	Centre for Constitutional Governance
GIZ	German Corporation for International Cooperation
DPO	Data Protection Office
FGD	Focused Group Discussions.
FIA	Finance Intelligence Authority
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
MOUs	Memorandum of Understanding
NGO	Nongovernmental Organization
NRC	National Resistance Council.
MOU	Memorandum of Understanding
OPM	Office of the Prime Minister
RDCs	Resident District Commissioners.
SMUG	Sexual Minorities Uganda
URSB	Uganda Registration Services Bureau

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## **General Introduction**

### **1.0 Introduction**

This assessment was commissioned by the Centre for Constitutional Governance (CCG) with support from GIZ to assess the impact of the NGO Policy, the Act, and the recent NGO (amendment) Act, 2024 that aims at rationalization of the NGO Bureau. The study is aimed to provide a deeper understanding of the existing trends in the sector and provide insight into potential reforms. It is hoped that the study findings can be used by NGOs to build consensus on key issues of reform for the sector and conduct advocacy for reforms as the government prepares to review the NGO Policy and the NGA Act.

### **2.0 Operational context of NGOs in Uganda**

Non-Government Organizations (NGOs) play an important role as watchdogs of the government on behalf of the citizens<sup>1</sup>. NGOs play another important role where they provide goods and services where the government does not. Whereas the above roles are important and would make NGOs an important player that supplements the government, the response from government agencies and regulators in Uganda shows a different trend. There are cases of cooperation and situations where government agencies work to enable NGOs to work. However, more often than not, state agencies have worked to clamp down on civic space and the operating space of NGOs.

There have been allegations that some NGOs have cheated the public, donors, and their beneficiaries and failed to account. Whereas this is true the state seems to have used this pretext to clamp down on all NGOs, even those doing genuine work. The clampdown has, over the years, been through different burdensome laws and restrictions. NGOs in Uganda have been in operation since the 1950s, and their real active work was noted in the troubled times of the 1970s to the 1980s which were characterized by war and a military takeover of government. During these times the notable work was mainly relief and service delivery. In this period NGOs operated without much state control and regulation. It was not until 1989 that the first law specifically dedicated to the regulation of NGOs was passed by the National Resistance Council (NRC)<sup>2</sup>. Before 1989, all NGOs were incorporated as Companies Ltd by Guarantee under the Companies Act or as Trusts under the Trustee incorporation law. The 1989 NGO Statute law had several restrictions and gaps, such as subjecting NGOs to renewable certificates and permits that worked for a maximum period of 5 years. NGOs also had to be authorized by Resident District Commissioners (District Executive Secretary then).

Since 1989, the government has regularly introduced new requirements for NGOs. Some of the new requirements are introduced through amendments

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<sup>1</sup> Abigail Barr, Marcel Fafchamps & Trudy Owens (2004) The Governance of Non-Governmental Organizations in Uganda. Available at <https://www-leland.stanford.edu/~fafchamp/ngos.pdf>

<sup>2</sup> The Non-Governmental Organization Statute, 1989

such as the amendment to the NGO Act of 2024, the repealing and replacement of the NGO Registration Act of 1989 and its 2006 amendment, and replacing it with the NGO Registration Act of 2016. There have also been other administrative actions on NGOs. Some are grounded in the law, while some are not. Most common are the requirements for registration, where several documents are needed even when they fall outside the law. For example, today, for an NGO to renew its permit, it has to attach more than ten sets of documents, most of which are outside the official legal requirements for the application for renewal of an NGO permit. Sometimes, NGOs are ordered to take particular steps or sign documents such as MOUs that fall outside the legal requirements. A case in point is the MOUs signed by NGOs working in areas of refugee and relief.

Since the enactment of the NGO Act, of 2016, government agencies have given sanctions against NGOs, including those that fall outside the law. For example, in August 2019, the Office of the Prime Minister (OPM) rejected 274 NGOs and asked them to leave refugee camps for lacking valid MOUs with the OPM. In the same year, the government released a list of 2118 NGOs, which it claimed were the only valid NGOs, and called on police and RDCs to close the rest<sup>3</sup>. Since that time, NGOs have had to regularly validate their documents even though the documents are issued by the same NGO Bureau that later asks for more information to validate them. The validation processes are not part of the NGO laws requirements in Uganda.

In November 2019, the Financial Intelligence Authority (FIA) investigated 14 NGOs, accusing them of not complying with the Anti Money Laundering legal obligations<sup>4</sup>. Between January 2020 and May 2023, more than 90 organizations were closed by the NGO Bureau for different reasons, but all pointing to failure to meet legal obligations<sup>5</sup>. In July 2023, the Uganda Registration Services Bureau (URSB) released a list of companies to be closed for not filing returns. Among them were more than 700 NGOs directly affected. Most of these companies had not filed returns for more than 5 years, and this is the key reason that URSB sought to have them closed. In 2024, the Data Protection Office (DPO), working with Uganda Police, has been investigating NGOs that do not have valid data protection registration certificates<sup>6</sup>.

