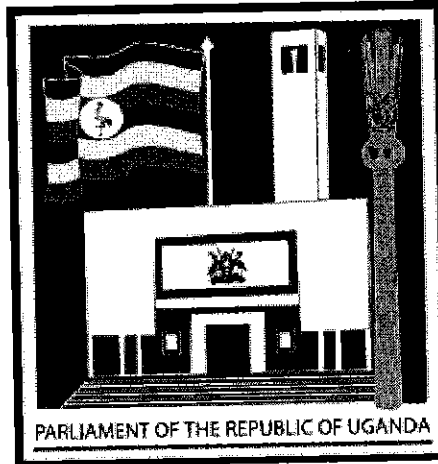


REPUBLIC OF UGANDA



**REPORT OF THE COMMITTEE ON DEFENSE AND INTERNAL
AFFAIRS ON THE NON-GOVERNMENTAL ORGANISATIONS BILL,
2015**

OFFICE OF THE CLERK TO PARLIAMENT
PARLIAMENT BUILDING
KAMPALA-UGANDA

August 2015

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Rt. Hon Speaker and Hon Members,

1. INTRODUCTION

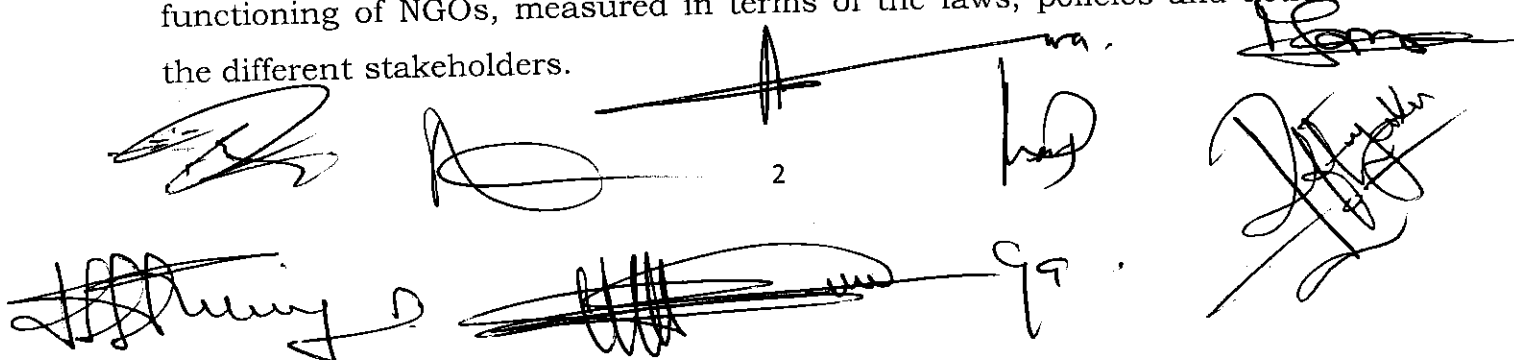
The Non-Governmental Organizations Bill, 2015 was read for the first time in Parliament on 13th May, 2015 by the Minister of Internal Affairs and was subsequently referred to the Committee on Defence and Internal Affairs for scrutiny and consideration in accordance with Article 90(1) of the Constitution of the Republic of Uganda and Rule 118 of the Rules of Procedure of Parliament of Uganda. The Bill in essence seeks to repeal the NGO Registration Act, 2009, and to create a conducive and enabling environment for NGOs to work better for the development of the Country.

2. BACKGROUND

In October 2010, Cabinet approved the National NGO Policy arrived at after consultation with stakeholders including Civil Society Organizations (CSOs). The Policy raised a number of concerns that had to be addressed including the need to harmonize the NGO Policy, with the NGO Registration Act, cap. 113.

The process of repealing the NGO registration Act started in January 2011 and underwent a number of processes, consultations and benchmarking. Cabinet on 11th May, 2015 under Minute No. 76 (CT 2015) approved the proposed new NGO Bill to repeal the NGO Registration Act Cap. 113. The Bill was consequently gazetted on 10th April, 2015 and tabled before Parliament on 13th May, 2015.

The Bill intends to create a conducive and enabling environment for NGOs to work better for the development of the Country. The creation of a conducive operating environment for NGOs is providing the appropriate conditions for the functioning of NGOs, measured in terms of the laws, policies and actions of the different stakeholders.



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3. OBJECTIVES OF THE BILL

The objectives of the Bill are:

- (i) To provide an enabling environment for the Organizations sector;
- (ii) To repeal the NGO Registration Act, Cap. 113;
- (iii) To establish an administrative and regulatory framework within which NGOs can conduct their affairs;
- (iv) To create a Non-Governmental Organizations Bureau to strengthen the capacity of the NGO Board;
- (v) To promote the development of self regulation among NGOs;
- (vi) To promote a spirit of cooperation, mutual partnership and shared responsibility between the organizations sector, the Ministries, Departments and Agencies of Government and other stakeholders dealing with NGOs;
- (vii) To promote and require organizations to maintain high standards of governance, transparency and accountability
- (viii) To promote and strengthen the capacity of the organizations sector that is sustainable and able to deliver services professionally; and
- (ix) To promote and develop a charity culture that is voluntary, non-partisan and relevant to the needs and aspirations of the people of Uganda.

