



# **National Assessment of the Enabling Environment for Civil Society**

**Uganda**

October 2014

**Uganda National NGO Forum**



The Enabling Environment National Assessment (EENA) is part of the Civic Space Initiative (CSI) implemented by CIVICUS in partnership with the International Center for Not-for-Profit Law (ICNL), Article 19, and the World Movement for Democracy (WMD), with support from the Government of Sweden.



This report is partially funded by the Government of Sweden. The Swedish Government does not necessarily share the opinions expressed in this report. The author of this report bears the sole responsibility for its content.

## TABLE OF CONTENTS

<b>Foreword</b> .....	<b>v</b>
<b>Acronyms</b> .....	<b>1</b>
<b>Executive Summary</b> .....	<b>2</b>
<b>Section 1: Introduction</b> .....	<b>4</b>
Research objectives.....	4
Definition of Key Terms .....	4
<i>Overview of Civil Society</i> .....	4
<i>Access to resources</i> .....	5
<i>Peaceful Assembly</i> .....	5
<i>Government-CSO relations</i> .....	5
<i>CSO cooperation and Coalition</i> .....	5
Structure of the report .....	5
<b>Section 2: Methodology</b> .....	<b>6</b>
Limitations .....	6
<b>Section 3: CSO Formation in Uganda</b> .....	<b>7</b>
Findings .....	7
Methodology .....	8
Identified challenges .....	9
<b>Section 4: Operation of CSOs in Uganda</b> .....	<b>10</b>
Findings .....	10
Methodology .....	12
Identified challenges .....	12
<b>Section 5: Access to Resources by CSOs in Uganda</b> .....	<b>13</b>
Findings .....	13
Methodology .....	15
Identified challenges .....	15
<b>Section 6: Freedom of Expression in Uganda</b> .....	<b>16</b>
Findings .....	16
Methodology .....	18
Summary of challenges.....	18
<b>Section 7: Peaceful Assembly</b> .....	<b>19</b>
Findings .....	19
Methodology .....	20
Identified challenges .....	20
<b>Section 8: Government-CSO Relations</b> .....	<b>22</b>
Findings .....	22
Methodology .....	23

Summary of Challenges .....	24
<b>Section 9: CSO Coalition and Cooperation .....</b>	<b>25</b>
Findings .....	25
Methodology .....	26
Summary of Challenges .....	26
<b>Conclusion .....</b>	<b>27</b>
Annex 1: Questionnaire .....	28
Annex 2: List of key informants .....	34
Annex 3: Selected references .....	36
Endnotes .....	38

## Foreword

The Uganda National NGO Forum is delighted to publish this report on an important subject – the enabling environment for civil society in Uganda. This report was reviewed by a steering committee put together by the Uganda National NGO Forum and with the advice of an Expert Advisory Panel, which was constituted to provide technical oversight of the research process and to ensure quality of content. The Enabling Environment National Assessment (EENA) is part of the Civic Space Initiative, implemented by CIVICUS World Alliance for Citizen Participation in partnership with the International Center for Not-for-Profit Law, ARTICLE19, and the World Movement for Democracy, with support from the Government of Sweden.

It is important to underscore that civil society organisations (CSOs) in Uganda contribute immensely to the development of the country. Consequently, there is universal acknowledgment that an environment that enables civil society organizations to thrive is key for the social, economic and political development of Uganda. To a large degree, this environment for civil society depends on the state of democracy and the rule of law, where fundamental pillars of human rights are reinforced deliberately to allow people to organize and participate in development.

This report assesses the current health of Uganda’s legal, regulatory, and policy environment, and analyzes how this environment determines the processes of formation and operation of CSOs in Uganda.

Special thanks and tribute go to the Expert Advisory Panel members and the steering committee at the Uganda National NGO Forum for their work at different levels to complete the research and compile this report. We also acknowledge the ideas and contribution of the National Consultative meeting participants who provided critical insights on the subject under study. In particular, we would like to acknowledge all those who participated in the research as key informants and focus group discussants. All the reports and data from NGOs, donors, media houses and academic institutions are highly recognized.

As the Uganda National NGO Forum, it is our view that this report opens the door to deeper research on all the aspects of the CSO enabling environment in Uganda, which have been tackled. We hope that this report will be a reference for continued dialogue and constructive engagements between the Government of Uganda and the citizens on how best to shape the work of civil society in the country. Future improvements of CSO efficiency as will be outlined in the advocacy plan for Uganda will largely depend on The ideas mentioned in this report will, in turn, feed into concrete actions aimed to improve CSO efficiency to be later outlined in an advocacy plan for Uganda. The report will therefore make a significant contribution to strengthening CSO-government relations for Uganda’s development.

Richard Ssewakiryanga  
**EXECUTIVE DIRECTOR**

## Acronyms

4GC	For God and Country
A4C	Activists for Change
ACCU	Anti-Corruption Coalition of Uganda
APRM	African Peer Review Mechanism
CBO(s)	Community based organization(s)
CSO(s)	Civil society organization(s)
DENIVA	Development Network of Indigenous Voluntary Associations
DFID	Department for International Development
DGF	Democratic Governance Facility
FAD	Foundation for African Development
EENA	Enabling Environment National Assessment
FBO(s)	Faith based organization(s)
FHRI	Foundation for Human Rights Initiative
HURINET	Human Rights Network
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
IDF	Independent Development Fund
NEPAD	New Partnership for Africa's Developments
NGO	Non-governmental organization
NOTU	National Association of Trade Unions
NRM	National Resistance Movement
OPM	Office of the Prime Minister
PEAP	Poverty Eradication Action Plan
PMA	Plan for the Modernization of Agriculture
POMA	Public Order Management Act
UBOS	Uganda Bureau of Statistics
UDHR	Universal Declaration of Human Rights
UDN	Uganda Debt Network
UGMP	Uganda Governance Monitoring Program
URSB	Uganda Registration Services Bureau
UWONET	Uganda Women's Network

## Executive Summary

The enabling environment for civil society is informed not just by laws and regulations, but by the entirety of the economic, political and social life of a country. This report, therefore, is only a modest and preliminary examination of the enabling environment for CSOs in Uganda, formulated as a basis for further reflection and dialogue on the same. There is intense interest in this subject because of the important role that Ugandan CSOs play in development and also because of attempts by the government and the sector itself to create new standards and mechanisms for regulating civil society.

This report examines the legal, regulatory, and policy environment in which CSOs operate. It focuses particularly on the ease with which CSOs can obtain registration, challenges to CSOs' operations, their ability to access financial and technical resources, as well as the extent to which CSOs can deliver services to citizens and engage in advocacy work. This report was written in conformity with the EENA research guide, covering five mandatory dimensions related to the legal, regulatory and policy environment for civil society in Uganda. These are: formation, operation, access to resources, freedom of expression and peaceful assembly. In accordance with the EENA guide, two optional dimensions were added namely: government-CSO relations, and CSO cooperation and coalition.<sup>1</sup>

The research team conducted a desktop review of regulations, policy documents, news articles and other relevant documents such as meeting reports and research papers. The research involved interviews with civil society in sixteen districts of Uganda and seven focus group discussions (FGD) with CSOs, local government officials and other stakeholders from across the country. The research team also held two meetings with the expert advisory panel and informal discussions with key stakeholders in the NGO Registration Board, the Office of the Prime Minister (OPM) and CSO leaders. Finally, the team incorporated comments made during the national consultation on the EENA.

The EENA Uganda research team sought to achieve three research objectives:

- To outline laws, regulations and national policies impacting the full functioning of CSOs in Uganda, at all levels;
- To reflect on legislative gaps and obstacles imposed by existing laws, regulations and policies; and
- To make recommendations accordingly.

At present, no accurate and reliable data exists on the size and spread of CSOs in Uganda. This is a worrying information gap, considering the dynamism of what is widely believed to be a fast growing sector. As of 2014, the National NGO Registration Board estimated that there were 13,000 registered NGOs in the country, however the accuracy of this figure is widely disputed. A poor data reference system, inadequate statistical summaries and poor monitoring by the Board compounds uncertainty on this question.

The right to form a CSO in Uganda is guaranteed by the 1995 Constitution of the Republic of Uganda, while the relevant legislation requires CSOs to register with the NGO Board. This registration process however entails multiple endorsement processes and can be extremely

laborious and bureaucratic. Moreover, there are at least 16 pieces of legislation covering a range of domains, including policing, citizenship, employment, the media, crime, corruption and terrorism, that apply, at least in some way, to civil society in Uganda.<sup>2</sup> In addition to this array of laws, CSOs in Uganda face manifold bureaucratic impediments at all levels of operation. For instance, all NGOs and some faith-based organizations are required to sign project agreements with responsible government agencies for project implementation.

The financial viability of the CSO sector in Uganda remains precarious. Most CSOs struggle to secure grants from a dwindling number of sources, as donors increasingly favour basket-funding mechanisms. Very often, CSOs working at the local level do not have the capacity to write complex funding proposals. Domestic funding through philanthropy in Uganda remains limited, though resources do exist in the health and education sectors. Local support from individuals and companies remains limited because of the difficult economic conditions and the low incomes of the majority of Ugandans. Faith-based organizations, however, are more viable and receive more support from their members. Some CSOs supplement development partner grants with income generation schemes or membership fees, although these sources rarely constitute the bulk of funding. It is also sometimes possible for CSOs to receive government funding, although that does not cover core costs. While some CSOs in Uganda have strong financial management systems, most do not, and consequently struggle to attract donors and diversify their sources of funding.

Despite strong legal protections, civic space in Uganda is shrinking. Press freedom is under threat as media houses are closed down and new laws in 2013 and 2014 attempt to curb free speech and privacy. Another law introduced in 2013 gives the Ugandan police broad powers to permit or disallow any gathering of more than three people in any public place where the “failure of any government, political party, or political organization” is discussed. Meanwhile, CSOs working on sensitive issues such as oil revenue transparency, land, governance, and human rights increasingly face obstructions and threats to their work.

Despite increasing repression, government–civil society relations in Uganda have, at times, been open and progressive in nature. For instance, during a meeting organized for CSO leaders in 2013, it was noted that there was significant room for improvement in areas of mutual trust, confidence, respect, and partnerships. At the same time, relations vary significantly depending on the nature of the CSO involved and on the level of government with which the civil society organization is engaged. CSOs engaged in service delivery in sectors such as health, agricultural development, humanitarian responses and education generally have better relationships with the government, while human rights organizations tend to have greater difficulty establishing a mutual understanding the state. In addition, relations between CSOs and government tend to be more effective at district and community level, than they are at national level, where CSOs engage more in advocacy work.

Civil Society in Uganda is well networked, and coalitions, consortia and forums are common, although the effectiveness of those bodies is open to question given a lack of deep cooperation and inadequate oversight. Generally speaking, umbrella groups have inadequate performance evaluation mechanisms and limited opportunities to receive and address members’ complaints.



## Section 1: Introduction

The Uganda National NGO Forum conducted an Enabling Environment National Assessment (EENA)<sup>3</sup> in Uganda between January and November 2014. This assessment aimed to measure the current health of the environment for Uganda's civil society organizations, based on pre-set dimensions as set out in the EENA methodology guide. The assessment report is intended to inform and encourage the work of all stakeholders in Uganda working to improve circumstances that are vital for civil society to thrive. Ultimately, it is hoped that the EENA will contribute to a stronger civil society in Uganda and to an improvement in government-CSO relations.

### Research objectives

The study was guided by four research objectives:

1. To outline laws, regulations and national policies in Uganda that impact on the full functioning of CSOs in Uganda at all levels,
2. To identify current lacuna, and impediments posed by the laws, regulations and policies outlined above,
3. To suggest ways of dealing with the challenges and impediments in the enabling environment and overcome them,
4. Based on the research findings, to develop an advocacy plan for a improving the enabling environment in Uganda.

### Definition of Key Terms

#### Overview of Civil Society

There is no single universal definition of civil society and several scholars and writers have described and defined it in many ways.<sup>4</sup> The term is used interchangeably to mean NGOs, Community Based Organisations (CBOs), social groups, community clubs, associations, cooperatives, professional bodies and voluntary common interest groupings.