In 2023 the government embarked on the process of rationalization of government agencies. Under this process, the government seeks to reduce state expenditure by removing duplication of services, which will be through

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<sup>3</sup> See Only 2118 NGOs Validated; Rest Ordered to Shut Down. Available at [https://chimpreports.com/only-2118-ngos-validated-rest-ordered-to-shut-down/#google\\_vignette](https://chimpreports.com/only-2118-ngos-validated-rest-ordered-to-shut-down/#google_vignette)

<sup>4</sup> See Financial Intelligence Authority investigates 14 NGOs over money laundering available at <https://nilepost.co.ug/2019/08/14/financial-intelligence-authority-investigates-14-ngos-over-money-laundering/>

<sup>5</sup> Key among these were 54 Organizations that closed in August 2021, 6 organizations closed in January 2021 and more recently 12 organizations investigated on claims of promoting homosexuality including Sexual Minorities Uganda (SMUG), Human Rights Awareness Promotion Forum (HRAPF) among others

<sup>6</sup> Between June and July 2024, the police summoned at least 7 NGO leaders as part of investigation into expired data protection certificates. The certificates are required under the Data Protection and Privacy Act, 2019

the merging of some of the government agencies and removing entities considered to be a waste of state resources or entities considered to be less relevant based on the services they provide. The NGO Bureau was one of the entities rationalized, and an amendment to the NGO Act 2024 was assented to by the president on .....<sup>7</sup>. The rationalization of the NGO Bureau has not only brought confusion among sector players but has also left many unanswered questions, mainly on how the sector will be regulated. There has not been any assessment of the impact of rationalization on the operation of the NGO sector. Besides, few sector players, especially NGOs, have a good understanding of what exactly happened in rationalization or its likely impact on their operations.

The above issues continue to affect the work of NGOs, and yet many NGOs have not engaged in understanding legal and non-legal issues that affect the operating environment. On the other hand, the government is planning to review the NGO Act, 2016 and NGO Policy 2010. This review will require that NGOs are well grounded on issues that affect them for them to be able to meaningfully engage with the state. In order to get a better understanding of the salient issues in the NGO Act and its amendments, the Centre for Constitutional Governance (CCG) is conducting an assessment of the NGO Act and the policy to come up with an issues paper that highlights the key issues that NGOs and other sector players need to engage with as they engage in advocacy for reforms in the sector.

### **3.0 Purpose of the consultancy**

The study seeks to provide an understanding of key constitutional and legal issues in the NGO Act and the NGO Policy and seek a consensus among different stakeholders. This will help different stakeholders engage in the process of reforming the NGO Act and the NGO policy that the government is planning to start. Specifically, the assignment seeks to achieve the following;

1. Assess the NGO Policy and the NGO Act, highlighting key legal and constitutional issues as well as issues of concern.
2. Seek stakeholder understanding of the key issues in the NGO policy and NGO Act for meaningful engagement in the processes of reform.
3. Make recommendations for potential legal reform for the NGO Policy and NGO Act.
4. Participate in the mobilization of NGOs to meaningfully participate in the NGO legal reform processes.

### **4.0 Methodology**

A qualitative methodology involving desk review and focused group discussions with key stakeholders in the NGO sector will be applied. Desk review will cover a review of the NGO Act, the NGO Act, NGO regulations, and related laws, and a review of international and other standards adopted across the globe.

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<sup>7</sup> The NGO (Amendment) Act 2024 will come into force on 30<sup>th</sup> September 2024

A themed approach will be used to conduct desk reviews. This includes reviewing documents alongside the several objectives of the study. This will help the researcher understand the key issues as well as good practices and progressive trends across the world that relate to NGO regulation. Specifically, the assessment will take a 4-step approach described below;

- a. Scanning of the existing literature to establish different laws, court precedents, policies, and practices that relate to not-for-profit operating environment. The basic scan will help the consultants establish the gaps in Uganda's NGO Policy and NGO Act and regulations. This will also help establish the general context within which the sector operates.
- b. Data collection: At least 4 focus group discussions will be carried out to gather data mainly on practices and experiences. Each discussion will have between 5-10 participants and will be in 4 major regions of North, East, Central, and West. The discussants will be mainly persons who have experienced the enforcement of the NGO Policy and Act. An FGD guide will be developed and used during the discussions.
- c. Data analysis: this will involve taking an in-depth review of the different laws, policies, and practices identified, highlighting different sections that set different requirements and how these facilitate or undermine the operating environment. Desk review of policy, laws, and practices from other jurisdictions will also be carried out to establish possible good practices and lessons that can be benchmarked.
- d. Report writing: This will involve documenting the different areas, gaps, practices, and other aspects identified in the different laws under (b) above. The report will provide the gaps in the laws and practices and recommendations on how these can be addressed. Recommendations will take the form of actions adopted during the validation of the report.
- e. Validation of the report