4. METHODOLOGY

The Committee used the following methodology in the process of scrutinizing the Bill:

(i) Meetings with the following Stakeholders:

- The Ministry of Internal Affairs
- The Ministry of Ethics and Integrity
- The National NGO Board
- National Planning Authority (NPA)

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- National Association of Women Organizations in Uganda (NAWOU)
 - Interparty Organisation for Dialogue (IPOD)
- ii) Held public hearings that attracted representatives from a number of NGOs in and outside the Country. **Here attached is the List of attendance—Annex 1**
- iii) *Attended a Workshop* organized by the Ministry of Internal Affairs from 22nd -23rd June 2015.
- iv) *Received Written memoranda* from the following;
- The European Union Embassy in Uganda
 - Uganda Human Rights Commission (UHRC)
 - The Non Governmental Organizations (NGO) Forum
 - The Pan African Club
 - The National Association of Professional Environmentalists (NAPE) (Ltd)
 - NGO Working Group on Women, Peace and Security
- v) Reviewed the following documents:
- The Constitution of the Republic of Uganda
 - The NGO Bill, 2015
 - The Non-Governmental Organizations Registration Act, 2009
 - The Non-Governmental Organizations' Policy
 - The Rules of Procedure of Parliament of Uganda
 - The Hansard
- vi) Desk Bench-marking through analysing related laws from Rwanda and South Africa.

5.0 Committee Observations and Recommendations

The Committee noted that;

- a) Globally, the growth of NGOs on the world scene has been described as “a *global association revolution*”. This growth of the NGOs is associated with the hanging attitude of the international donor community about development assistance.
- b) The NGO Sector in Uganda is young although fast growing with the average Ugandan NGO being 11 years. In 1986 there were a little less than 200

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NGOs, while the official NGO Registry at the Ministry of Internal Affairs shows that by close of 2009, there were 8,385 registered NGOs in Uganda and about 11,500 by the end of 2013.

- c) There is need to separate NGOs from Faith Based Organizations (FBO)
- d) NGOs mobilize human and financial resources in order to produce 'services', which are typically not sold to beneficiaries. Some of the services provided by NGOs include although not limited to the following;
- Voluntary and Philanthropic Services: This is to say that NGOs are founded to serve the needs of the poor people and marginalized groups. Most were founded by individuals or groups of people giving their time and money for a certain cause. For example, TASO was formed as a support mechanism for persons living with HIV/AIDS.
 - Complementary and additional services to those provided by the State. A central strength and distinguishing characteristic of NGOs is additionality, or their ability to mobilize and bring in additional financial, and technical resources. Globally, NGOs shift as much as US\$5 billion. In Uganda, NGOs bring in as much money as what the World Bank brings annually in multilateral assistance.
 - Advocacy Services for better and just policies, programmes and practices: Progressively NGOs have come to the realization that the way they have been approaching development can at best be described as achieving limited results. NGOs are now active in trade, putting a human face to globalization and structural adjustment policies, campaigns for debt relief, gender and the girl-child, eradication of small arms and landmines, land related issues, dams and rivers, legal aid, guarantees/protection for human rights, the rights-based approach to development, and others.
 - Holding Government accountable and promoting self-regulation to ensure that all NGOs/CSOs are transparent and accountable in their activities.

Recommendation

The Committee recommends the enactment of this law to harmonize the current legal regimes with the principle objective of providing a conducive and enabling environment for the NGOs, and strengthening the capacity of the NGO Board to register, regulate, coordinate and monitor NGO activities.

5.1 Economic Contribution of the NGOs

The Committee was informed that, according to Nyangabyaki et al (1999);

- Extrapolation of figures today could have NGOs contributing up to 16% of GDP and employing over 500,000 economically active Ugandans with a national reach across the country.
- While the rapid growth of the Non Governmental Organizations (NGOs) sector is critical and compliments Government service delivery through the provision of services like Health, Education and water among others, it ought to be regulated in order to streamline and to provide for the legal and procedural guidelines for the operations of NGOs for effective contribution to national Development in a harmonized and transparent manner.

Observation

The Committee observed that;

- Creation of a body cooperate status for National NGO Board and strengthening of its capacity is critical in the harmonization of the interests of both the Government and the NGO Sector.**
- Under the Bill, there are no restrictions on the sources of funding only that NGOs are required to disclose their sources of funding, under Clause 40, through their memorandum of understanding with their donors, sponsors, affiliates, local and foreign partners. This**

will enhance transparency and accountability within the sector and will help to address national security concerns.

5.2 Additional Observations and Recommendations

In addition to the above, the Committee further noted the following stakeholders concerns;