For its part, CIVICUS defines civil society as 'the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests.'<sup>5</sup> It is this broad definition of civil society that we adopt and use in this report. We therefore address all civil society organizations (CSOs), being a broader term than formally incorporated non-governmental organizations (NGOs), which denotes but one category of CSO. For our purposes, CSO includes all formal and informal associations or groupings an includes trade unions, professional associations, faith based organizations, community based organizations, voluntary bodies as well as sports and cultural clubs.

At present, no accurate and reliable data exists on the size and spread of CSOs in Uganda. This is a worrying information gap, considering the dynamism of what is widely believed to be a fast growing sector. As of 2014, the National NGO Registration Board estimated that there were 13,000

registered NGOs in the country, however the accuracy of this figure is widely disputed. A poor data reference system, inadequate statistical summaries and poor monitoring by the Board compounds uncertainty on this question.

### **Access to resources**

Access to resources refers to the ability of civil society organizations to secure financial and other resources from a variety of sources, depending on their ability to fundraise and lobby for resources. This is usually done through solicitation of donor funds by writing proposals, or through membership subscriptions. The ability of CSOs in Uganda to access resources depends on the general environment, such as donor flows, government funding, and the culture of philanthropy.

### **Peaceful Assembly**

Peaceful assembly is a broad term covering all types of gatherings, including meetings, processions, demonstrations, walks, weddings, funerals, parties and celebrations where many people gather and interact non-violently.

### **Government-CSO relations**

This refers to the attitude, opinion, feeling and perception of Government towards CSOs and vice versa. This in turn determines the nature of co-existence and cooperation between CSOs and the Government.

### **CSO cooperation and Coalition**

CSOs develop linkages, consortia and networks to improve their capacities to enhance their influence on the state. Some of the functional coalitions and networks include the Uganda National NGO Forum (UNNGOF), Development Network of Indigenous Voluntary Associations (DENIVA), Uganda Debt Network (UDN), and National Association of Women's Organizations in Uganda (NAWOU), Human Rights Network (HURINET), the National Association of Trade Unions (NOTU), and Anti-Corruption Coalition of Uganda (ACCU) among others.

### **Structure of the report**

This report was an outcome of six months research on the CSO enabling environment in Uganda. It is structured around five mandatory and two optional dimensions set by the EENA research guide. Each of the seven chapters in this report refers to one specific dimension. Each chapter commences with an overview of the key findings from the research, highlighting both the positive and negative aspects of the legal and policy framework. Each chapter also documents some practical experiences from implementation of relevant laws and regulations and concludes by describing key weaknesses and challenges under each dimension. The report also describes how information was collected for each dimension. An appendix of reference materials is provided at the end of the report.

## Section 2: Methodology

The EENA recognized that in order to generate a credible and comprehensive assessment of the enabling environment for civil society, a wide range of perspectives and verified data needed to be included in the report. The EENA therefore combined collation of primary and secondary data, through review of existing literature, seven focus group discussions, twenty-seven key informant interviews and one national consultative meeting. Key informants included representatives from the NGO Board, the Ministry of Internal Affairs, the Office of Prime Minister and local and International NGOs. All research was conducted by a lead researcher and two assistant researchers, who structured their enquiries according to the research questions in the EENA research guide. The mix of different research methods was essential to generate accurate and useful data and information, and also to capture a variety of views and perspectives. The EENA in Uganda ensured that use was made of all existing available sources of information within Ugandan civil society.

The project was implemented by the Uganda National NGO Forum, which was responsible for constituting the research team, identifying the members of the Expert Advisory Panel (EAP) members and inviting them to select optional dimensions and giving general advice on the research process. The main research period ran for six months from January to June 2014, with supplementary edits and consultations lasting up to November 2014, when the national consultation was held. Participants at the national consultation included representatives from academia, NGOs and other stakeholders from across the country.

### Limitations

The EENA Uganda research faced some limitations:

1. Some interviewees, especially government officials, were somewhat reluctant to divulge information.
2. Time constraints affected the amount of literature reviewed and the number of interviews held, inevitably impacting the level of corroboration of information collected.
3. Overrepresentation of the views of NGO staff, and underrepresentation of voices from government, community based organizations and the media. More extensive dialogue, especially with the government, could shed more light on findings and strengthen the accompanying action plan.

## Section 3: CSO Formation in Uganda

### Findings

Uganda's constitutional framework broadly supports the operation of CSOs. The 1995 Constitution of the Republic of Uganda under Article 29 (e) protects the right of freedom of association, which includes the freedom to form and join civic organizations. In addition, Article 38 (2) provides that "every Ugandan has a right to participate in peaceful activities to influence the policies of Government through civic organizations". Also noteworthy is clause (vi) of the National Objectives and Directive Principles of State Policy, which provides that civic organizations shall retain their autonomy in pursuit of their declared objectives.

Formation of CSOs is also subject to Uganda's commitments under international law, including the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights (ICCPR) 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

In terms of statutory law, the 1997 Local Government Act and the 2006 NGO Registration Act establish rules for the formation of CSOs in Uganda. Under the NGO Registration Act, once registered, the non-governmental organization becomes a body corporate with the same powers as a company registered under the Companies Act 1 of 2012. Under the Companies Act, CSOs can be registered as companies limited by guarantee.<sup>6</sup> The law does not permit individuals to act collectively through unregistered groups or organizations and therefore it is mandatory to register.<sup>7</sup> Under the 2006 Act, there are 17 requirements set out for the formation of an NGO, meaning that the process is quite cumbersome. Some of these are analyzed below.

Section 1 of the NGO Registration Act defines an "organization" as "a nongovernmental organization established to provide voluntary services, including religious, education, literary, scientific, social or charitable services, to the community". Although this definition does not expressly mention advocacy CSOs, this creates a narrow definition that limits the operating space for advocacy CSOs.

It has been reported that in May 2014, the Cabinet considered the Non-governmental Organizations (NGOs) Registration (Amendment) Bill, which could bar NGOs from engaging in political work and expand government powers to monitor NGOs. The Minister of Information and National Guidance also said that the Bill would provide a way of "shielding Uganda from undocumented inflow and outflow of funds for NGOs" that could be used for "fanning instability".<sup>8</sup>

Applications for registration are made to the NGO Board established under Section 4 of the NGO Registration Act.<sup>9</sup> The functions of the Board are provided for in Section 7 of the same Act, and include considering applications for registration by organisations. Local NGOs must submit:

- an application form with a letter addressed to the Secretary of the NGO Board, clearly stating the geographical area of operation and field of operation or activity;
- a valid name reservation from Uganda Registration Services Bureau (URSB);

- recommendations from District NGO Monitoring Committees;<sup>10</sup>
- two sureties who must be prominent people or other operational organisations;
- the name of the line Ministry under which the objectives of intended operation fall;
- a work plan and itemized budget for the first year of operation;
- two copies of the organization's constitution;
- an organizational chart;
- a memorandum of understanding between the organisations and their donors (if any);
- registration fees of Forty Thousand Uganda Shillings;<sup>11</sup> and
- all constitutions and resolutions of the applicant organization to be registered at Uganda Registration Services Bureau (URSB) first under the Registration of Documents Act Cap 81.

It should be noted that there is no fixed time period within which the NGO Board must review and decide upon registration for NGO applicants. The law also does not provide objective criteria according to which an NGO application can be denied. Decisions are therefore subject to the discretion of the Board to accept or reject a registration application.

Most interviewees believe the above requirements for registration of NGOs are too stringent, in particular the requirement that the application be accompanied by a recommendation from a government body. One interviewee even reported being asked by the Ministry of Internal Affairs to change the organization's proposed mission, vision and objectives.<sup>12</sup> Since registration forms are exclusively in English, most interviewees also feel the registration process does not take into account the low literacy levels of many applicants. Staff of the NGO Registration Board informed the research team that, during the application process, a serious check of all documents is carried out to ensure that the applicant conforms with the registration requirements and that the particulars of the application are in line with the organization's mission and vision.

Proposed amendments to current laws governing NGOs would not address existing deficiencies<sup>13</sup> Instead, the proposed new law would appear to exacerbate an already restrictive environment for civil society. Under the proposed draft amendments, an organization may be denied registration where its objectives, as stated in its constitution, 'are in contravention of the law.'<sup>14</sup> In another clause, the proposed law states that if an organization's operations are contrary to the conditions specified in its permit, or if it carries out any activity without a valid permit, sanctions may be arbitrarily imposed upon the organization without due notice.<sup>15</sup> The amendment would also introduce personal liability for directors or officers, in respect of the offences, rather than corporate liability, with enhanced fines and imprisonment.<sup>16</sup>

## Methodology

The research team conducted 3 interviews in Kampala and reviewed extensive literature and documentation sourced from civil society, the NGO Registration Board, Makerere University and published articles and reports on CSOs in Uganda. The research team undertook intensive review of reports and sourced on-line library materials from renowned scholars whose work is available in international journals.

Analytical pieces on the National NGO Policy 2010, the NGO Regulations 2009, the Constitution of the Republic of Uganda 1995, the NGO Registration Act 2006 and the amendment Bill 2014 were reviewed in order to develop an overall sense of the CSO environment in Uganda. A set of reports following seminars, workshops and meetings on reflections by CSO leaders and interactions with the Minister of Internal Affairs in Uganda were used to enhance our understanding of the situation as documented in this report. Civil society organizations from across Uganda gave useful insights on practical realities and experiences from the field on how various aspects of the law are used by different government agencies to regulate the conduct of CSOs in Uganda.

## **Identified challenges**

As indicated in the preceding sections, the major challenges facing CSO identified during the research include:

- The various laws and regulations applicable to CSOs;
- Lengthy and cumbersome registration processes and multiple centres such as the NGO Board, Uganda Registration Services Bureau and the District Administration;
- Discretionary powers of the NGO Board and other government agencies to deny registration or deregister an existing organisation.

## Section 4: Operation of CSOs in Uganda

### Findings

The 1995 Constitution of Uganda provides for the autonomous operation of CSOs. However, there have been several violations of this autonomy by state agencies, which, in pursuance of control and patronage, have created sanctions and regulations that interfere with the activities of civil society.

A number of laws and regulations including the NGO Registration (Amendment) Act<sup>17</sup> and its 2009 Regulations, the Public Order Management Act 2003,<sup>18</sup> the Police Act and the Anti-Corruption Act have been enacted with controversial clauses that target the free operation of CSOs. It appears that these laws and regulations are included because of negative perception of civil society held by political leaders. For instance, Regulation 13 of the NGO Registration Regulation, 2009 makes it a requirement for an organization, in carrying out its operations, to comply with a set of very restrictive rules. These include: not making any direct contact with the people in the area of operation in Uganda unless the organisation has given seven days' notice in writing of its intention to the local councils and Resident District Commissioners; not engaging in any act which is prejudicial to the national interest of Uganda; and holding itself responsible for all acts of its members and employees.

A review of reports<sup>19</sup> and experiences from stakeholders during this research study also indicated that there are tedious administrative requirements that bar the free operation of CSOs. For instance, CSOs have to sign project agreements with at least one line ministry.<sup>20</sup> This rule is particularly applied to international NGOs,<sup>21</sup> which cannot be registered without such an agreement in place. CSOs also have to report project activities to the government, disclose assets,<sup>22</sup> seek permission to call public assemblies, and report changes in the employment of senior staff, composition of the board and changes to office location. These administrative encumbrances have especially taken effect in terms of ordinances at local levels. It was also found that most of the CSOs operating at District level were required to sign memoranda of understanding with District authorities.<sup>23</sup> This has not been fully enforced in practice due to laxity of the District and absence of District CSO monitoring committees. That said, it is important to note that many stakeholders interviewed said that the oversight function of the NGO Board<sup>24</sup> and other registration agencies was weak, rendering the CSOs vulnerable to the interference of District officials including the Resident District Commissioners, District Internal Security officers and District Police commanders. Where CSOs have transcended sub-county or District boundaries as stated in the law, they are subjected to a rigorous extension procedure that requires them to obtain recommendations from as many Districts as they wish to operate in.