#### **4.1 Sampling**

A purposive sampling will be applied for the Focused Group Discussions. FGD participants will be persons involved in the NGO sector, mainly NGO leaders who have been affected in one way or another by the NGO Policy and the Act and relevant state actors. A total of 4 Focused Group Discussions, each comprising 10-15 people, will be organized. From FDGs, the researchers will aim to get information on trends and the impacts the NGO policy and law have had on individuals.

#### **4.2 Limitations and Mitigation Strategies**

One of the major limitations the study may face is the lack of prior studies on the same topic in Uganda. This may limit the nature of evidence gathered

about Uganda. The researcher intends to rely on what is available and data from countries with operating environments like Uganda.

Some of the information relating to impact might be personal information that respondents may not be willing to publicly release. The research will ensure confidentiality and data protection for the respondents to ensure entities and individuals are safe.

## Literature Review

### 5.0 Literature review

Non-government organizations (NGOs) play a vital role in addressing global social, economic, and environmental issues affecting communities<sup>8</sup>. Throughout the world, NGOs have played different roles, from service provision to advocacy for legal and policy reforms to humanitarian aid and support. Increasingly, the work of NGOs has been scrutinized on their role in governance and advocacy. The objective of social work welfare NGOs, we are often told, is to bring about some desired change in people, whether in their behavior, functioning, or living conditions, rather than to make a profit<sup>9</sup>. Despite the important role NGOs play, there has been increasing concern about the role of NGOs in the democratic governance of nations. From the NGO perspective, the impact of charity cannot be achieved if there are no proper policies and governance systems. This reality has moved many NGOs into advocacy for policy reforms as opposed to the traditional charity approach. However, as more and more demands for transparency and advocacy are made by NGOs, governments have also become concerned about the role of NGOs in governance. In many undemocratic societies, governments have responded by restricting the role of NGOs by putting in place stringent restrictions.

### 5.1 The development and increase of Anti-NGO legislation

For more than 15 years, Africa has witnessed a trend where countries are making anti-NGO legislation<sup>10</sup>. Whereas some of the moves are justified as controlling quack or fake NGOs, often the restrictions target genuine NGOs and have an effect of constraining the work of NGOs.

These laws aim to control NGOs in varying ways, including limiting the flow of foreign funding, placing limits on hiring of foreigners, making it difficult to register organizations, and permitting governmental meddling in the sector while erecting obstacles in the operational environment.<sup>11</sup> Uganda has been no exception in this regard. Freedom House ranks Uganda among the 14 African countries that have in the past passed anti-NGO laws placing

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<sup>8</sup> Michael Tugyetwena (2023) A literature review of the relationship between governance, funding strategy and sustainability of non-government organizations. Available at [file:///Users/eagleinfosolutions/Documents/NGO%20literature%20review/A\\_literature\\_review\\_of\\_the\\_relationship\\_between\\_go.pdf](file:///Users/eagleinfosolutions/Documents/NGO%20literature%20review/A_literature_review_of_the_relationship_between_go.pdf)

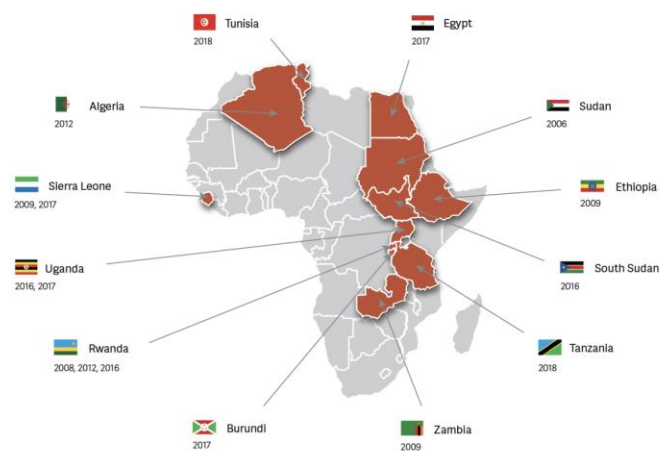
<sup>9</sup> Melina Al-Hasan, Abdalwali Lutfi , et al The governance of non-governmental organizations: Critical lens for laws and regulations. Journal of Open Innovation: Technology, Market, and Complexity. Volume 10, Issue 2, June 2024, 100299

<sup>10</sup> Godfrey Musila: The Spread of Anti-NGO Measures in Africa. Available at <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>

<sup>11</sup> ibid

numerous restrictions on NGOs<sup>12</sup>. Uganda ranks alongside Tunisia, Egypt, Sudan, Ethiopia, South Sudan, Tanzania, and other African countries that have put in place such limitations. The figure below shows countries that have adopted anti-NGO laws in Africa.