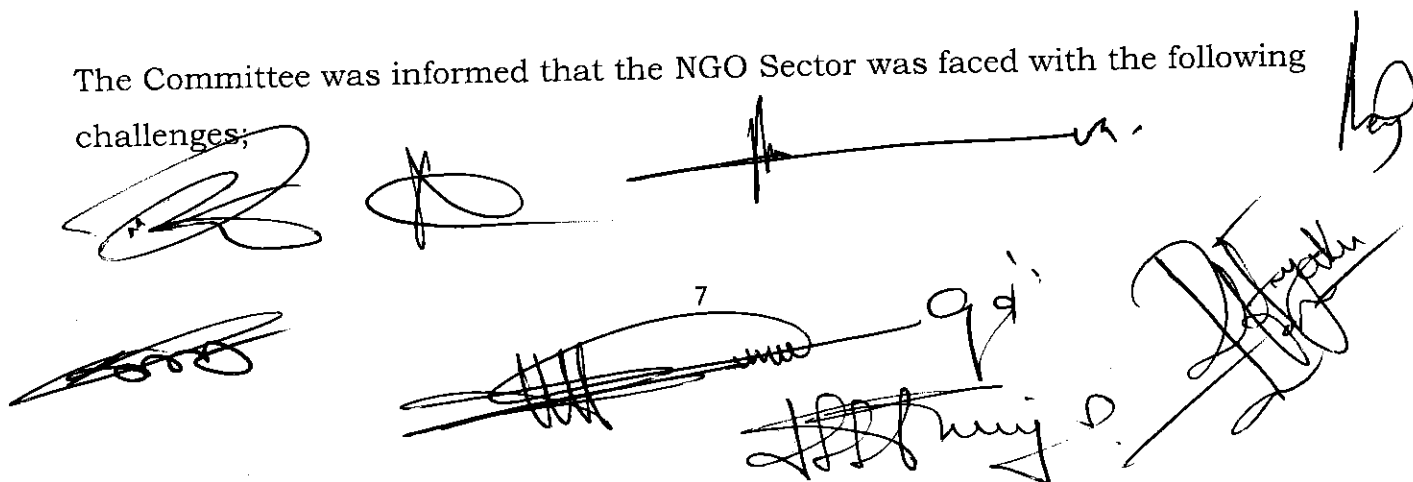
- a) The existence of a pending Constitutional Court Petition no 5, of 2009, here with, attached as annex 2
- b) The annual renewal of work permits through annual payments may give rise to denial of re-registration.
- c) Dual liability for NGO employees. (i.e NGO officials are held personally responsible for the NGOs' commissions or omissions yet these are distinct personalities which are separable by law). **The Committee recommends that;**
 - **Clause 31 should be reviewed to address the issue of dual liability.**
 - **All the penalties in the Bill be reviewed to be commensurate to the offences committed.**
- d) The absence of the NGO representation on the National NGO Board.

Therefore, the Committee recommends for a review of the representation on the NGO Board

- e) The rapid and the unchecked growth of the NGO sector is creating room for some NGOs to engage in subversive activities.
- f) The Committee noted that the use of the phrase '**public interest**' remains legally undefined.

5.3 Challenges in the NGO Sector

The Committee was informed that the NGO Sector was faced with the following challenges;



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- 1) There is high incidence of misrepresentation amongst the NGOs which tarnishes the reputation of the entire NGO fraternity.
- 2) Excessive and unrealistic donor demands were an obstacle to openness and transparency
- 3) NGOs with antagonistic relations with the Government were more likely to hide information and be dishonest.
- 4) NGOs if not well monitored and regulated, can be a huge security threat especially in being used as conduits for money laundering and financing terrorism. In December, 2014, the Kenyan Government closed 510 NGOs, 15 of which were accused of having links with terrorism.
- 5) The National NGO Board which is mandated to register, regulate, coordinate and monitor NGO activities in the country has got inadequacies in funding, structure and limited mandate.

6.0 Recommendations

The Committee recommends that;

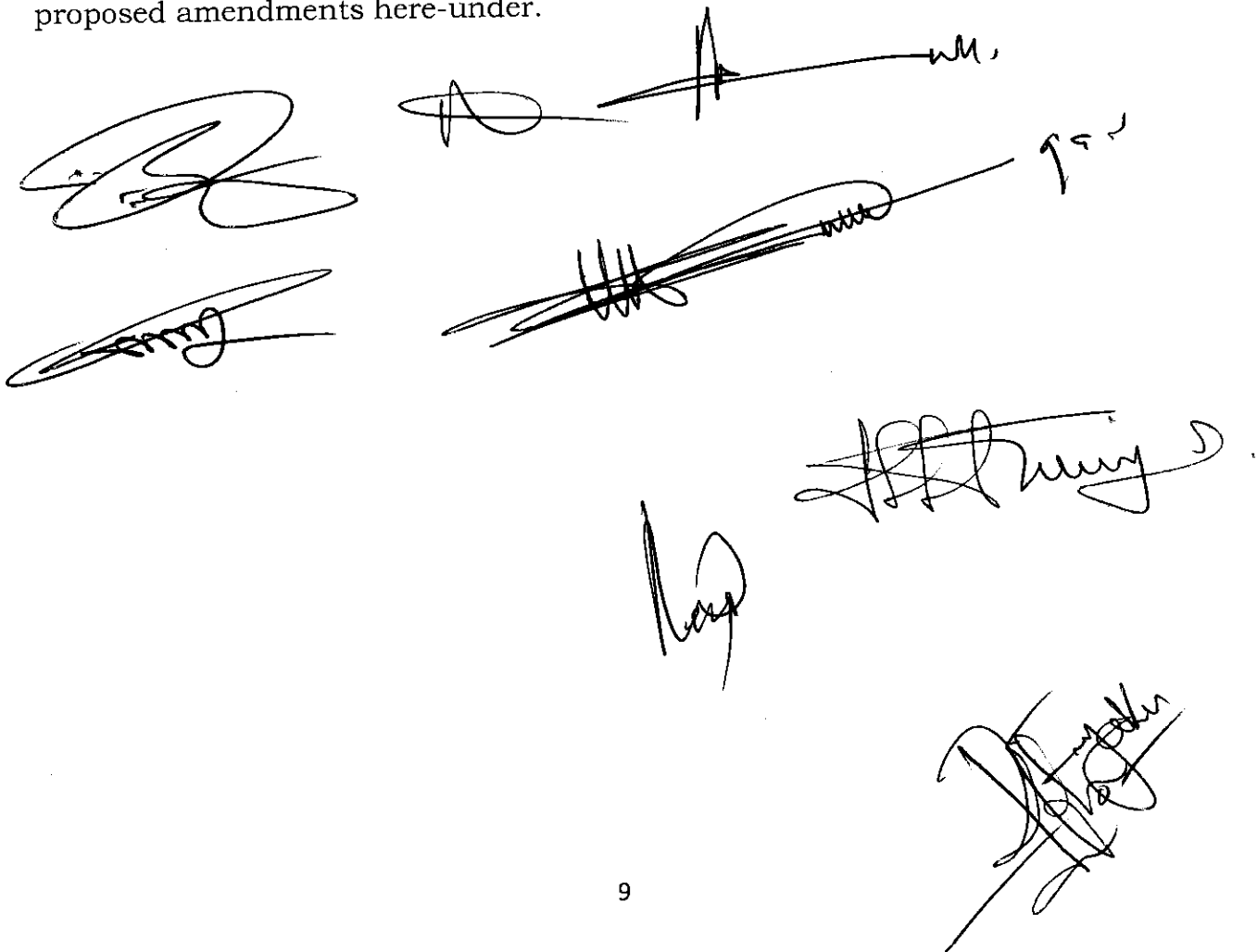
- 1) A corporate body status for the National NGO Board should be granted for strengthening of its Capacity
- 2) Establishment of Monitoring Systems which are imperative to have a strong monitoring and evaluation reporting structure.
- 3) The National NGO Board should have a national representation with both regional and zonal offices.
- 4) In order to achieve efficiency and effectiveness the Chairperson of the District NGOs Monitoring Committees (DNMCs) should be the Chief Administrative Officer (CAO) while the Resident District Commissioner (RDC) retains the responsibility of monitoring the NGOs' activities as stipulated under Art 203(3a) of the Constitution of the Republic of Uganda.