Aside from the weaknesses of government oversight bodies, it should also be recognized that there are inherent weaknesses within civil society. These include failure to submit legally required reports<sup>25</sup> and failure to update their information with registration bodies. This renders CSOs vulnerable to criticism by government agencies and officials, and in some circumstances provides government with the basis for interference with CSOs' operations. In 2013 for instance, Kitgum District authorities demanded the CSO Forum operating within the district to submit all documents

related to staffing, financing and programmes. This move invariably led to tension between civil society and the District authorities. Similarly, in Moroto District, three international CSOs were expelled following allegations that they refused to share information with District authorities.<sup>26</sup>

Regulation 18 of NGO Registration Regulations, 2009 specifies that CBOs are not required to be incorporated under the NGO Registration Act. Regulation 2 defines a CBO as “*an organisation wholly controlled by Ugandans operating at a sub-county level and below, whose objective is to promote and advance the wellbeing of its members or the community*”. Despite the non-incorporation option, in practice CBOs must register with the District local government of the area in which they operate. This requirement provides a framework for CBO operations in Uganda but puts them under the mandate of the District local government, which must issue a certificate of registration authorizing the CBO to operate. This leaves CBOs vulnerable to the fiat of this local government in so far as they can easily be denied a certificate enabling their lawful operation. This is buttressed by the provision of a penalty for carrying out activities through unregistered organizations.<sup>27</sup>

The Public Order and Management Act of 2013, requires CSOs to notify police of any meeting of more than three people<sup>28</sup> which fails to take into account impromptu meetings that may need to be held by CSOs in the course of their operations. Moreover, CSOs operating in Kibaale, for instance, observed that even when they notified the police as required, the police did not respond in writing, claiming that they lacked stationery.<sup>29</sup>

Further, under the proposed NGO amendments, appointments to the NGO Board are to be made by the President rather than the Minister<sup>30</sup>; a citizenship requirement is required for membership to the Board<sup>31</sup> and the board size is to be reduced to 7 members.<sup>32</sup> The duties and powers of the Board would be expanded to allow them to inspect premises of CSOs and request information at any time, and to sanction any obstruction or failure to comply with heavy penalties of both fines and imprisonment. Officials are additionally endowed with the powers to prosecute offences under the Act, with members of the Board shielded from liability in respect of acts undertaken in good faith.<sup>33</sup> The mandate and reach of the Board is greatly expanded, by the creation of structures to scrutinize NGOs at all levels of government. For instance, Section 7 (1) (f) of the proposed Bill requires the Board ‘to guide and monitor organizations in carrying out their activities at all levels of government’. The Board is empowered to summon and discipline organizations, including ‘exposure of the affected organization to the public’, ‘blacklisting’ and ‘any other disciplinary action that the Board may deem fit’ and ‘for any other reason the Board considers necessary in the public interest.’<sup>34</sup>

The proposed NGO Amendment Bill establishes ‘special obligations’ for NGOs to obtain additional approval from the District NGO Monitoring Committees prior to operating in a particular area, restricts their operations to particular areas where they allowed to operate, and requires them to be ‘non-partisan’ as well as not to engage in ‘acts prejudicial to the interests of Uganda and the dignity of the people of Uganda.’<sup>35</sup> It also proposes stringent requirements for staffing of NGOs, including compliance with labour and immigration law<sup>36</sup>, and obligations to have remuneration standards that ‘are reasonably comparable’ to those prevailing in Uganda. NGOs must also have a memorandum of understanding with donors and sponsors as well as local and foreign partners specifying employment terms and ‘resources mobilized for the organization.’<sup>37</sup>



The Act also reiterates the requirements to submit annual returns, including estimates of expenditure and income and ‘any other information that the Board may consider to be in the public interest.’<sup>38</sup>

Apart from the problematic legislative agenda extensively described above, recently, CSOs have experienced frequent and unexplained office break-ins and theft, which point to something more sinister than petty criminality. For instance, over 16 CSOs’ offices have recently been broken into and vandalized. These include Anti Corruption Coalition Uganda (ACCU, the Foundation for Human Rights Initiative (FHRI), the East and Horn of Africa Human Rights Defenders Programme (EHAHRDP), Action Group for Health, Human Rights and HIV/AIDS, Human Rights Network for Journalists (HRNJ)-Uganda, Alliance for Development (AFODE) and others.<sup>39</sup> While cases were reported to police, there have not been any conclusive investigations and no one has been prosecuted.

## Methodology

The above information was obtained through desk review of reports, Acts of Parliament and law reports of the Uganda Law Society, Law Reform Commission and analysis of the NGO Act amendment Bill 2013 commissioned by the Uganda National NGO Forum on behalf of civil society.<sup>40</sup> Although review of documents was the core approach, information obtained was corroborated through key informant interviews with Public Servants in the Ministries of Internal Affairs<sup>41</sup>, the Uganda Police, the Uganda Prisons and internal security agencies. At District and sub-county levels, the Sub-county Chiefs, Chief Administrative officers and community Development Officers provided useful information through discussions and telephone conversations.

The research team obtained useful and practical stories and experiences from members of the focus group discussions in Lira, Gulu, Masindi, Hoima and Kampala. The groups shared their experiences of CSO operation as witnessed in their regions and Districts.

## Identified challenges

- Protracted process of renewing operating permits.
- Adhering to strict government reporting requirements at all levels
- Capacity gaps at the NGO Board to oversee and support CSO development in Uganda
- Non-compliance of CSOs with existing regulations, laws and policies.
- Limited understanding of CSOs’ work especially at local levels
- Government perception of CSOs as agents of foreign interests which breeds mistrust and negatively impacts government-CSO relations.

## Section 5: Access to Resources by CSOs in Uganda

### Findings

The financial health of CSOs in Uganda remains precarious. Most CSOs rely on grants from international donors to function, and struggle to secure these grants. Most donors in Uganda have combined their resources into basket funding mechanisms, thus decreasing the number of individual funding opportunities open to CSOs. There is significant competition for resources from funding consortiums such as Democratic Governance Facility (DGF) and the Independent Development Fund (IDF), as well as from the European Union, UK Aid, and others, limiting access for many CSOs. Many CSOs working at the local level do not have the capacity to write funding proposals to the standard required by these large funders. As a result, small CSOs often join larger consortiums to apply for these funds. This system creates problems when the lead CSO struggles to manage the project and issue sub-grants in a timely fashion.

Domestic corporate philanthropy in Uganda remains limited, though some privately funded sub-grant programmes for health and education initiatives do exist. Local support from individuals and companies is constrained by difficult economic conditions and the low incomes of Ugandans. Faith-based organizations fare better and receive more support from their members. Some CSOs also bring in income through consultancies or by renting out conference space. Other CSOs such as the Human Rights Center and the Uganda Law Society collect membership fees, but those fees account for less than 5 percent of the organizations' total annual income. The government sometimes sub-grants to CSOs for service delivery, but this is rare and does not include institutional support.

Many CSOs that have received support from donors have well-developed financial systems. Those CSOs are relatively stable, which allows them to attract new donors and diversify their funding sources. However, most CSOs in Uganda do not have sound financial management systems. This is particularly true of small organizations because they cannot afford expert accountants or financial managers. There is often little or no separation of the management and governance teams, inevitably creating conflict of interests and inefficiency in financial management and accountability.

High levels of dependence on external funds for programs and activities creates serious problems for the operations of most CSOs in Uganda. The situation undermines their independence and the sustainability of their programmes. In addition, heavy reliance on foreign funds further weakens any social bases CSOs may have and affects their accountability to the communities they claim to serve.

In Uganda, donor support to CSOs is geared towards strengthening the strategic position of civil society in relation to the state, so that they are able to open up the public space in which governance takes place. In this way, donor support has focused more heavily on bringing representatives of civil society together with government officials in national forums in an attempt to challenge national social, political and economic policy formulation.<sup>42</sup> Donor consortia, including the DGF<sup>43</sup>, IGF USAID, Irish Aid, and in some cases the World Bank, United Nations Development Programme and others, have played an important role in this form of CSO support.

At present, there is no law in Uganda preventing CSOs from accessing donor funding.<sup>44</sup> At the same time, the Financial Institutions Anti-Money Laundering Regulations 2010<sup>45</sup> do make it more difficult for CSOs to access external funds. Unofficial donations in particular are complicated by a requirement for documentation of the source of funds and enhanced government mechanisms for tracking how the funds will be used. The regulations also create impediments for the movement of funds from external donors.

Donors that support advocacy organizations as part of a broader democratization strategy fall into two main categories. The first group includes bilateral agencies such as the United States Agency for International Development (USAID), and multilateral agencies such as the World Bank. These are official donors that form the principal source of support for civil society.

The second category includes non-governmental bodies or foundations that promote social justice and often act as intermediaries for bilateral agencies. Some of these foundations are funded by the private sector, such as the US-based Ford Foundation with its roots in corporate philanthropy, but the majority distribute official development assistance. A review of literature indicated that access to funds by CSOs has been spread wider beyond the mainstream non-partisan, non-profit organizations to also include political parties, trade unions and professional associations. For instance, Uganda is the third-largest programme in Africa of the Konrad Adenauer Stiftung, and the foundation's work here is set to continue its expansion.<sup>46</sup>

This research found that there are several associations, unregistered groups and community efforts that are attempting to raise their own funding to support collective community projects. Numerous unregistered community based organizations (CBOs) and networks of NGOs cannot receive funds in their own right, mostly because donors under the consortia of the DGF, IDF and others prefer to work within the basket model and as such do not permit funding of smaller CBOs.<sup>47</sup> However, such organizations and networks are usually legally able to access funds indirectly through a larger organisation, which may act as the sponsor of the CBO or secretariat for the network. For instance, the Uganda National NGO Forum has been able to secure funds from the DGF under the Support Programme for Advocacy Network (SPAN) and the Citizen Manifesto (CM). Those funds are used to strengthen the advocacy capacity of Regional and District CSO Networks in an effort to enhance political accountability and enforce governance reforms in the wider process of democratization at the national level.

In the past couple of years, CSOs in Uganda have begun to explore alternative funding mechanisms for their own programmes, in response to changing donor funding modalities. More CSOs are now raising income by offering services including research, technical support, advisory services to the Government and consultancy work for international donor agencies. CSOs are also increasingly establishing social enterprises<sup>48</sup> as a means of raising income. One example is the NAFASI Multi-purpose Cooperative Society, which pools funds in order to establish businesses for profit and build strong social capital for members.<sup>49</sup> In Uganda, media houses, farming innovation CSOs, environment conservation CSOs, tourism based CSOs have also been relatively successful in generating their own income.<sup>50</sup>

This research shows that CSOs in Uganda rarely obtain finances from the communities they serve because of generally low income levels and the general perception that CSOs are givers and not receivers of resources. The Uganda Red Cross (UCR) is one of the best examples of a CSO that has received community financing through its members and supporters who regard it as a humanitarian organization that responds to disasters and emergencies. Donations for religious purposes such as Sunday offertories and tithes are also common in the Muslim, Catholic, and Anglican communities. Companies under their corporate social responsibility programmes have tended to donate finances to civil society's traditional 'charity'. This support includes donations to Rotary Clubs, social clubs such as bereavement associations, marriage ceremonies, initiation ceremonies and general public celebrations.<sup>51</sup> Community-based resource generation schemes also exist. In Buganda, Central Uganda for instance, women's groups have been formed and have initiated the "*niigiina*", a self-help revolving micro-financing initiative. Numerous bereavement associations also exist across the country to help communities handle death and funeral issues.

## Methodology

Much of the information on this dimension was obtained from donor statistics.<sup>52</sup> Some data was sourced from a review of statistical abstracts from Uganda Bureau of Statistics, including summary analyses of figures obtained from civil society organizations. Interviews were held with international NGOs whose access to funding was more robust and provided useful insights.<sup>53</sup>

## Identified challenges

During the research it was noted that access to both financial and logistical resources for CSO work in Uganda still remains a hurdle that will take time to overcome. The following are some of the challenges identified.

- CSOs in Uganda remain highly dependent on external sources of funding which affects programming and sustainability of their interventions
- There is a need for a more supportive legal framework to encourage the emergence of local funding mechanisms
- Absence of a vibrant formal granting making mechanism, especially for smaller CSOs that cannot compete with larger, better established CSOs for the same donor resources due to capacity gaps.
- The near total absence of structured local philanthropy, except in relation to religious CSO causes.