*Countries with Adopted Anti-NGO Measures*



Source: Freedom House

The 2016 NGO Act restricts the employment of foreigners and creates several requirements for NGOs to acquire or renew their permits. Since 2016, when the NGO Act 2016 came into force in Uganda, numerous requirements have been introduced in the country. Today, NGOs need to meet obligations in more than 10 laws for them to operate.

In several cases, anti-NGO laws put numerous obligations like reporting or contracting obligations that make it difficult for NGOs to operate freely. Some of such restrictions include requirements to submit documents at different levels of government, requirements to sign different agreements for approval before NGOs are able to work in a particular area of the country, heavy fines that put a heavy financial burden on NGOs, and in some cases result into closure or winding up of entities that are unable to meet the obligations, among others.

There is evidence to suggest that less democratic countries have adopted restrictive measures to control NGOs. There is a relationship between restriction of NGO space and general democracy. For example, in Kenya, studies have found that the government took a more restrictive approach after NGOs started criticizing its human rights records in 2007<sup>13</sup>, a similar approach was adopted in Kyrgyzstan, where NGOs are branded as "foreign" if an NGO receives a big proportion of its funding from outside the country<sup>14</sup>. A

<sup>12</sup> Ibid

<sup>13</sup> Houghton, Irungu/Muchai, Stephanie 2014b: Protecting Civic Space Against #NGOMuzzle Laws in Kenya.

<sup>14</sup> Birru, Jalale Getachew/Wolff, Jonas 2019: Negotiating International Civil Society Support. The Case of Ethiopia's 2009 Charities and Societies Proclamation, in: Democratization 26: 5, 832–850.

similar trend was seen in Ethiopia, Tanzania, the Republic of Congo, and Nigeria, among others.<sup>15</sup>

## **5.2 Muzzling NGOs through Sentimental Appeals**

Restrictive NGO laws tend to be promoted through the use of approaches that will appeal to citizens to view restrictions on NGOs as justifiable and necessary for the country's democracy or development. In some countries, restrictive legislation has been justified along with nationalistic sentiments and the promotion of negative narratives. In many such cases, restricting the NGO space is claimed to be because NGOs are foreign agents that will undermine the independence of the country and promote immorality<sup>16</sup>. For example, in Uganda, the narrative that NGOs are agents of foreign countries that are against Uganda's interests is promoted<sup>17</sup>. Today, when NGOs challenge the government on key democratic issues like environmental protection, corruption, access to justice, or even allowing free expression and descent, they are all branded as being foreign-funded and as working against the interests and sovereignty of the state<sup>18</sup>.

At the same time, NGOs have been accused of promoting western values against African morals and promoting homosexuality in Uganda<sup>19</sup>. In the buildup to the debate and the subsequent passing of the NGO Act of 2016, there were claims that NGOs promoted immorality, and this should be the reason why a strict law was necessary. The Minister of Ethics banned 38 NGOs claiming they were promoting homosexuality in Uganda<sup>20</sup>. This kickstarted the debate for strict regulation of NGOs. Indeed, the NGO Act that was passed provides that an NGO cannot be registered if its objects are against the laws in Uganda<sup>21</sup>. As a result, several human rights organizations with a component of LGBTI have been denied registration. Several entities, including NGOs and unregistered entities that work for the promotion of the rights of sexual minorities, have been targeted for closure by the state, including Sexual Minorities Uganda (SMUG), which is one of the biggest sexual minority advocacy groups in the country<sup>22</sup>.