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7.0 Conclusion

In conclusion, a regulatory framework for the NGO Sector is critical for service delivery and harmony between Government and the NGO sector. The Committee also notes that, whereas, the Bill contains positive legal and procedural guidelines for the oversight, management and self regulation by NGOs; certain aspects pertaining to ministerial powers; composition of bodies; registration requirements and lack of appeal mechanism among others, to foster harmony between Government and the NGO sector have been recommended for consideration by Parliament.

All-in-all, the Committee recommends that the Non Governmental Organizations (NGOs) Bill, 2015, be passed into law with due regard to the proposed amendments here-under.



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8.0 PROPOSED AMENDMENTS TO THE NON GOVERNMENTAL ORGANIZATIONS (NGOs) BILL, 2015

The Committee recommended that the Bill be passed into law taking into consideration of the following proposed amendments;-

1. Long title

Proposal to amend the long title by;

- (i) Substituting for the word 'Board' wherever it appears in the long title, the word 'Bureau'
- (ii) Substituting for the word "regional" appearing between the word 'of' and 'offices' on the 7th last line; the word "branch"
- (iii) Deleting the word "for" appearing between 'a' and 'fund' on the 4th last line.

Justification

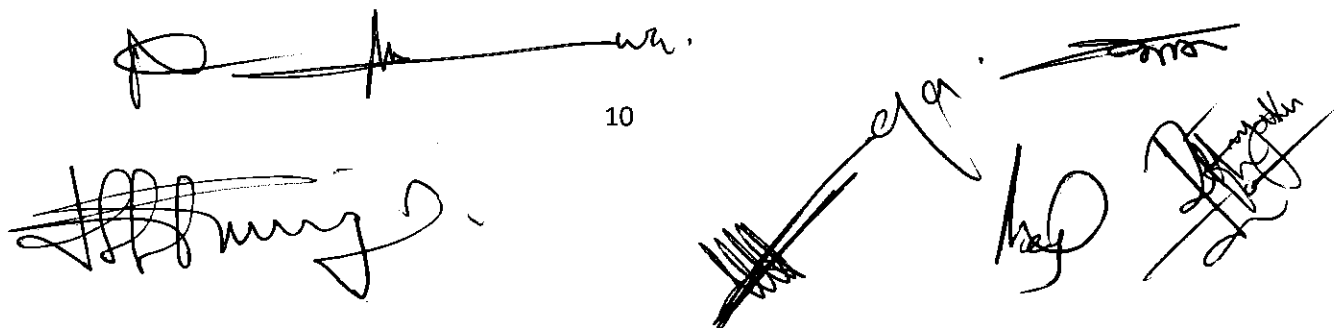
For grammatical correction and clarity.

2. Clause 3. Interpretation

Proposal to amend clause 3 by:

- (i) Substituting the word "Board" for the word "Bureau" in the first paragraph.
- (ii) Deleting the definition of "certificate of incorporation"
- (iii) In the definition of "Community Based Organisation" delete the word 'non-governmental'
- (iv) Substituting for the word 'Board' with 'court' in the definition of 'dissolution'
- (v) Deleting the entire definition of 'each region of Uganda'
- (vi) Substituting for the definition of the word 'organisation' the following;

Organization means a legally constituted organization including non-governmental organization comprised of natural persons or autonomous collective voluntary organizations whose aim is to improve economic, social, civic, scientific and cultural development and to advocate for public interests of a certain group,

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natural persons or organizations with the view of promoting the common interest of their members, but not for profit or commercial purposes.