## Section 6: Freedom of Expression in Uganda

### Findings

Domestically, freedom of expression is enshrined under Article 29 (1), of the 1995 Uganda Constitution. This provision protects freedom of speech and expression including freedom of the press and other media. In Uganda, the media - both print and electronic - is relatively young, evolving and growing. In its latest report on press freedom, Freedom House ranked Uganda as partly free.<sup>54</sup> Media is a key avenue for self, collective and CSO expression in Uganda. A considerable number of Ugandans read newspapers and magazines, watch TV or listen to radios. There are over 200 FM radio stations owned by the private sector and only one TV and radio station that is owned by the Government. One newspaper, the New Vision, is state owned while over six other newspapers are in private hands. Access to the Internet is generally unfettered. Radio stations, TVs and newspapers in Uganda are managed by independent editorial Boards that do not normally interfere with editorial independence. This relative freedom of the press and media is an indication of a deepening of democracy in Uganda.

To a large extent, freedom of expression, especially expression concerning political and issues in the public interest, is the lifeblood of Uganda's young democracy. While the authorities in Uganda do not to control most communication by citizens and CSOs through the media, there is a growing fear that certain government conduct is interfering with media content under the pretext of national security. In a number of notable instances, the Government has restricted the freedom of the media to publish or broadcast information, which is deemed prejudicial to national security. In 2013, for instance, the Daily Monitor - a private newspaper - was shut down together with the Red Pepper newspaper and two FM Radio stations. This followed their publication of a letter alleging that the son of Yoweri Museveni was being groomed to inherit the presidency.<sup>55</sup> In addition, journalists continue to be physically attacked and harassed by police in the course of their work.<sup>56</sup>

Principle X (2) of the African Declaration states “the right to express oneself through the media by practicing journalism shall not be subject to undue legal restrictions”. In addition, the Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, issued on 18 December 2003, mandates that individual journalists should not be required to be licensed or to register, and that there should be no legal restrictions on who may practice journalism. Principle VIII (1) of the African Declaration states that any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.

Although official censorship is relatively uncommon in Uganda, other factors also influence the strength and independence of the media. The principle of editorial freedom is applied in a manner that guarantees high level of journalistic ethics, especially in private media houses. Most journalists were, however, found to be poorly remunerated by media houses.<sup>57</sup> A number of

Ugandan journalists also require training. Poor research techniques and lack of investigative skills are the frequent reasons why journalists frequently report complex issues without in depth analysis.<sup>58</sup>

The Uganda Communications Commission (UCC) under the Interception of Communications Act 2010 regulates the communications sector, including the airwaves for radio and television. There have been concerns as to the UCC's independence because it is government owned even though according to its mandate it should act independently. The Ministry of Information and National Guidance has exclusive rights to issue licenses or withdraw them if they find the radio or TV station does not comply with rules and regulations. The Act further gives powers for the issue of a warrant to an authorized person referred to in section 4(1) if there are reasonable grounds for a designated judge to believe that— (a) an offence which may result to loss of life or threat to life has been or is being or will probably be committed; (b) an offence of drug trafficking or human trafficking has been or is being or will probably be committed; (c) the gathering of information concerning an actual threat to national security or to any national economic interest is necessary; (d) the gathering of information concerning a potential threat to public safety, national security or any national economic interest is necessary. These clauses (particularly sub-clauses (c) and (d)) are overly broad and may be used to target individual activists or CSOs.

The Ugandan Government also reserves the right to instruct media houses on the timing and duration of certain television and radio broadcasts. In 2014, the government issued a notice instructing all radio stations to reserve 2 hours per week for Government programs. This was criticized as an undue imposition on the independence of media houses.

The Press and Journalist Act 1995 and the Press and Journalist (Amendment) Bill, 2010 of Uganda establishes the Media Council with oversight, regulatory and licensing powers over journalists, editors and newspapers. The Media Council is comprised of 'reputable' members of the public drawn from various bodies including the National Union of Journalists of Uganda, media associations and the law society. Section 2 of the act states that newspapers are prohibited from operating unless the Council has registered them. International law on the other hand recognizes that licensing of broadcasters is necessary only to prevent chaos in the airwaves, but it rules out licensing of newspapers. The Press and Journalist Act focuses "protecting national security", a vague and potentially problematic basis on which to revoke a newspaper license.

The Press & Journalist Act also provides for a number of harsh sanctions for breach of its provisions. Pursuant to section 2 of the Act, anyone who operates a newspaper without registering it may be fined up to 48 currency points, set by Schedule 1A at 20,000 shillings (a total of approximately USD 445), and/or imprisoned for up to two years. Pursuant to section 6(9), operating a newspaper without a license or in breach of a license condition would attract the same sanction. Section 9(3) also provides for the same sanction for publishing material prohibited by that section, while section 6(7) provides for license revocation for publishing prohibited material.

In practice, the Ugandan government uses these laws, not to safeguard national security, but rather to stifle dissenting voices. For example, a reporter in Gulu district was charged in 2009 with criminal libel contrary to section 179 of the Penal Code Act<sup>59</sup> for writing an article on public allegations of corruption by a deputy Resident District Commissioner. The reporter was charged

despite the fact that he had sought a comment from the Commissioner himself and then quoted him in the article.<sup>60</sup> Another journalist was charged with sedition for commenting on radio that President Museveni had a “poor quality upbringing”.

The Access to Information Act, 2005 is similarly problematic in so far as it contains a number of provisions that prevent citizens and CSOs from accessing full information held by government departments. There is also a lack of guidance for implementing agencies on how the act should be implemented. Specifically, the Act states that the regulations may provide “uniform criteria” for information officers to apply when deciding which records to make available proactively. While the enactment of the regulation is a welcome development, there is concern that a number of the provisions create obstacles to public access to information. By making access to information costly and cumbersome, the regulations also create barriers and protect secrecy, instead of providing transparency and enhance the constitutional right to information that is vital for citizens and CSOs right to free expression.<sup>61</sup>

## Methodology

The information above was generated from earlier analyses on media freedom<sup>62</sup> in Uganda and more so, on Article 29 of the 1995 Constitution. Several media personnel who provided valuable information and insights attended the national consultative workshop. Available information was augmented and checked against anecdotal evidence arising from informal conversations with civil society actors.<sup>63</sup>

## Summary of challenges

- Interference by the Ministry of Information through the Uganda Communications Commission in regulation of broadcasting and media houses.
- Inadequate legal mechanisms to protect journalists and their sources.
- Reporting about civil society in local media remains weak and most of CSO work does not get published in print media.<sup>64</sup>
- The lack of professionalism among some media reporters.
- Enactment of the interception of communications Act 2013 and the misuse of computer Act 2011<sup>65</sup> further restrict freedom of expression

## Section 7: Peaceful Assembly

### Findings

The right to freedom of assembly is guaranteed by Article 29 of the 1995 Constitution of the Republic of Uganda, which provides that “*Every person has a right to— (a) freedom of assembly and to demonstrate together with others peacefully and unarmed and to petition; (b) freedom of association which includes the freedom to form and join associations or unions like trade unions or other political and public organizations.*” Further, the Universal Declaration of Human Rights (UDHR)<sup>66</sup>, the International Covenant on Civil and Political Rights (ICCPR)<sup>67</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>68</sup> to which Uganda is a signatory, all recognize and protect this right.

Recently, police interference in and unlawful obstruction of, public gatherings has become a significant problem, often accompanied by the arrest and detention of assembly organizers and participants. In March 2012, the police stopped opposition leaders<sup>69</sup> from touring a public works project in Kampala.<sup>70</sup> In the resulting chaos, a policeman, John Bosco Ariong, was hit by an object and died. Police closed off the area, arrested over 50 people, and allegedly beat them in detention. One person was charged with Ariong’s murder and is awaiting trial. The mayor of Kampala and an opposition leader were charged with organizing an unlawful assembly with the purpose of inciting members of the public against the police.<sup>71</sup>

As noted earlier, the Public Order Management Act, 2013<sup>72</sup> requires permission from the Police to be obtained before staging peaceful demonstrations. Individuals or civil society organisations planning a demonstration are thus required to seek permission or notify the Police in advance and be granted permission and protection.

In April 2012, the Attorney General banned the political pressure group Activists for Change (A4C), which orchestrated the “Walk to Work” protests, labeling the group an unlawful society under the penal code.<sup>73</sup> The ban came a day before a planned rally to call attention to police abuse of opposition supporters. Police placed opposition leader Kizza Besigye under house arrest without a court order in April during the international assembly of the Inter-Parliamentary Union (IPU) in Kampala, arguing that he would disrupt the meeting. In October 2012, as Uganda marked 50 years of independence, celebrations were marred by protests and widespread arrests as the government stopped opposition rallies, a “Walk to Freedom” protest organized by 4GC (For God and Country, formerly Activists for Change), placed prominent political figures, including Besigye and the mayor of Kampala, under house arrest.<sup>74</sup>

Throughout 2012, police restricted public debate and expression of concerns about the governance of the country. For example, two authors of a book critical of President Museveni—Doreen Nyanjura and Ibrahim Bagaya Kisubi—were arrested at the Kampala book launch in April<sup>75</sup>. Nyanjura was charged with participating in an unlawful society and inciting violence. She was detained for two weeks. In August, Barbara Allimadi, a member of another pressure group, Concerned Citizens, was arrested and briefly detained after staging a demonstration in



parliament.<sup>76</sup> Police also confiscated t-shirts belonging to Allimadi, which displayed anti-corruption slogans.

In addition, the government has consistently used hostile language and other tactics to intimidate and obstruct the work of CSOs. That work includes assemblies to discuss sensitive issues such as governance, human rights, land, oil, and the rights of LGBT people. Tactics include closing meetings, forcing NGO representatives to issue apologies, occasional physical violence, threats, harassment, and heavy-handed bureaucratic interference in NGO registration and operations. NGOs are required to register to work in Uganda, but due to government hostility, an organization working on the rights of LGBT people cannot register to operate legally as is required under law. Senior government officials and police have unlawfully tried to stifle discussion of LGBT rights.

In 2012, the Minister of Ethics and Integrity closed down a meeting organized by Sexual Minorities Uganda<sup>77</sup>; in June 2012, the police broke up a meeting organized by the East and Horn of Africa Human Rights Defenders<sup>78</sup>; and in August, police shut down a gay pride march in Entebbe.<sup>79</sup> In September, a British producer was arrested and charged for staging a play touching upon the issue of homosexuality, though he was later released. On November 8, police blocked another local theatre production about the rights of LGBT people.<sup>80</sup>

A review of the Public Order Management Act 2013 shows that the Act breaches Article 20 of the National Constitution, which asserts that human rights are inherent and are not granted by the state. The rights clearly spelt out in Article 29, include among others, freedom of expression, assembly, association and the right to demonstrate peacefully and unarmed. These rights are undermined by the fact that permission is required from the police, essentially an arm of the government, before exercising the right to assembly. In particular, sections 8 and 9 of the Act seek to restrict certain rights in a bid to protect other interests including public order, stability, harmony, economic progress, public security and health.

## Methodology

The above information was sourced from an extensive review of documents, notably the Public Order Management Act 2013, the Police Act<sup>81</sup> Cap and from formal interviews with key stakeholders in the Uganda Law Society, the High Court of Uganda and the Law Reform Commission. Information was gathered from informal conversations with civil society actors and members of parliament.

## Identified challenges

- Interference with the right to peaceful assembly by enactment of infringing laws such as the POMA 2013
- Fear of arbitrary investigation or detention by the authorities amongst CSO activists & Human Rights Defenders
- Interference or disturbance of peaceful assemblies by authorities at local government level
- Occasional escalation to violence of otherwise peaceful demonstrations such as the case was with the Activists for Change “Walk to work” protests.

- Lack of respect for the rule of law in investigative processes into police or other authorities involved in the excessive use of force against participants during peaceful assemblies.

## Section 8: Government-CSO Relations

### Findings

To a certain extent, the Government of Uganda acknowledges the key role that NGOs play in providing services, especially to marginalized groups, and in improving the accountability of public institutions. The National NGO Policy 2010 provides the overall framework under which the Government engages and relates with CSOs as part of the development process. The broad aims of the National NGO Policy are to set out a framework that strengthens the relationship between CSOs and Government and to enhance capacities and effectiveness in the areas of service delivery, advocacy and empowerment.

The spirit of cooperation between NGOs and Government was aptly demonstrated during the consultative process used to formulate the National NGO Policy itself. During that process, a range of stakeholders were consulted and made contributions. The overall framework for its implementation re-affirms that spirit. The Office of the Prime Minister provides policy oversight while the Ministry of Internal Affairs especially the NGO Registration Board offers supervision of the legal and regulatory framework for CSO sector growth and operation.