A related narrative to the above on

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<sup>15</sup> Godfrey Musila: The Spread of Anti-NGO Measures in Africa. Available at <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>

<sup>16</sup> Mária Murray Svidroňová: Non-Governmental Organizations - Role and Performance in Turbulent Times. Available at <https://www.intechopen.com/chapters/1185908>

<sup>17</sup> Civicus Africa: Museveni accuses CSOs of undermining his government. Available at [https://www.civsourceafrica.com/museveni\\_accuses\\_cso](https://www.civsourceafrica.com/museveni_accuses_cso)

<sup>18</sup> Yusuf Sserunkuma (June 2024) Who is the foreigner recruiting agents in Uganda. Available at <https://observer.ug/index.php/viewpoint/81653-who-is-the-foreigner-recruiting-agents-in-uganda>

<sup>19</sup> The Independent News Paper: Education minister condemns activists for promoting immorality in schools. <https://www.independent.co.ug/education-minister-condemns-activists-for-promoting-immorality-in-schools/>

<sup>20</sup> The Guardian Newspaper: Uganda bans 38 organisations accused of 'promoting homosexuality'. Available at <https://www.theguardian.com/world/2012/jun/20/uganda-bans-organisations-promoting-homosexuality>

<sup>21</sup> S. 30 of the NGO Act, 2016

<sup>22</sup> NGO Bureau: Statement on halting of the operations of sexual minorities Uganda. Available at <https://www.ngobureau.go.ug/en/news-and-notice/statement-on-halting-the-operations-of-sexual-minorities-uganda>

### **5.3 Broad discretion – an open cheque to do as they please**

One of the trends in restricting NGOs has been through making vaguely worded policies and laws. These give a lee war for state regulators to put restrictions on NGOs as they please. Amnesty International documented more than 50 countries where laws are vaguely drafted to target NGO and NGO work<sup>23</sup>. These laws have tended to give broad powers to government regulators to restrict funding, place extra reporting or contractual burden on NGOs, criminalize the work of NGOs, or give regulators powers to close NGOs. In several cases, such discretion has not allowed NGOs the right to be heard, while in some cases, courts have promoted the discretion even when it is clear the regulator has gone beyond its powers. An example of such a case is when Uganda's NGO Bureau banned loose associations<sup>24</sup>. This was later confirmed by the court, which stated that the discretionary powers were exercised rightly when the state banned NGO loose coalitions<sup>25</sup>. The result has been a total ban on the right to associate of NGOs.

Use of unfettered discretion has also been found to be used by regulators to force NGOs to change their objectives or intervention areas of focus.<sup>26</sup> This has also been common in Uganda and has the effect of restricting what NGOs do but also forcing NGOs to do what the regulator wants as opposed to what the objectives of the regulators are. In Uganda's case, this has been documented in MOUs signed between NGOs and the Office of the Prime Minister (OPM) and between NGOs and Districts. In several cases, the districts demand NGOs to provide facilitation for district entities to monitor and regulate them.

### **5.4 High fees and fines**

One of the areas in which NGO space has been limited is through imposing heavy fees and fines, which make it hard for several people to mobilize or to run an NGO. The United Nations Committees have denounced discriminatory legislation and tax practices that, far from helping NGOs, aim at penalizing them indirectly for the nature of their activities<sup>27</sup>. Taxation and other fees have been used by several countries to control NGOs. For example, in Russia, Slovakia, Uganda, and Tanzania, NGOs qualify to pay taxes on their income

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<sup>23</sup> Amnesty International (2019) Laws designed to silence: The global crackdown on civil society organizations. Available at <https://www.amnesty.org/en/documents/act30/9647/2019/en/>

<sup>24</sup> The Independent Newspaper (2020) NGO Bureau suspends operations of National Election Watch Uganda. Available at <https://www.independent.co.ug/ngo-bureau-suspends-operations-of-national-election-watch-uganda/>

<sup>25</sup> Centre for Constitutional Governance(CGG) V National Bureau for Non Governmental Organisations (Miscellaneous Cause No. 374 of 2020) [2021] UGHCCD 62 (30 July 2021) available at <https://ulii.org/akn/ug/judgment/ughccd/2021/62/eng@2021-07-30>

<sup>26</sup> Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation: Freedom of Association: The Question of NGO Registration. Available at <https://www.osce.org/files/f/documents/3/1/16645.pdf>

<sup>27</sup> The Observatory for the Protection of Human Rights Defenders (2013) "Violations of the right of NGOs to funding: from harassment to criminalization" available at [https://www.omct.org/files/2013/02/22162/obs\\_annual\\_report\\_2013\\_uk\\_web.pdf](https://www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf)

unless they seek a special exemption. Several countries have made tax exemption for NGOs difficult and continue to take NGO income as a means to control the work of NGOs<sup>28</sup>.

Whereas some countries have specific tax regimes that target NGOs or provide for specific tax requirements, increasingly, countries are adopting fines and fees as a means to control NGO work. The fees tend to be based on different requirements that are set for an NGO to operate. These could include registration, permit, and different certification systems, among others. Uganda's legal system sets so many requirements in terms of fines and fees, and these have the potential of affecting the work of NGOs.<sup>29</sup> For example, Uganda's NGO Act provides for a UGX 2,000,000 (US 540) fine per month for any NGO that works without a valid permit. As a result, an NGO that has 1 year delay in renewal of its permit is likely to pay a fine that may, at times, be higher than the organization's annual budget in the case of smaller NGOs.