- (vii) Deleting the definition of 'secretary'

Justification

For clarity and to remove ambiguity.

3. Clause 4. Objects of the Act

Proposal to amend clause 4 by re-arranging the objects to provide as follows:

The objects of this Act are to-

- (a) establish an administrative and regulatory framework within which organisations can conduct their affairs;*
- (b) promote and require organisations to maintain high standards of governance, transparency and accountability;*
- (c) promote a spirit of cooperation, mutual partnership and shared responsibility between the organisations sector, the Ministries, Departments and Agencies of Government and other stakeholders dealing with organisations;*
- (d) provide the development of strong organizations and to facilitate the formation and effective function of organisations for public benefit purposes;*
- (e) promote and strengthen the capacity of the organisations sector that is sustainable and able to deliver services professionally;*
- (f) promote the development of self-regulation among organisations;*
- (g) provide an enabling environment for the organisations sector;*
- (h) strengthen the capacity the Bureau; and promote and*
- (i) Promote and develop a charity culture that is voluntary, non-partisan and relevant to needs and aspirations of the people of Uganda.*

Justification

To be systematic in stating the objects by stating the most core objects first.

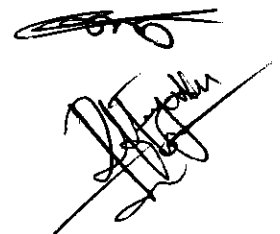
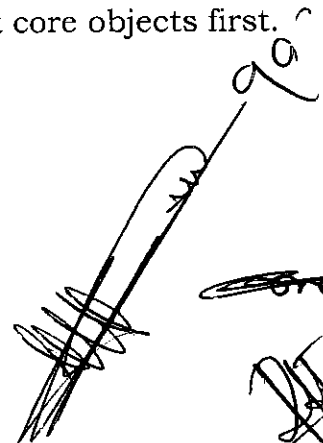
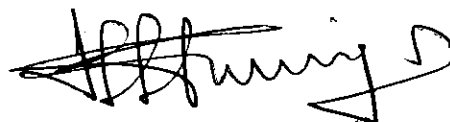
PART II

4. Clause 5. Establishment of the Bureau

Proposal to amend clause 5 by;



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- (i) In the sub-title of part 11 by substituting for the word 'Board' the word 'Bureau'
- (ii) In the head note to substitute the word 'Board' with 'Bureau'
- (iii) Substituting for the word 'Board ' where ever it aooears in the clause with the word 'Bureau"

Justification

It is pertinent that an autonomous body is set up under this Act to handle NGO matters that are enormous for a department or section in the Ministry of Internal Affairs, this body should be called Bureau rather than Board since the current body in existence is a Board so it might be difficult to differentiate the two.

5. Clause 6. Functions of the Bureau

Proposal to amend clause 6 by;

- i. Substituting for the word 'Board' wherever it appears with the word "Bureau"
- ii. In paragraph (d) by
 - (i) Substituting for the word 'regional' the word 'branch'
 - (ii) deleting the words 'DNMCs and SNMCs'

Justification

There may not be a clear way of demarcating Regional offices in the country; besides this is an administrative function that should be left to the Bureau to decide basing on load of work and budgetary implications for the different part of the Country.

- iii. Merging paragraphs (b) and (c) to read as:

to formulate, develop and issue policy guidelines for DNMCs and SNMCs for the effective and efficient monitoring of the operations of the organizations.

- iv. In paragraph (h) by substituting the following paragraphs and re-numbering accordingly;
 - (i) to establish and maintain a register of organizations;
 - (ii) to consider applications for issuance and renewal of permits;
- v. Deleting paragraph (i)

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Justification

To avoid duplication of roles since the responsibility to incorporate legal persons is the preserve of the Registrar of Companies and the Uganda Registration Services Bureau.

6. Clause 7. Powers of the Bureau

Proposal to amend clause 7 by;

- (i) Substituting any reference to 'Board' wherever it appears in the clause with the word 'Bureau'
- (ii) Substituting for paragraph (1) (b) with the following;
 - (b) "summon and discipline organizations"
- (iii) Deleting the entire sub-clause (2)

Justification.

It is provided for in the appeals section.

7. Clause 8. Common seal of the Bureau

Proposal to amend clause 8 as follows;

In sub section (2), by deleting the words "chairperson and" redrafted to read as;

- (2) "The affixing of the common seal of the Board shall be authenticated by the signature of the Executive Director".

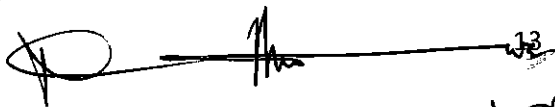
PART III-BOARD OF DIRECTORS

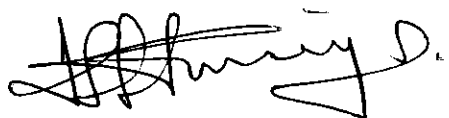
8. Board of Directors

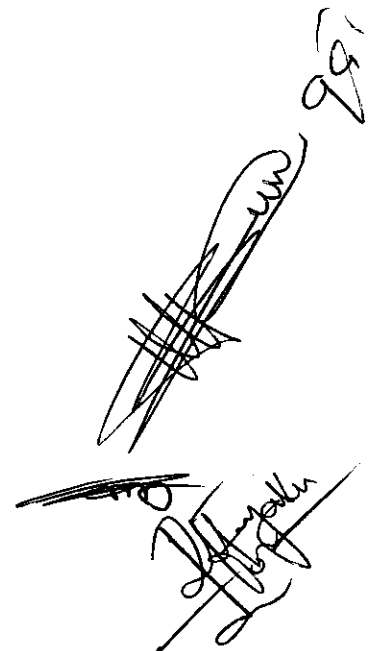
Proposal to amend clause 9 by;