Civil society actors in Uganda express the desire to contribute to public policy processes relating to Uganda's development. Presently, mechanisms for civil society consultation and input into the National Development Plan and Vision 2014 do exist. CSOs are represented on the National Planning Authority Board and also on the National Sub-committee on Evaluation in the Office of Prime Minister, the Uganda Bureau of Statistics and other technical working groups. These meet periodically and afford civil society the opportunity to provide input on national policy processes. There are a few individual CSOs that the Government has developed special relationships with in order to enhance policy formulation and implementation. These include Oxfam, which was involved in the implementation of the Uganda Participatory Poverty Assessment Project (UPPAP) studies. Others such as the Uganda Debt Network (UDN) are major partners in the prioritization of public expenditure on disadvantaged groups..

Despite the opportunities for consultation with government, several of the interviewees and participants in the FDGs expressed concern that CSOs are invited to attend meetings with very little time to prepare for comprehensive interventions. At times, invitations are extended when the most critical decisions have already been made. In addition, CSOs observe that the Government's invitations are meant only to make the processes appear inclusive and not to genuinely solicit comprehensive input from CSOs. According to a DFID Report, although government-civil society engagement is often conducted through structured and defined processes (such as the Poverty Eradication Action Plan (PEAP)) the basis on which engagement takes place is often unclear or contradictory. Inclusion in policy processes is unpredictable and civil society often relates with the state on the basis of clientelism or patronage. In fact, in certain policy processes, it was suggested that civil society's contribution was only requested after the basic framework had been agreed.

CSOs also work in partnership with the Parliament of Uganda through a memorandum to share information and participate in dialogue on important legislative issues. Despite this formal

arrangement, shortcomings still beset the way that parliament and civil society interact. There is a concern that insufficient time and space is allocated for civil society to participate fully in legislative affairs. Civil society's input into parliamentary processes does not usually influence the final content of acts of parliament.

The 2006 amendments to the NGO Registration Act and its attendant regulations of 2009 are clearly informed by a narrow state-centric notion about what the state thinks the CSO sector should do and be about. This approach, in part, explains the nature of Government – CSO relations in Uganda, at least at the national level. According to an official from the Ministry of Local Government, local government perceptions on the role of CSOs are still poor and have been characterized by tension and mistrust. Some local government officials refer to civil society as part of the opposition. Even at the local level, civil society participation in policy making is still limited and is largely top-down. In a more extreme case, civil society representatives from Lira say that planning and budgeting processes by Lira local government are done secretly with no involvement of CSOs whatsoever.<sup>82</sup>

This study also reveals that civil society capacity constraints as well as limited financial and human resources can result in a failure to effectively utilize space for consultation with local government. CSOs also experience frequent political interference from local government officials and security operatives. Local government officials are also known to manipulate or relocate CSO operations in order to fulfill their individual political aspirations.

The study also revealed that there is a weak culture of communication and information sharing between district leaders and CSOs. For their part, at times CSOs fail or refuse to submit contributions to the district and sub county framework/plans. This problem is compounded by internal capacity constraints, raising serious questions regarding CSOs' effectiveness and credibility. Deficits in capacity include poor or no strategic plans and poor leadership. Some CSOs, especially CBOs operating on a very small scale in remote areas of the country, have failed to incorporate district mission, vision and core values into their work.

At the national level, the EENA research finds that after 26 years of National Resistance Movement (NRM) rule, government-civil relations are worsening. Examples include increasing threats to freedom of expression, assembly, and association for CSOs, the government ban on the political pressure group Activists for Change, harassment and intimidation of journalists and civil society activists<sup>83</sup> and the tendency for government to choose confrontation rather than dialogue.<sup>84</sup>

## **Methodology**

Information was gathered through review of CSO leaders' reflections on the operating environment, reports from series of breakfast meetings that were organized between CSOs and the NGO Board and also with the Minister of Internal Affairs.

Information was also obtained from the Office of the Prime Minister and the Ministry of Gender, Labor and Social Development.

Interviews and telephone conversations were also held with Local Government officials in the Districts of Hoima, Lira and Amuru.

### **Summary of Challenges**

- Weak understanding and collaboration, on the parts of both (local and national) government and civil society; which leads to weak trust, especially between the government and those civil society organizations that are active in promoting democracy and human rights, which are often considered to be fronts for the interests of donors and opposition political parties.
- A contestation over the value of CSOs to Uganda's development and consequent mixed messages in various government strategies and policies about the role of civil society.
- Insufficient opportunities for dialogue and for government and civil society to provide meaningful input and feedback, especially at the national level, occasioned by a wide variation in Government officials' perception of CSOs, especially of those CSOs involved in advocacy.
- There is little time and space provided to CSOs to contribute to policy processes, and when CSOs are represented on technical working groups, their ideas are often by-passed.

## Section 9: CSO Coalition and Cooperation

### Findings

The Uganda National NGO Forum, the Foundation for Human Rights Initiatives, the Uganda Women's Network are some of the civil society networks and coalitions that have been formed to enhance collaboration and impact across a variety of thematic sectors from the environment to transparency in the extractive industries and youth. Some coalitions are loose, while others have developed into organizations.

In times of crises, some alliances are not strong enough to counteract forces that target individual CSOs. Many networks, consortiums, and partnerships within the civil society sector work together on grassroots advocacy campaigns, but when the government attacks selected CSOs there is usually a division in such consortia. Having said that, national CSO networks of both NGOs and grassroots CBOs are attempting to build vibrant linkages between urban and rural organizations.

A review of reports and published materials indicate that there is a clear trend towards the creation of CSO coalitions and cooperation networks in Uganda. For instance, there are 4 CSO Regional Advocacy Networks (RANS), 35 District CSO Networks, and over 102 NGO forums and networks. There are National CSO networks for women, youth, people with disabilities, human rights defenders and other disadvantaged groups. There are also CSO thematic area networks in water, environment, governance, human rights and other sectors. It is not certain however whether this growth in the number of networks has made the sector more effective. In fact, there are claims that the networking has gone to far, with networks within networks, and networks between networks having been created. Indeed, according to a report by DFID<sup>85</sup> the “proliferation of networks has on occasions led to confusion and duplication” and that they have “acted as a drain on resources”. The report also notes that there is “competition within and between networks for recognition and credit and between local and international NGOs”.

The extent of cooperation varies considerably by sector. Some like water, human rights, law and women's rights, enjoy high levels of networking and cooperation through organisations such as the Uganda Water and Sanitation NGO Network (UWASNET),<sup>86</sup> the Human Rights Network (HURINET-U),<sup>87</sup> the Uganda Women Lawyers Association (FIDA)<sup>88</sup> and the National Association of Women Organizations of Uganda (NAWOU).<sup>89</sup> A particularly notable instance of civil society cooperation is represented by the ‘Black Monday Movement’ a nationwide protest movement against corruption in Uganda, initiated in 2012 by several CSOs, which demonstrated the potential for effective citizen engagement through concerted civil society effort and partnership.<sup>90</sup>

CSOs have presented a transparent agenda and have been willing to cooperate with institutions of Government and other CSOs, balancing their criticisms with concrete alternative proposals wherever possible. Other bodies, including political parties, have been willing to cooperate, share information and recognize the potential of civil society's contribution to effective governance. However, the ruling National Resistance Movement (NRM) has misinterpreted the efforts of CSOs as meddling in partisan politics. During a speech delivered in Parliament in mid-December 2012, President Museveni instructed the Director of Public Prosecutions to investigate two NGOs -

Advocates Coalition for Development and Environment (ACODE) and Africa Institute for Energy Governance (AFIEGO) - for allegedly undermining national interests. The two NGOs were instrumental in advocating for transparency in the execution of oil contracts and criticism of oil bills.<sup>91</sup>

Submissions made during this research study make it clear that, in an attempt to increase transparency, communication and a more effective policy environment, CSOs tried to build collaborative relationships with key actors, including political parties, government, development agencies and international donors. The aim of these initiatives, broadly articulated, is to work together towards common solutions. This is done through partnerships, consortia, special issue collaborations, and networks.

Sometimes, these efforts lead to competition between organizations. In the spirit of pluralism and respect, however, there has been an acknowledgment that all organizations in Uganda, in their own way, have made a positive contribution to the country's development. It is through a diverse civil society that CSOs have been able to hold the Government partially accountable. In cases where organizations had similar goals, stakeholders noted that there was increased coordination and collaboration through their networks and collaboration mechanisms such as dialogue and consultation, information sharing on best practices and forging of partnerships to promote shared agendas at the District and National levels.

Networks allow for an efficient division of labour, allowing organizations to use their expertise to do what they do best, while benefiting from the knowledge and activities of others. However, some stakeholders recognized that networks were not always a necessity, and must be formed when there was a clear need and value to be added. In cases where they were appropriate, a well-funded and well-staffed secretariat, sufficient infrastructure and technology were essential to efficiently maintain a network.

## Methodology

Information was obtained from a review of key documents and informant interviews.

## Summary of Challenges

Key challenges in relation to civil society cooperation and coalitions are:

- Persistent weaknesses of many 'loose' coalitions and networks.
- Suspicion on the part of government when civil society attempts multi-sector collaboration, particularly with opposition parties and development agencies.
- Inadequate mechanisms for the evaluation of the performance of umbrella group performance.

## Conclusion

This report highlights key challenges in seven dimensions of the Enabling Environment National Assessment (EENA) for civil society in Uganda. During the survey, the legal, regulatory and policy environments in Uganda were reviewed. It is clear from the survey that the environment for CSOs to organize, assemble, express and associate is becoming increasingly restrictive. A raft of draconian laws, regulations and administrative sanctions are being imposed on CSOs, even when some policies such as the NGO Policy 2010 appear progressive. The report also submits that CSOs are severely constrained in accessing resources for their programmes and activities, especially given the weak culture of local philanthropy in Uganda, and the high level of competition for foreign grants.

In order to improve the environment for CSOs in Uganda, increased cross-sectoral collaboration seem to be essential for actors in civil society, government, private sector and citizens in their capacities as individuals. Such broader processes of collaboration are likely to focus on collective responsibility to oversee the growth and development of the CSO sector and to ensure responsible visioning for the benefit of Ugandans. This report also indicates that there is need to clearly define the factors that have significant impact on the CSO environment. There is need for constant dialogue, since the effort requires collective responsibility of state, non-state actors, development partners and individuals.

As the country moves towards the general elections in 2016, the narrow civic space available to CSOs in Uganda today is expected to diminish even further. There is, however, some hope for improvement even as can be seen through the robust CSO led campaigns in 2013, including the movement for political accountability, the Black Monday Movement, the campaign for free and fair elections and the demand for wider political reforms in Uganda.

Despite these challenges, there are a few positive steps that have been undertaken to foster the operating environment of CSOs in Uganda. CSOs are beginning to think outside the box and establish mutually beneficial partnerships with progressive forces in government and other sectors, strengthen networks and collaboration amongst themselves and develop programmes that are responsive to the current needs of the country. There are opportunities to expand the space available for civil society and there is potential for all stakeholders to help foster more constructive engagement between the government and civil society. Some civil society actors are hopeful that the new forms of organizing that civil society actors have adopted will help to foster Government respect and tolerance of a diversity of views in Uganda.



## Annex 1: Questionnaire

Dear Respondent,

### Introduction

Uganda National NGO Forum is conducting a survey on conditions that affect the Civil Society Organizations to exist and function in Uganda. This survey is being conducted by researchers who have approached you to respond to some questions. There are questions set on the following aspects: Civil Society formation, Operation, Access to Resources, Expression, Peaceful Assembly, Government-CSO relations, and CSO Cooperation and Coalition.

We would like to request for your time and assure you that the information you will give us will be treated confidentially, and we shall not share it with anyone without your permission. The information will be compiled together with answers from other respondents into a report as one of the outputs from this survey. We do promise that when the report is produced we shall invite you at a meeting to launch and we shall provide you with a copy as an acknowledgement of your contribution.

Thank you.