### **5.5 Requirements and Documentation**

In some countries, NGOs are required to submit numerous documents to be able to be allowed to work or for them to continue to work. The documents range from proposals they are making, audit reports, and sources of funding to numerous application documents. Uganda is no exception, as NGOs are required to submit more than 20 documents to be able to have their permit renewed. NGOs are also required to submit documents to more than 6 government agencies every year as part of their legal compliance. This puts a major human resource and financial constraint on the NGOs that have to spend their time responding to government requirements.

In conclusion, a lot of literature suggests that countries have taken direct and indirect restrictions on the work of NGOs. There is a relationship between totalitarian regimes and less democratic regimes with increased control of the work of NGOs. Whereas some countries have adopted direct approaches that ban or limit the work of NGOs, Uganda seems to have adopted a mix of direct and indirect approaches that have made the work of NGOs not only difficult but also expensive to run an NGO.

### **A brief History of NGOs and NGO regulation in Uganda**

NGOs have existed in various forms for centuries, but they rose to high prominence in international development and increased their numbers dramatically in the 1980s and 1990s<sup>30</sup>. In Africa and Uganda, no formal NGOs

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<sup>28</sup> IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, Document. Available at <https://cidh.oas.org/countryrep/Defenders/defenderschap5.htm#Arbitrary>

<sup>29</sup> Human Rights Awareness Promotion Forum (HRAPH) (2017) Uganda's NGO regulation regime: implications for organizations working on marginalized peoples' rights.

<sup>30</sup> David Lewis (2009) Non-governmental organizations (NGOs): definition and history. The International Encyclopaedia of Civil Society. Available at [https://link.springer.com/referenceworkentry/10.1007/978-0-387-93996-4\\_3](https://link.springer.com/referenceworkentry/10.1007/978-0-387-93996-4_3)

existed in the precolonial and early colonial days<sup>31</sup>. However, citizens organized themselves along charitable activities without necessarily registering or incorporating the vehicle for which they conducted their charitable business. People organized themselves along a cause mainly for the provision of a service or a social issue and once they achieved it, the organization would stop. This kind of organization and mobilization was common and in some Bantu communities in Uganda it came to be known as “*Bulungi bwansi*”. This kind of association and organization continues even today and in many cases, it remains informal without being registered<sup>32</sup>.

NGOs' formal organization and arrangement in Uganda can be traced to the coming of Western religion<sup>33</sup>. The coming of Christianity in Uganda came with aspects of charity organizations mainly to provide services such as Western health and Western education. Whereas it is hard to put a date on the exact time when formal NGOs first became active in Uganda, scholars have noted that this was in the 1950s when there was a move to provide some health and social services away from evangelism which was the main focus of faith institutions in the country at the time<sup>34</sup>. the 1970s to 1986 saw an increase in NGOs working in Uganda mainly as part of relief efforts responding to the war and internally displaced persons. It was around the same time (the 1980s) that saw the HIV/AIDs scourge and an increase in NGO response to curb the spread.

The first law dedicated to the regulation of NGOs in Uganda was introduced in 1989<sup>35</sup>. This law sought to provide for the registration of nongovernmental organizations, establish a board for that purpose, and for other matters connected therewith<sup>36</sup>. It should be noted that the 1989 law provided for the licensing of NGOs that already existed as legal entities. It did not provide for their incorporation. Until this time, NGOs in Uganda were required to be incorporated as trustees or companies limited by guarantee to work. The 1989 Nongovernmental Organizations Registration Act added an extra requirement for NGOs, which was to register with the NGO Board. this created some form of special license where a trust or company limited by guarantee that needed to carry out not-for-profit work in Uganda needed to get a special registration.

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<sup>31</sup> Moyo, Bhekinkosi (2005) Setting the development agenda. U.S. foundations and the NPO sector in South Africa: A case study of Ford, Mott, Kellogg and Open Society Foundations. Johannesburg, South Africa: University of the Witwatersrand

<sup>32</sup> Tumuramy Pesh; Bulungi Bwansi. Available at <https://trustafrica.org/wp-content/uploads/2024/07/5.-Bulungi-Bwansi.pdf>

<sup>33</sup> Ibid

<sup>34</sup> Ssewakiryanga Richard (2022), The Meaning and Practice of Philanthropy in Uganda, Occasional Working Paper No. 01/2022, Uganda National NGO Forum and Centre for Basic Research, Kampala