- (i) amending the head note to read as 'Board of Directors'
- (ii) re-drafting sub-clauses (1), (2), (3) and (4) as follows;

- (1) The Bureau shall be governed by a board of directors.
- (2) The board shall consist of the following—







- (a) *The Permanent secretary of ministry of Internal Affairs or his/her representative who shall be the Chairperson of the Board;*
- (b) *The Permanent secretary of the ministry responsible for Finance, Planning and Economic Development or his/her representative;*
- (c) *The Permanent secretary, of the ministry responsible for Gender, Labour and Social Development or his or her representative ;*
- (d) *A representative of the ministry responsible for of Security ;*
- (e) *Two representatives from the Non-Governmental Organizations Sector in Uganda;*
- (f) *One eminent person from the public; and*
- (g) *The Executive Director who shall be an ex-officio.*

(3) *The members of the board shall appoint a vice chairperson from amongst themselves who shall assist the Chairperson in the operation of the board.*

(4) *The member of the board provided for under paragraph (f) shall be appointed by the Minister and shall have proven experience of at least ten years in any, but not limited to the following fields;*

- (a) *Organization regulation and administration;*
- (b) *Law;*
- (c) *Public administration and management;*
- (d) *Public finance; or*
- (e) *International relations.*

Justifications:


- To clarify on the membership of the board
- To include representatives from the NGO sector in the membership of the board since the law is aimed at regulating NGOs.

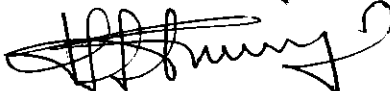
(iii) In sub-clause (6) by;

(a) substituting for paragraph (d) the following;

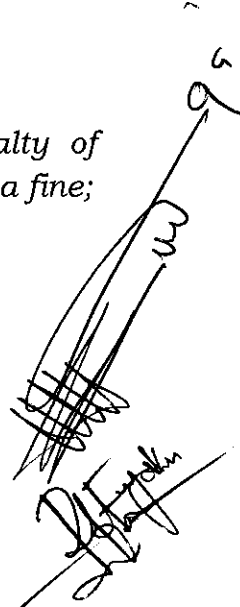
(d) is convicted of a criminal offence in respect of which a penalty of imprisonment of one year or more is imposed without the option of a fine;

(b) Inserting a new paragraph (e) to provide as:

 _____







(e) 'is adjudged insolvent;'

(c) Inserting a new paragraph (f) to provide for 'abuse of office'.

Justification

- To remove the ambiguity on the issue of conviction as a ground for removal of a member of the board
- To introduce bankruptcy as a ground for removal of a member of the board

(iv) In sub-clause (7) by re-drafting it as follows:

(7) 'Where a member provided for under sub section 2 (f) resigns, dies or is removed from office under this section, the Minister shall within three months, appoint another person to replace the member, and to hold office for the remainder of the term of that member'.

9. Clause 10. Tenure of office of members of the board.

Proposal to amend the clause by substituting it with the following;

(10) *'A member of the board of directors appointed under section 9(2) (e) and (f) shall hold office for a period of four years and is eligible for reappointment for one further term'.*

10. Clause 11. Functions of the Board.

(i) Proposal to amend sub-clause 11 (1)(g) by;
substituting for the entire paragraph the following;

(g) *'Appointing staff of the Bureau'.*

Inserting a new paragraph after (i) to read as;

(j) to perform such other functions as may be prescribed by law.

(iv) Deleting sub-clause (2)

Justification

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Clause 11 (2) is deleted because such powers should be exercised by the Bureau since its secretariat does the day to day operations of the Bureau; they have been transferred to Clause 6.

11. Clause 12. Meetings of the board of directors

Proposal to redraft clause 12 as follows;

(12) The meetings of the Board shall be conducted in accordance with Schedule 2.

PART IV—MANAGEMENT AND STAFF OF THE BUREAU

12. Clause 16. Executive Director.

Proposal to amend clause 16 by;

- i. Substituting any reference to 'Board' where ever it appears in the clause with "Bureau"
- ii. Inserting a new sub-clause (2) after sub-clause (1) to read; and re-number the rest accordingly.

(2) 'The Executive Director shall be a person of high moral character and proven integrity, with the relevant qualifications and experience in Public administration and management; law; economics or any other applicable qualification'.

- iii. In sub clause (4) by;

Substituting for paragraph (d) the following:

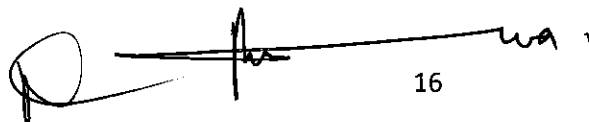
(d) *'is declared insolvent;*

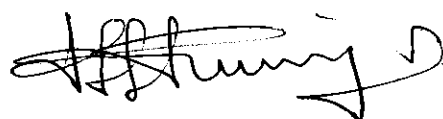
13. Clause 17. Secretary to the Bureau.