### Questions on formation of Civil Society Organizations in Uganda:

1. Have heard that CSOs have to be registered before they are allowed to operate?
2. Do you know any laws that currently govern the formation of Civil Society Organizations?
3. In your knowledge who can start a Civil Society Organization? And who is not allowed to start it?
4. How many people are allowed to form a Civil Society Organization (CSO)?
5. How many members are supposed to be in a CSO?
6. Do you know the process of registering a CSO, what are the steps?
7. How much money or assets are needed to start a CSO?
8. Do you know reasons that can stop a CSO to be registered? What are they?
9. What categories of work that can stop a CSO to be registered?
10. If a CSO is denied to be registered, is there a way to appeal?
11. Do you know of CSOs that have been denied registration and have appealed?
12. List down the documents that CSOs need to get registered
13. When registered how many times does a CSO renew its certificate, and why?
14. Tell us the amount of money required to register a CSO and how long does it take?
15. How many CSOs are currently registered in Uganda?
16. Please give me a summary of laws, regulations, policies or administrative steps that exist to help CSO formation in Uganda if they are applied
17. Explain how such can ease or make it difficult for CSOs to be registered
18. Is the CSO registration office that you know well financed? And well staffed?
19. Is registration of CSOs easily done, are registration offices all over the country, is the registration done electronically or manually?
20. Explain the difficulties that are not legal that make it hard for CSOs to be registered

21. Do you feel there are hardships not caused by Government to register a CSO?
22. If CSO is registered are there any huddles for them to get funding, buy property, to get formed at all? What non-legal and non-governmental barriers, such as slow or ineffective bureaucracies, inability to access funds, or difficulty buying/leasing property, affect the formation of CSOs?
23. How much do you think there is segregation, favoritism (political, ethnic, religious, etc.), and/or corruption in the CSO registration process?

**Questions on operation of Civil Society Organizations in Uganda:**

1. Does the Uganda Government require CSOs to give notice to them for meetings, which ones do you notify and which don't you notify?
2. Do CSO notify the government when electing their Boards, and submit the list of candidates for the board of directors? Or of the results of elections?
3. When was the last time your CSO submitted a report to the government? What kind of report was it e.g. activity report or financial report?
4. What has happened to you when you have not fulfilled relevant legal obligations? Anything
5. Have you or any CSO you know been subjected to government audits or inspections? Please explain what happened. (For example, when did it occur, who was involved, was there any follow up, what exactly was inspected?)
6. What other administrative requirements affect the operation of civil society organizations in Uganda?
7. Are you aware of any case where the government legally terminated or dissolved a civil society organization? What happened? What opportunities for appeal were available?
8. Are there non-legal grounds that, in practice, the government use to terminate or dissolve civil society organizations? In practice, how have such terminations happened: according to the law or otherwise?
9. Are you aware of the grounds on which a civil society organization can be voluntarily dissolved? Please explain how you understand this.
10. Overall, in your opinion, what is the level of oversight that government has over civil society Organizations? Is it extensive, moderate, or light?
11. In your experience, what are the major legal and administrative barriers to the productive operation of civil society organizations?
12. Are you aware of any history or incidences of state harassment of civil society organizations when they do not follow administrative and/or legal requirements? (Or is the history of state harassment of CSOs better understood as mostly unrelated to administrative and legal requirements?)

**Questions on access to resources by Civil Society Organizations in Uganda:**

1. Explain the legal obstacles that CSOs in Uganda face in accessing funding
2. What are the non-legal and non-governmental huddles are in the way of CSOs in accessing funding, what are the laws and/or regulations specifically addressing philanthropy in Uganda?
3. Are civil society organisations allowed to receive gifts and donations from corporations and individuals?

4. Does the legal and regulatory framework encourage philanthropy? If so, how? If not, how?
5. In your view, what encourages philanthropy in Uganda? What discourages it?
6. Do civil society organisations regularly try to raise funds from local people and local businesses?
7. Do civil society organisations have enough fundraising capacity? Or capacity to diversify their funding?
8. Explain the laws and/or regulations that prevent civil society organizations from distributing profits or otherwise giving private benefits to officers, directors, or other insiders of CSOs?
9. If a CSO in Uganda was to be dissolved, what would happen to its assets? What laws and/or regulations affect the distribution of assets upon dissolution
10. Do CSOs in Uganda reliably and legally access funding? And how freely available are these funds?
11. Do CSOs in Uganda have financial sustainability and how much does this depend on government supervision and approval?
12. If CSOs in Uganda mobilize local resources how effective are the laws and regulations supportive of that?
13. Does government and donor funding support the full range of civil society programming and activities, such as innovation, policy development and advocacy and administrative costs?
14. What source of funding is most reliable for civil society organizations in Uganda?
15. Explain any recent changes in the Uganda's funding environment for civil society. If there are changes, what are their impacts?
16. Do CSO received financial support directly from Uganda Government; do you know any examples of contracting with the government by civil society organisations?
17. Are you aware of any laws, rules and policies for making government grants to civil society organisations? Which ones?
18. How much does the laws in Uganda support government funding to civil society organisations?
19. In your view, when government funds are given, are these predictable, transparent, easily understandable and impartial?
20. Has government support for civil society decreased or increased within the past year? What do you expect will happen in the following two years?
21. Are there different standards/requirements for accessing foreign sources of funding versus local or domestic sources of funding?
22. What legal barriers exist to accessing and using foreign resources by civil society organisations? E.g. are there additional reporting requirements?
23. What non-legal barriers to receiving foreign funds exist in practice?
24. Has the overall state of governance and rule of law in Uganda affected donors' contributions to CSOs? If so, how?

### **Questions on expression by Civil Society Organizations in Uganda**

1. What laws affect civil society organizations' ability to freely express their opinions?
2. Do you know which international treaties have been ratified by the Uganda government that affects the ability to publicly express ourselves?

3. Do you know what treaties have been ratified that affects the right to access the Internet?
4. What laws and/or regulations in Uganda determine what we can say? What restrictions are placed on what we can say? (I.e. restrictions for national security, defamation, incitement, obscenity, speaking against the king, etc)?
5. Are there restrictions on when, where and how we can express ourselves? What are these?
6. What legal barriers hinder civil society organizations' ability to openly express its opinions, particularly on matters critical of government policies?
7. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – freedom of expression for civil society? If so, can you please summarize what you understand the key provisions of the new law to be and explain in what stage of the legislative process it currently stands?
8. What non-legal barriers hinder civil society organizations' ability to openly express its opinions?
9. Is open criticism of government policies and practices tolerated? What, historically, has been the reaction of the government to criticism against it?
10. Are individuals and civil society organisations aware of their rights with respect to expression?
11. Does the political culture in Uganda openly support these rights? Or are they actively suppressed regardless of legal protections?

### **Questions on assembly by Civil Society Organizations in Uganda**

1. What laws in Uganda allow Peaceful Assembly including domestic regulations and international treaties that Uganda has ratified?
2. To your knowledge, are there limits placed on who can assemble? Are groups with certain agendas or orientations forbidden from assembling?
3. Are there limits on how, where and when individuals or groups can assemble, strike, protest or otherwise publicly (and peacefully) express themselves?
4. How are aggressive or violent demonstrators been dealt with in the law and in practice? Can you give some examples?
5. Are there laws or regulations that restrict – or, alternatively, make it easier to enjoy the right to peacefully assemble? If so, can you please summarize what you understand the law does?
6. Is there a history of government-led violence or aggression against peaceful demonstrators, activists and/or strikers? Can you give some examples?
7. In practice, is there tolerance for groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration?

### **Questions on Government-CSO relations in Uganda**

1. Are civil society organisations allowed to engage in the political (electoral) process? e.g., are they able to nominate candidates for public office? Support or oppose political parties?
2. Fundraise for political parties/candidates? If so, under which conditions?
3. Are civil society organisations allowed to participate in public policy activities? Are they allowed to advocate campaign and lobby for legislation? If so, under which conditions?

4. Are there any special agreements or similar mechanisms to promote cooperation and communication between government and civil society? Such as technical working groups, liaison officers, committees, etc?
5. Are there draft laws or regulations that, if adopted, would affect government-civil society relations? What can you tell me about these draft laws? How long do you think will it take for these to become law?
6. In general, how would you describe the relationship between the government and civil society?
7. Is there regular communication between civil society and government? What is the quality of the dialogue between the government and civil society?
8. Are the views of civil society organisations taken into account when drafting legislation, or in other ways?
9. Are there timely consultations with civil society organisations that can really help civil society to influence government decisions?
10. When the government sets priorities and makes strategies, plans etc, is this generally transparent and accountable?
11. Does civil society have a way to disagree or appeal certain government decisions at the national or provincial level? Is this a reliable, genuine and effective way for civil society organisations to explain their concerns?
12. In practice, do civil society organisations actually disagree or appeal successfully to government to get fairer results?
13. Does the government view civil society organisations as partners and allies in their own work, or as potential threats?
14. Are civil society organisations actually capable of participating in a broad range of public policy initiatives and activities?
15. Have there been any significant changes in the relationship between civil society and the government in Uganda in the last two years? If so, please describe these.
16. Have any global events in the past two years affected the relationship between civil society and national government? (I.e. the aid effectiveness or development effectiveness debate, etc.)
17. What do you think needs to be in place to make good and effective relationships between the government and civil society?

### **Questions on CSO cooperation and coalitions in Uganda**

1. Are coalitions, networks or similar groups of civil society organisations common in Uganda?
2. Do civil society organisations generally work together for shared causes?
3. Does the law governing civil society operations also regulate coalitions of civil society organisations working together?
4. Does the law allow groups of organisations to form?
5. Does it encourage or block coalitions from forming?
6. Are local civil society organisations legally able to partner with international NGOs, and vice versa? If not, what are the conditions for cooperation?
7. What do you have to report to government when you get involved in a partnership like this?

8. What is the nature of the relationship between civil society organisations?
9. Are they able and willing to cooperatively work with one another?
10. Are there certain CSO sectors in Uganda where cooperation is more effective than others?
11. Which sectors are best at cooperating and coalescing?
12. Which sectors need the most improvement in coalition building?
13. Are there laws or regulations that restrict – or, alternatively, ease cooperation among civil society organizations?

## Annex 2: List of key informants

### Key informants

No	Name	organization
1	Osinde Owor	Ministry of Gender Labour & Social Development
2	Amb. Kangwagye	Chair, NGO Board
3	Simon Nangiro	Commissioner, NGO Monitoring, NGO Board
4	Kaliisa Elisha	Hoima NGO Forum
5	Awor Jennifer Harriet	The Apac Anti-corruption Coalition
6	Tino Loy	The Apach Anti-corruption Coalition
7	Ssekitoleko Kiiza	Buliisa NGO Forum
8	Munyagwa Deo	Kiryandongo NGO Forum
9	Iguru Gilbert	Hoima Caritas
10	Muganyizi Deo	Kibaale District NGO Forum
11	Kiiza Trevor	Kibaale NGO Forum
12	Kabasomi Ritha	Kiryandongo NGO Forum
13	Musiige Lawrence	Recreation for Development and Peace Uganda
14	Keneth Orome	Recreation for Development & Peace Uganda
15	Mugisa Applinari	Bugungu CSO Network
16	Mbabazi Violet	Hoima District NGO Forum
17	Ezoko Betty	Gulu NGO Forum
18	Muhaabwe Teopista	Lira NGO Forum
19	Tonny Okwir	Lira NGO Forum
20	Adupa Lawrence	Kitgum NGO Forum
21	Kugonza Danozio	CARITUS Hoima
22	Alunyu Simon Peter	Recreation for Development & Peace Uganda
23	Kimuli Lilian	Oyam District NGO Forum
24	Awanya Samuel	Gulu District NGO Forum
25	Robert Byaruhanga	Mid Western Region Anti-corruption coalition
26	Mbabazi Viola	Mid Western Region Anti-corruption coalition
27	Paul Mulindwa	Kibaale CSO Network
29	Rev. Apuuli Brown Patrick	Kibaale CSO Network
30	Josephat Bagonza	Masindi News Network
31	Isingoma Edmong	Kings Broadcasting Service
32	Muganyizi Henry	Chair, L.C 111 Central Division Masindi Municipality
33	Jack Byaruhanga	Assistant Chief Admin. Office-Masindi District
34	Bukenya Musa	Volunteer Action Network Kitgum
35	Odongo Robinson	War Child Canada-Gulu
36	John Ssegguja	Community Dev' t and Child Welfare Initiatives
37	Mark Avola	Gulu District NGO Forum (GDNF)

### CSO Networks/Forums stakeholders interviewed

1	Kakonge Apollo Lee	Western Ankole CSO Forum
2	Benson Ekwee	Public Affairs Centre

3	Mugalya Aggrey	Bugisu CSO Network
4	Mbiheebwa Edward	Masindi NGO Forum
5	Helena Okiring	Uganda Youth Network



### Annex 3: Selected references

Bangalore, India, 1999, Building Civil Society: A Guide to Action

Clark, John, 1991, Democratizing Development: The Role of Voluntary Organizations Kumarian Press, USA

Conyers & Larok (2007), Negotiating Democracy in Africa: Experiences from Uganda and Zimbabwe – *Unpublished*

EAC 2007, The Treaty Establishing the East African Community

Edwards, Michael, 2004, Civil Society, Polity Press, UK: 2004

The Constitution of the Republic of Uganda, as amended in 2005

The Anti - Terrorism Act, 2002

The Press and Journalist Act 1995

The Nongovernmental Organizations Registration Act, 1989, as amended in 2006

The Local Governments Act 1997

The Police (Amendment) Act, 2006

Heinrich, 2006, Assessing the Legal Environment for Civil Society around the World: an Analysis of Status, Trends

Helmut, Anheier, 2004, Civil Society - Measurement, Evaluation, Policy.