<sup>35</sup> First introduced as the Nongovernmental Organizations Registration Statute and later renamed Nongovernmental Organizations Act under the 2000 law reform. Available at <https://ulii.org/akn/ug/act/statute/1989/5/eng@1989-09-29>

<sup>36</sup> Long title to the Nongovernmental Organizations Act, Cap 113 available at <https://ulii.org/akn/ug/act/statute/1989/5/eng@1989-09-29>

Not only did the Nongovernmental Organizations Registration Act add an extra layer of requirements for NGOs, but it also gave very broad powers to the NGO Board. For example, it provided that the NGO Board can add conditions as to the work and operations of the NGO as it deemed fit.<sup>37</sup> It also provided that before a person could incorporate a company Ltd by guarantee or a Trust, such a person needs to get approval from the NGO Board.

The Nongovernmental Organizations Registration Act<sup>38</sup> can be said to have been the first law to put stringent measures on NGOs. The Act was amended in 2006, with more restrictions being added to the law. The 2006 amendment was meant to address gaps in the law. For example, at the time the Act did not define an NGO and did not give legal personality to NGOs. The 2006 amendment introduced several restrictions to the sector. Key among them were;

- a. Introduction of burdensome registration process including requirements for referees, recommendations from LC I, II, and III, plus several attachments
- b. Restricting NGOs from conducting the community without express permission from the Resident District Commissioner (RDC). This meant NGOs had to seek permission from RDC even when they had a permit allowing them to work in the same area.
- c. Extreme powers of the NGO Board and control of NGOs where the board was given powers to do as it pleases when it comes to NGO permits and issuance of NGO certificates
- d. Introduction of personal liability for NGO leaders who would be held personally liable for acts done by the NGO.

The restrictions have a tendency to limit the work of NGOs. It negatively impacts the work and operations of NGOs in Uganda. The legislation had an impact of restricting NGO access to rural communities in Uganda hence denying citizens access to services carried out by the NGOs<sup>39</sup>.

In 2010, the government of Uganda passed the NGO Policy. The aim of the NGO Policy is to set out a framework that strengthens the relationship between the NGO sector and the Government and to enhance capacities and effectiveness in the areas of service delivery, advocacy, and community empowerment<sup>40</sup>. The policy has several gaps and these are reviewed in the later chapters of this paper.

In order to enforce the NGO Policy of 2010, the NGO Act, 2016 was passed. The Act repealed the Nongovernmental Registration Organizations Act (Cap 113). The 2016 provided a number of requirements and has maintained the bureaucratic system of registration and issuance of permits introduced with the 2006 amendments. The Act

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<sup>37</sup> See S. 2(2) of the NGO Registration Act, Cap 113

<sup>38</sup> Cap 113

<sup>39</sup> Mandeep S. Tiwana: Analysis of the Restrictive Aspects of the Uganda NGO Registration Act, 1989, the NGO Registration (Amendment) Act, 2006 and the NGO Regulations, 1990. Available at <https://www.civicus.org/media/Analysis-Uganda-NGO-legal-framework.pdf>

<sup>40</sup> See Goal of the NGO Policy 2010

## **Proposed structure of the report**

### Chapter 1: Introduction

- Introduction
- Background to the study
- Study objectives/purpose
- Methodology

### Chapter 2: Review of Literature

- Introduction
- Defining NGOs
- Understanding NGOs and their role
- Trends in NGO regulation

### Chapter 3: Review of the Policy

- Introduction
- Review of key policy objectives
- Defining NGOs as per the policy
- Policy scope
- Categories of NGOs and their work
- Key policy actors
- Policy enforcement strategies

### Chapter 4: Review of the NGO Act (this will cover the NGO Act, the regulations, and other guidelines from the NGO Bureau)

- Introduction
- Relationship between policy and law
- Key concerns in the NGO Act and its impact on operating space
- NGO Rationalization

### Chapter 5: Other legal and policy requirements affecting NGOs in Uganda

- Introduction
- A review of other requirements with an impact on the operation of NGOs in Uganda