Proposal to amend clause 17 by:

Substituting for the entire clause the following;

(1) There shall be a secretary to the Bureau who shall be appointed by the Board on terms and conditions specified in the instrument of appointment.

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(2) *The secretary to the Bureau shall be the Principal Legal adviser to the Board and Bureau;*

(3) *The Secretary to the Bureau shall perform such functions as the Executive Director may direct and in addition, shall be responsible for—*

(a) arranging the business at meetings of the board of directors;

(b) taking the minutes of the meetings of the board of directors; and

(c) keeping the records of the decisions and other policy records of the board of directors;

(3) *In the performance of his or her duties, the secretary shall report to the Executive Director.*

(4) *The secretary to the Bureau shall possess the relevant professional qualifications.*

Justification

To clarify the responsibilities of a Secretary to the Bureau in relation to the duties of the Executive Director.

PART VI - THE DISTRICT AND SUB-COUNTY NON-GOVERNMENTAL ORGANISATION MONITORING COMMITTEES OF THE BUREAU.

Proposal to amend the sub-title of part VI by substituting for the word "Regional" the word 'Branch' and subsequently in any provision of this part where it appears.

14. Clause 19. Branch Offices of the Bureau

Proposal to amend Clause 19 by:

In the head note, sub section (1) and sub-section (2) to provide for branch instead of Regional.

In sub-section (2)(a) by substituting for the phrase 'guide and monitor' the phrase 'supervise'

Deleting paragraph (2)(c)

Justification

- It is better to leave the discretionary powers of opening offices to the Bureau than to legislate on it by the Act.
- An appeals process has been provided in the latter sections of this Act, it is sufficient to cover paragraph (c)

15. Clause 20. District Non-Governmental Organisations Monitoring Committee

Proposal to amend clause 20 by;

- I. In sub-clause (2) (a) by substituting for the phrase "*Resident District Commissioner*" the phrase "*Chief Administrative Officer*"

Justification

To align the Bill with the National NGO policy.

- II. In sub-clause (2) (b), by substituting for the phrase Chief Administrative Officer" the phrase "District Community Development Officer" as the secretary to the Committee.
- III. In paragraph (c), by substituting it with '*District Health Officer*'
- IV. By Inserting two new paragraphs (f) and (g) to provide as;
 - (f) '*the District Education Officer*'
 - (g) '*the Secretary for Gender and Community Services*'

Justification

To align the bill with the National NGO policy.

- V. By deleting clause 20 (4) (i)

Justification

A clear appellate process has been provided under clause 45.

16. Clause 21. Sub county Non-Governmental Organizations Monitoring Committee

Proposal to amend clause 21 by:

- I. In paragraph (2) (a) by substituting for "*Resident District Commissioner*" with "*Senior Assistant Secretary*"

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- II. In paragraph (2) (b) by substituting for "Senior Assistant Secretary" with "Community Development Officer"
- III. In paragraph (c) by substituting for entire paragraph as follows:
(c) 'sub county Health Inspector'

Justification

To align the section with the National NGO the policy

PART VII-FINANCIAL PROVISIONS

17. Clause 22. Funds of the Bureau.

Proposal to amend clause 22 by:

In sub-clause (2) by re-drafting it as follows;

(2) 'All non-tax revenue raised by the Bureau shall be remitted to the consolidated fund'.

Justification

To align the provision with the Public finance Management Act, 2015.

18. Clause 24. Bank accounts

Proposal to amend clause 24 by deleting sub clauses (2) and (3)

Justification

To avoid legislating into the internal matters of the Bureau.

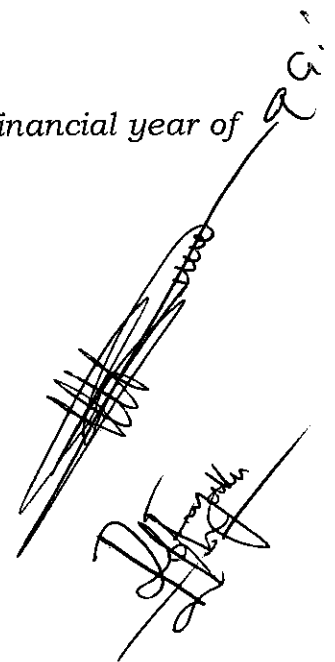
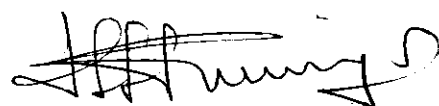
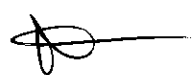
19. Clause 25. Financial year of the Bureau

Proposal to amend clause 25 by re-drafting it as follows;

(25) 'The financial year of the Bureau shall be the same as the financial year of Government.'

Justification

For clarity



20. Clause 27. Establishment of a fund for Organizations

Proposal to amend clause 27 by;

- i. inserting a new sub-clause (4) to provide as follows;

(4) *'For avoidance of doubt, the fund shall serve the purpose of strategic intervention and affirmative action as the case may be; its presence shall not in any way prejudice organisations or CBOs from acquiring funds, grants, gifts or donations from other sources'.*

Justification

To provide for allowance of organisations and CBOs acquiring their own funding.

- ii. In sub-clause (3), substitute for the word "Board" the word "Bureau"

PART VIII-REGISTRATION AND INCORPORATION OF NON-GOVERNMENTAL ORGANISATIONS.