ICNL and NED, 2008, Defending Civil Society: A Report of the World Movement for Democracy.

Jordan, 2006, Rights and Responsibilities in the Political Landscape of NGO Accountability

Kwesiga & Namisi, 2006, Issues in Legislation for NGOs in Uganda

Catherine, 2006, Assessing the Legal Environment for Civil Society around the World

HURINET, 2014, Press release, [www.hurinet.or.ug/beginning%20/2014](http://www.hurinet.or.ug/beginning%20/2014)

Istanbul, Turkey, 2002, Building the Organizational Infrastructure of Civil Society

Larok, Arthur, 2007, Civil Society and Politics - A Niche for Civil Society

Larok, Arthur, 2008 Can the state take leadership in creating a facilitative operating environment for NGOs in Uganda? Reflection at EU – CSCBP ‘Big Bang’, Hotel Africana

Aroturuki Arotakenga 2000, Views of Government Funding: Key Issues from the Literature and Interviews, Wellington, New Zealand

Baxter, C. 2002, Community/Government Relationships: issues in establishing formal linkages between central Government and the community sector

NGO Forum, 2001-2008, NGO involvement in the NGO Bill, NGO Act and NGO Policy Processes

Deniva, 2006, Narrowing the Space for Civil Society Operations in Uganda-An Analysis of the implications of the 2006 NGO Registration [Amendment]Act

Johns Hopkins University, 2001, The Nonprofit Sector and the Reduction of Poverty, Santiago, Chile

Johns Hopkins University, 2003, Bridging Social Divides: The Role of the Third Sector, Sao Paulo, Brazil.

Salamon, 2000, The influence of the legal environment on the Development of the Non-Profit Sector. Center for Civil Society Studies

Lester, 2004, Global Civil Society (Vol. 2): Dimensions of the Nonprofit Sector Kumarian Press, Inc.

Schmidt, Linda, 2003, Public Advocacy - Freedom of Expression and Political Activities In Enabling Civil Society: Columbia Law School, USA

Tallin, Estonia, 1995, Toward a Vital Voluntary Sector II: The Challenge of Permanence an Action Statement

The NGO QuAM ,2006, Our Code of Honor: The NGO Quality Assurance Certification Mechanism, Part 1: What the QuAM is and how it Works

USAID, 2012, CSO Sustainability Index for Sub- Saharan Africa

NGO Forum, 2014, Civil Society Leaders’ Reflection Meeting on shrinking CSO environment in Uganda

## Endnotes

---

<sup>1</sup>The EENA methodology, jointly developed by CIVICUS and ICNL, comprises ten dimensions that are deemed essential to the legal, regulatory and policy environment for civil society. Five of these dimensions are mandatory (formation, operation, access to resources, freedom of expression and peaceful assembly). The methodology also comprises five optional dimensions which can be included in the national EENA, depending on the national context and needs (government-CSO relations, CSO cooperation and coalition, internet freedom, taxation and access to information).

<sup>2</sup> Currently, relevant laws, regulatory frameworks and policies applicable to civil society operation in Uganda are: the NGO Registration Act Cap.113, the Companies Act, the Trustees Incorporation Act, the 2009 Non-Governmental Organizations Regulations, the 1995 Constitution of the Republic Uganda on freedoms and rights, the Police Act, the Uganda Citizenship and Immigration Control (Amendment) Act 2009, the Employment Act 2006, the Labour Unions Act 2006, the Access to Information Act 2005, the National NGO Policy 2010, the Press and Journalist Act Cap. 105, the NGO Quality Assurance & Self-regulation Instrument, the Penal Code Act Cap 120, the Anti-Money Laundering Act 2013, the Public Order management Act 2013, the Anti-Corruption Act No. 6 of 2009 and the 2007 Counter Terrorism Law..To this list could have been added the Anti-Homosexuality Act of 2014, but this has since been declared unconstitutional by the Constitutional Court, for having been passed without quorum. See *Prof. J. Oloka-Onyango & 9 Ors. AG, Const. Petition No. 8 of 2014*.

<sup>3</sup>The Enabling Environment National Assessments (EENA) are part of the Civic Space Initiative, implemented by CIVICUS in partnership with the International Center for Not-for-Profit Law, ARTICLE19, and the World Movement for Democracy, with support from the Government of Sweden.

<sup>4</sup> Also, according Marina Ottaway and Thomas Carothers, western writings on civil society do not agree on a universal definition either. Marxist writers, however, agree on certain basic conditions for the rise and fall of civil society, including highly specialized division of labour; a certain degree of autonomy of non-state organisations and an ethic of tolerance and acceptance of opposition. See "*Funding Virtue - Civil society Aid and Democracy Promotion*" Carnegie Endowment for International Peace.

<sup>5</sup> See CIVICUS Report "State of Civil Society 2013: Creating an enabling environment".

<sup>6</sup> See section 4 (2) (c) of the Companies Act 1 of 2012

<sup>7</sup> See Section 2 (1) of the NGO Act Cap 113, Section 4 of the NGO Registration Amendment Act 2006, Regulation 3 of the NGO Registration Regulations 2009)

<sup>8</sup> NGO Law Monitor Update: In February 2014, President Yoweri Museveni also assented to the *Anti-Homosexuality Act*. Under the provision of "Promotion of Homosexuality," anyone who "funds or sponsors homosexuality or other related activities" [the phrase "other related activities" is left entirely undefined]... or who acts as an accomplice or attempts to promote or in any way abets homosexuality and related practices" is subject to criminal sanction. This could be interpreted broadly enough that advocating gay rights could be considered a "related practice" which promotes or abets homosexuality

<sup>9</sup> Cap 113.

<sup>10</sup> These are representative bodies of the National NGO Board operating at District level. They are comprised of five government officials, one representative of NGOs in the district, and some technical experts can be coopted onto the Committee. According to a summary of the National NGO Policy from July 2012 ([http://www.actionaid.org/sites/files/actionaid/summary\\_of\\_ngo\\_policy.pdf](http://www.actionaid.org/sites/files/actionaid/summary_of_ngo_policy.pdf)), the District NGO Monitoring Committees are 'expected to register CBOs and recommend NGOs to the National NGO Board. They are also expected to advise the Resident District Commissioner (RDC) on matters of NGOs including registration and monitoring.'

<sup>11</sup> Equivalent to approximately US\$12 at current exchange rates.

<sup>12</sup> Vision for Rural Development Initiative (NGO) in service delivery and livelihoods improvement in Masindi District was advised to change objectives in 2013 when seeking for renewal of certificate of operation since it had objectives related to advocacy and governance. Focus group discussion, 14<sup>th</sup> May 2014.

---

<sup>13</sup> Dr. Busingye Kabumba's legal analysis on the proposed NGO Act amendment Bill 2013. [On the Rationale of the Bill: The Bill expresses the major gap it addresses in these terms: 'it has...been noted that the rapid growth of non-governmental organizations has led to *subversive* methods of work and activities, which in turn undermine accountability and transparency in the sector.' [Memorandum to the Bill, Para 2] (Emphasis added) ...this language is quite telling, borrowing as it does from military terminology, used in relation to real or perceived enemies of the state. The sections that follow [2.2.1 Amendments to Section 2] analyze the text of the Bill, assess their constitutionality, and address in broad terms the implications of the Bill in terms of the broader governance and legislative context.

<sup>14</sup> Section 2 (10) (a).

<sup>15</sup> Section 2 (10) (b).

<sup>16</sup> Section 2 (11) (a) and (b).

<sup>17</sup> The definition of NGOs in the Act limits the activity areas of operation for NGOs. See section 1 of the Act, Cap 113.

<sup>18</sup> Section 8 of the Act gives the Police powers to prohibit public meetings, and section 9 gives them powers to decide the suitable venues for holding such meeting, if accepted.

<sup>19</sup> CSO Operating Environment Trends Analysis Report 2012 [There are broader NGO - LG relations limits NGO operating space. The push for MOUs between NGOs and LG for instance may have negative implications for the operating space for NGOs in the District. Page 2, iv], Recommendations from the meeting between CSO Leaders and Minister of internal Affairs on 9<sup>th</sup> May 2014, where NGOs would work with government and ensure that the legal and governance challenges that affects the operations of CSOs are fixed and worked on progressively.

<sup>20</sup> This has been applied in areas of HIV/AIDS care and support where the Uganda AIDS Commission has delegated CBOs and some NGOs to provide palliative care, HIV testing, counseling and preventive education

<sup>21</sup> Section 13 of Non-Governmental Act 2006 (amended) and the relevant Regulations.

<sup>22</sup> Section 16 (a), (b), (c) (d) of the NGO Registration Regulations 2009, page 162

<sup>23</sup> Various Districts in Uganda make by-laws and local ordinances that require NGOs to sign MOUs, much as this is not a legal requirement under the NGO Act 2006 and Regulations 2009, this requirement has been however been proposed in the NGO Act amendment Bill 2013, 11e, special obligations of NGOs before they start to operate in the relevant District.

<sup>24</sup> NGO Act amendment Bill 2013 section 4, 1,2,3, and the 9 point guide of the National NGO Policy 2010, implementation framework, page 6

<sup>25</sup> Regulation 16 of the NGO Regulations 2009 requires the Organization to submit to the Board an annual return in the form specified in the schedule to the Regulations, as well as a report approved by the Organization's Annual General Meeting (AGM) or its Board of Directors (BOD)

<sup>26</sup> Uganda National NGO Forum 2012: Welt Hunger Hilfe, Samaritan Purse, BRAC, COOPI and ACF (International NGOs in Moroto District). Moroto District Local Government accused these international NGOs for failing to account for value for money in Moroto District and not cooperating with local authorities to harmonize planning, to submit all annual work plans and participate in harmonized planning at District levels where the NGOs work but also the local government to respect the independence of the NGOs within the law. Several meetings were organized by L.C V Moroto, OPM, Ministry of Karamoja and the UNNGOF team to resolve the conflict.

<sup>27</sup> See section 2 (4) of the NGO Registration Act, Cap 113 and Regulation 8 (3) of the NGO Registration Regulations 2009.

<sup>28</sup> Section 8 of the Public Order Management Act, 2013.

<sup>29</sup> Paul Mulindwa the Coordinator of Kibaale CSO Network, 13<sup>th</sup> May 2014, focus group discussion for Masindi, Hoima, Kibaale, Buliisa NA Kiryandongo Districts of Mid-Western Uganda,

<sup>30</sup> Section 4 (4).

<sup>31</sup> Section 4 (7).

<sup>32</sup> Section 4 (4).

<sup>33</sup> Sections 6A and 6B.

<sup>34</sup> Section 8 (a), (b), (c) of the NGO Act, Powers of the Board and section 10(c) grounds for revocation of Certificate of Registration. Active Blessing Uganda (NGO) working with rescued LRA child soldiers in Northern Uganda was blacklisted in 2013 by the NGO Registration Board having received accusations that

---

the NGO was getting foreign funding falsely from the USA in the name of LRA children yet there was no genuine programme.

<sup>35</sup> Section 11E.