### Chapter 6: Recommendations

## Bibliography

- Abigail Barr, Marcel Fafchamps & Trudy Owens (2004) The Governance of Non-Governmental Organizations in Uganda. Available at <https://www-leland.stanford.edu/~fafchamp/ngos.pdf>
- Amnesty International (2019) Laws designed to silence: The global crackdown on civil society organizations. Available at <https://www.amnesty.org/en/documents/act30/9647/2019/en/>
- Birru, Jalale Getachew/Wolff, Jonas 2019: Negotiating International Civil Society Support. The Case of Ethiopia's 2009 Charities and Societies Proclamation, in *Democratization* 26: 5, 832–850.
- Birru, Jalale Getachew/Wolff, Jonas 2019: Negotiating International Civil Society Support. The Case of Ethiopia's 2009 Charities and Societies Proclamation, in *Democratization* 26: 5, 832–850.
- Carothers, Thomas 2016: Closing Space for International Democracy and Human Rights Support, in *Journal of Human Rights Practice* 8, 358–377.
- Centre for Constitutional Governance(CGG) V National Bureau for Non-Governmental Organisations (Miscellaneous Cause No. 374 of 2020) [2021] UGHCCD 62 (30 July 2021) available at <https://ulii.org/akn/ug/judgment/ughccd/2021/62/eng@2021-07-30>
- Chimp Reports Newspaper (2019) Only 2118 NGOs Validated; Rest Ordered to Shut Down. Available at [https://chimpreports.com/only-2118-ngos-validated-rest-ordered-to-shut-down/#google\\_vignette](https://chimpreports.com/only-2118-ngos-validated-rest-ordered-to-shut-down/#google_vignette)
- Civicus Africa: Museveni accuses CSOs of undermining his government. Available at [https://www.civsourceafrica.com/museveni\\_accuses\\_cso](https://www.civsourceafrica.com/museveni_accuses_cso)
- Godfrey Musila: The Spread of Anti-NGO Measures in Africa. Available at <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>
- Houghton, Irungu/Muchai, Stephanie 2014b: Protecting Civic Space Against #NGOMuzzle Laws in Kenya.
- Houghton, Irungu/Muchai, Stephanie 2014b: Protecting Civic Space Against #NGOMuzzle Laws in Kenya.
- Human Rights Awareness Promotion Forum (HRAPH) (2017) Uganda's NGO regulation regime: implications for organizations working on marginalized peoples' rights.
- IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, Document. Available at <https://cidh.oas.org/countryrep/Defenders/defenderschap5.htm#Arbitrary>
- Mária Murray Svidroňová: Non-Governmental Organizations - Role and Performance in Turbulent Times. Available at <https://www.intechopen.com/chapters/1185908>

- Melina Al-Hasan, Abdalwali Lutfi, et al. The governance of non-governmental organizations: Critical lens for laws and regulations. *Journal of Open Innovation: Technology, Market, and Complexity*. Volume 10, Issue 2, June 2024, 100299
- Michael Tugyetwena (2023) A literature review of the relationship between governance, funding strategy, and sustainability of non-government organizations. Available at [file:///Users/eagleinfosolutions/Documents/NGO%20literature%20review/A literature review of the relationship between ngo.pdf](file:///Users/eagleinfosolutions/Documents/NGO%20literature%20review/A%20literature%20review%20of%20the%20relationship%20between%20ngo.pdf)
- NGO Bureau: Statement on halting of the operations of sexual minorities in Uganda. Available at <https://www.ngobureau.go.ug/en/news-and-notice/statement-on-halting-the-operations-of-sexual-minorities-uganda>
- Nile Post Newspaper (2019) Financial Intelligence Authority investigates 14 NGOs over money laundering available at <https://nilepost.co.ug/2019/08/14/financial-intelligence-authority-investigates-14-ngos-over-money-laundering/>.
- Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation: Freedom of Association: The Question of NGO Registration. Available at <https://www.osce.org/files/f/documents/3/1/16645.pdf>
- Poppe, Annika Elena/Wolff, Jonas 2017: The Contested Spaces of Civil Society in a Plural World. *Norm Contestation in the Debate About Restrictions on International Civil Society Support*, in *Contemporary Politics* 23: 4, 469–488.
- The Guardian Newspaper: Uganda bans 38 organizations accused of 'promoting homosexuality.' Available at <https://www.theguardian.com/world/2012/jun/20/uganda-bans-organisations-promoting-homosexuality>
- The Independent News Paper: Education minister condemns activists for promoting immorality in schools. <https://www.independent.co.ug/education-minister-condemns-activists-for-promoting-immorality-in-schools/>
- The Independent Newspaper (2020) NGO Bureau suspends operations of National Election Watch Uganda. Available at <https://www.independent.co.ug/ngo-bureau-suspends-operations-of-national-election-watch-uganda/>
- The Observatory for the Protection of Human Rights Defenders (2013) “Violations of the right of NGOs to funding: from harassment to criminalization” available at [https://www.omct.org/files/2013/02/22162/obs\\_annual\\_report\\_2013\\_uk\\_web.pdf](https://www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf)
- Yusuf Sserunkuma (June 2024): Who is the foreigner recruiting agents in Uganda? Available at <https://observer.ug/index.php/viewpoint/81653-who-is-the-foreigner-recruiting-agents-in-uganda>