<sup>36</sup> Non Governmental Organisations Registration Act Cap 113 as amended in 2006, with regard to employment of foreigners who must submit photocopies of their qualification papers, submit papers on immigration status in Uganda, a letter from their home Government that the subject has no criminal record i.e. they are of good conduct, endorsement/recommendations from the NGO Board. This is to make sure that the Board/Secretariat is aware of such immigrants working with NGOs and the information of such immigrants is available on the NGOs File

<sup>37</sup> Section 11F.

<sup>38</sup> Section 11H.

<sup>39</sup> See for example Human Rights Network for Journalists – Uganda (7 May 2014). “*Ugandan human rights office vandalised in latest crackdown on civil society*” .  
[https://www.ifex.org/uganda/2014/05/07/hrnj\\_uganda\\_alert\\_civil/](https://www.ifex.org/uganda/2014/05/07/hrnj_uganda_alert_civil/)

<sup>40</sup> Dr. Kabumba Busingye 2013: Memorandum on proposed Amendments to the Non Government Organizations Act (Bill 2013) \_Opinion for Development Law Associates. Kampala.

<sup>41</sup> Simon Nangiro 2014: NGO monitoring Quarterly Report, March 2014

<sup>42</sup> Asaba Aheebwa 2011: The Nature, Conditions and Challenges facing Civil Society Organizations in Uganda, funding of NGOs, page 20

<sup>43</sup> Established by Austria, Denmark, Ireland, Netherlands, Norway, Sweden, United Kingdom and the European Union to support state and non state partners to strengthen Democratization, human rights, improve access to justice and enhance Accountability

<sup>44</sup> The NGO Act amendment proposals section 11(h), (b, d, e) only proposes the organization to submit annual returns and estimates to the District authority in the area of operation

<sup>45</sup> The Anti Money Laundering Act 2013, makes general criminal elements which may be used against NGOs seeking foreign funding, such as part 1,(section 3) which gives general prohibitions, (section 5), which imposes separate crimes. Part 11 of the Act imposes enduring reporting obligations and cross border movement of cash. Part V imposes undue restrictions by establishing powers of the Authority to inspect premises in case of suspected foreign crimes in case an organization may be suspected. This Act much as it is not solely meant for CSO s it may be used against them since their principle sources of funds are foreign donations.

<sup>46</sup> See <http://www.kas.de/uganda/en/about/>

<sup>47</sup> The Uganda National NGO Forum’s Support Programme for Advocacy Networks (SPAN) has been the window for DGF funding to small regional and District Networks through which funding has been able to trickle down to smaller NGOs. The Action Aid Uganda partnership programme also has shifted funding to smaller CBOs in programmes of livelihood improvement and local Advocacy programme, DGF was also initiated to avoid double funding of NGOs as it was before where NGOs were seeking funding from multiple donors and that would create double accounting and aid delivery inefficiencies

<sup>48</sup> Social enterprise is defined as an organization that applies commercial strategies to maximize improvements in human and environmental well-being, rather than maximizing profits for external shareholders.

<sup>49</sup> See <http://www.nafasicooperative.org/>

<sup>50</sup> <http://www.ugandatourismassociation.org/> Uganda Tourism Association (UTA), <http://www.ucota.or.ug/> Uganda Community Tourism Association (UCOTA), FM Radio stations such as the KFM 999, Central Broadcasting Services have got both commercial and social service aspects from which they generate income. <http://unffe.org/> The Uganda Farmers Associations throughout the country generate income from extension services they offer to their members

<sup>51</sup> <http://www.centenarybank.co.ug/csr-page>, [www.linkedin.com/company/uganda-chapter-for-corporate-social-responsibility-initiatives-ltd-uccsri](http://www.linkedin.com/company/uganda-chapter-for-corporate-social-responsibility-initiatives-ltd-uccsri),<http://www.dtbu.dtbafrika.com/investor-relations/corporate-social-responsibility.aspx>,<http://www.mtn.co.ug/About-MTN/News-Room/2011/May/MTN-Uganda-injects-over-UGX-5.aspx>

<sup>52</sup> See the figure at <http://www.oecd.org/countries/uganda/UGA.JPG>

<sup>53</sup> The New Vision, 21st October 2014: The United States Agency for International Development (USAID) mission director in Uganda, Leslie Reed, revealed that Cardno Emerging Markets, a US infrastructure and environment services company, will deliver HIV/AIDS services under the new USAID/Uganda private sector support program

- 
- <sup>54</sup> <http://www.newvision.co.ug/D/8/459/718186>
- <sup>55</sup> See “Uganda: Media Closures Cause Chilling Effect” by Brian Klosterboer and Risdell Kasasira at <http://thinkafricapress.com/uganda/daily-monitor-red-pepper-sejusa-museveni>
- <sup>56</sup> See the Human Rights Watch World Report, 2013, at <http://www.hrw.org/world-report/2013/country-chapters/uganda?page=1>
- <sup>57</sup> See “Journalists’ Remuneration; Are Ugandan Journalists Underpaid?” published at <http://www.journalism.co.ug/journalists-remuneration-are-ugandan-journalists-underpaid/> Another example is when the government proposed new fees to be levied on journalists, several cried foul and also cited inability to pay these fees basing on poor remuneration. See <http://www.newvision.co.ug/news/653984-journalists-oppose-new-fees.html>
- <sup>58</sup> Comments by journalists at the National Consultative workshop
- <sup>59</sup> Cap 120.
- <sup>60</sup> Uganda Radio Network (11 August 2009). *UPDATE: Monitor Journalist Charged With Libel, Released on Bail.* At <http://direct.ugandaradionetwork.com/a/story.php?s=23342&PHPSESSID=64cb22e70d608e90d91ea675320f8a7d>
- <sup>61</sup> Web: [www.greenwatch.or.ug](http://www.greenwatch.or.ug) Kenneth Kakuru 2013: Access to Information in Uganda, Legal Analysis Paper, for Kakuru & Co. Advocates
- <sup>62</sup> [http://www.hrnjuganda.org/downloadables/Media\\_Freedom\\_in\\_Uganda\\_Analysis\\_of\\_inequitable\\_legal\\_limitations.pdf](http://www.hrnjuganda.org/downloadables/Media_Freedom_in_Uganda_Analysis_of_inequitable_legal_limitations.pdf)
- <sup>63</sup> See Annex 2
- <sup>64</sup> <http://www.irex.org/sites/default/files/u128/Uganda%200625.pdf>: Media Sustainably Index 2012, UGANDA Media at a glance
- <sup>65</sup> Regulation of Interception of Communications Act 18, 2010, section 5 (d), (c) and section 10 (iv)
- <sup>66</sup> Article 20, UDHR
- <sup>67</sup> Articles 21 and 22, ICCPR
- <sup>68</sup> Article 8 (1) (a)
- <sup>69</sup> The Observer (Kampala), 21<sup>st</sup> August 2013: The actual meaning of the recently passed Public Order Management Bill began to be felt this week, as police blocked a press conference and vowed to even block family meetings. Kampala Metropolitan Police Operations Commander Sam Omala, while blocking a press conference called by civil society organisations (CSO) and a group of opposition politicians, on Monday, said: “As the police, we must know about every meeting even if it is in your home.”
- <sup>70</sup> See <http://www.newvision.co.ug/news/101-blog-ariong-death-proves-even-rioters-are-lethal-in-their-act.aspx>; Daily Monitor (22 March 2012). *Policeman killed as Besigye is released on police bond.* Accessed on xx/xx/2014 at <http://www.monitor.co.ug/News/National/-/688334/1371166/-/aws8czj/-/index.html>
- <sup>71</sup> Ibid.
- <sup>72</sup> See Sections 8 and 9
- <sup>73</sup> The Independent (15 April 2012). *A4C Ban.* At [http://www.independent.co.ug/cover-story/5589-a4c-ban;New\\_Vision\\_\(4\\_April\\_2012\).Govt\\_bans\\_opposition\\_pressure\\_group,\\_Activists\\_for\\_Change](http://www.independent.co.ug/cover-story/5589-a4c-ban;New_Vision_(4_April_2012).Govt_bans_opposition_pressure_group,_Activists_for_Change). Accessed on xx/xx/2014 at <http://www.newvision.co.ug/news/630102-govt-bans-opposition-pressure-group-activists-for-change.html>
- <sup>74</sup> Douglas Mpuga 16<sup>th</sup> April 2011, <http://33rpmvoices.bandcamp.com/track/walk-to-work-uganda>, *33RPM - Voices of the Revolution*, released 14 October 2013
- <sup>75</sup> See “FDC calls for release of critical book author” at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=18194:fdc-calls-for-release-of-critical-book-author](http://www.observer.ug/index.php?option=com_content&view=article&id=18194:fdc-calls-for-release-of-critical-book-author)
- <sup>76</sup> Daily Monitor (29 August 2012). *Activist arrested at Parliament over ‘People Power’ T-shirts.* At <http://www.monitor.co.ug/News/National/Activist-arrested-at-Parliament-over-people-power-T-shirts/-/688334/1489634/-/n6ua2dz/-/index.html>
- <sup>77</sup> See also “Defending The Defender – Women Human Rights Defenders In Uganda Face Unlawful Criminalization” at <http://www.awid.org/layout/set/print/Library/Defending-the-Defender-Women-Human-Rights-Defenders-in-Uganda-Face-Unlawful-Criminalization>
- <sup>78</sup> The Independent (21 June 2012). *Human rights defenders condemn police raid.* At <http://www.independent.co.ug/news/news/5953-human-rights-defenders-condemn-police-raid>

---

<sup>79</sup> See “Police raid Uganda’s first ever gay parade” at <http://sebaspace.wordpress.com/2012/08/06/police-raid-ugandas-first-ever-gay-parade/>

<sup>80</sup> See “British producer arrested over play about gay man” at <http://www.monitor.co.ug/News/National/British-producer-arrested-over-play-about-gay-man/-/688334/1506468/-/825odx/-/index.html>

<sup>81</sup> Cap 303.

<sup>82</sup> Focus group discussion northern region.

<sup>83</sup> For example: After the close-down of the newspaper Daily Monitor and Red Pepper newspaper in 2013, CSOs held a protest in solidarity with the media institutions outside the offices of the Daily Monitor in which prominent national human rights defenders spoke in defense of media freedoms. The police fired tear gas on the crowd late afternoon in a bid to disperse them. East and Horn of Africa Human Rights Defenders Project (20 May 2013). *Uganda: Halt Crackdown on Media Houses in Kampala*. at <http://www.defenddefenders.org/2013/05/uganda-halt-crackdown-on-media-houses-in-kampala/>

<sup>84</sup> For example, in 2012, the government has threatened to de-register NGOs involved in what the government has dubbed “negative political activism”. The Observer (24 July 2012). *NGOs tell govt: You can ban us but not the issues*. at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=20023:ngos-tell-govt-you-can-ban-us-but-not-the-issues&catid=34:news&Itemid=114](http://www.observer.ug/index.php?option=com_content&view=article&id=20023:ngos-tell-govt-you-can-ban-us-but-not-the-issues&catid=34:news&Itemid=114). Similarly, in 2012 WONETHA offices were raided by security forces, some staff arrested and documents, computers and other materials confiscated. *International Coalition Condemns Human Rights Violations Against W.O.N.E.T.H.A, Urging The Government Of Uganda To Stop Criminalising Human Rights Defenders Working On Behalf Of Women Sex-Workers*. Accessed at <http://www.awid.org/Library/International-Coalition-Condemns-Human-Rights-Violations-Against-W.O.N.E.T.H.A-Urging-the-Government-of-Uganda-to-Stop-Criminalising-Human-Rights-Defenders-Working-on-Behalf-of-Women-Sex-Workers>

<sup>85</sup> DFID Report Ibid., at page 22.

<sup>86</sup> More information available on the website of UWASNET: <http://www.uwasnet.org/Elgg/>

<sup>87</sup> More information available on the website of HURINET-U: <http://www.hurinet.or.ug/>

<sup>88</sup> More information available on the website of FIDA: <http://www.fidauganda.org/>

<sup>89</sup> More information available on the website of NAWOU: <http://www.nawouganda.org/>

<sup>90</sup> The Observer (14 February 2013). *Black Movement puts Citizen at the Centre*. At: [http://observer.ug/index.php?option=com\\_content&view=article&id=23735:black-monday-movement-puts-citizen-at-the-centre](http://observer.ug/index.php?option=com_content&view=article&id=23735:black-monday-movement-puts-citizen-at-the-centre)

<sup>91</sup> *ibid*