Proposal to amend the sub-title to provide for 'REGISTRATION OF ORGANIZATIONS WITH THE BUREAU'

21. Clause 31. Registration of organizations with the Bureau.

- i. *Substitute the entire clause 31 with the following;*

(1) *Any person or group of persons incorporated as an organization shall register with the Bureau.*

(2) *An application made under subsection (1) shall be accompanied by -*

- (a) *evidence of statements made in the application as the Minister may prescribe by regulations;*
- (b) *a certificate of incorporation;*
- (c) *a copy of the organisation's constitution;*
- (d) *Evidence of payment of the prescribed fee.*

(3) *Upon compliance with the requirements of sub section (2), the Bureau shall register the organization.*

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- (4) An organization that has been registered remains registered until—
- (a) its registration is cancelled in terms of this Act;
 - (b) the organization is voluntarily deregistered; or
 - (c) the organization is wound up or dissolved.

Justification

- To provide for a clear method of registration
- To give the minister powers to make regulations as to the form and content of documents needed for registration
- To retain the mandate of incorporation of legal persons with the Registrar of companies and URSB.

22. Proposal to insert a new clause (32) to provide for refusal to register an organization by the Bureau as follows:

Clause 32. Refusal to register

- (1) *An organization shall not be registered under this Act-*
- (a) *where the objectives of the organization as specified in its constitution are in contravention of the laws of Uganda;*
 - (b) *where the application for registration does not comply with the requirements of this Act;*
 - (c) *where the applicant has given false or misleading information in any material particular;*

(2) *Where the Bureau refuses to register an organization under sub section (1), the Bureau, it shall inform the applicant in writing of the reasons for the refusal within ninety days from the date of communication of the decision.*

23. Proposal to insert a new clause 33 to deal with application and issuance of permits as follows:

33. Application and Issuance of permit

- (1) *An organization shall not operate in Uganda without a valid permit issued by the Bureau.*

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(2) An organization shall apply to the Bureau for a permit, and the Bureau shall, within ninety days issue a permit subject to conditions or directions stipulated by this Act.

(3) An application made under this section shall be in a form as the Minister may by regulations prescribe.

(4) An application made under this section shall specify-

- (a) the operations of the organization;
- (b) the areas where the organisation may carry out its activities;
- (c) staffing of the organisation;
- (d) geographical area of coverage of the organisation;
- (e) location of the organisation's headquarters; and
- (f) date of expiry of the previous permit.

(5) An application made under subsection (2) shall be accompanied by evidence of payment of the prescribed fee;

(6) Subject to the provisions of this section, the board may issue an Organization with a permit to operate for a period not exceeding five years at a time.

Justification

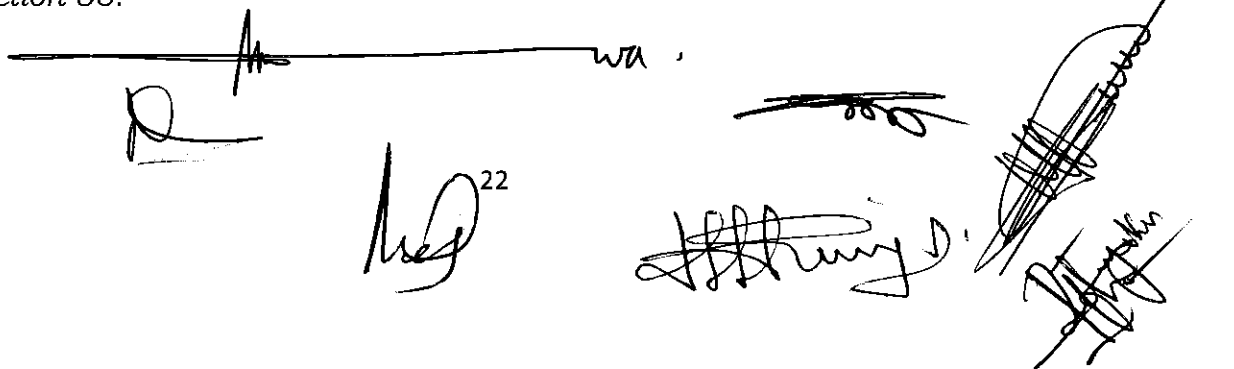
To provide for a clear process of application and issuance of permits to organizations operating in Uganda.

24. Proposal to insert a new clause 34 to deal with renewal of a permit as follows:

Clause 34. Renewal of a permit

(1) Subject to section 33, an organization shall apply for renewal of a permit within six months before the expiry of its permit.

(2) an organization applying for renewal of a permit will comply with subsection (2) of section 33.

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(3) the bureau shall renew a permit if it is satisfied that the organization has complied with the requirements of the permit and this Act.

(4) an organization that wishes to change the conditions of the permit, or the area of focus or the geographical area of focus may apply to the bureau to have its permit reviewed.

(7) The Bureau shall may review and renew the permit for an organization applying under subsection (4)

(8) An organisation whose permit expires, but continues to operate without renewal of its permit, shall pay a fine of ten currency points for every month of operation in default of renewal of the permit.

Justification

To provide for a clear process for renewal or permits.

25. Clause 33. Grounds for revocation of a permit.

Proposal to amend clause 33 of the Bill by;

- i. Re-locating the clause and fix it after the section on renewal of permits.
- ii. Deleting paragraph (1) (c)

Justification

There is a penal provision specific to deal with contravention of the provisions of the Act.

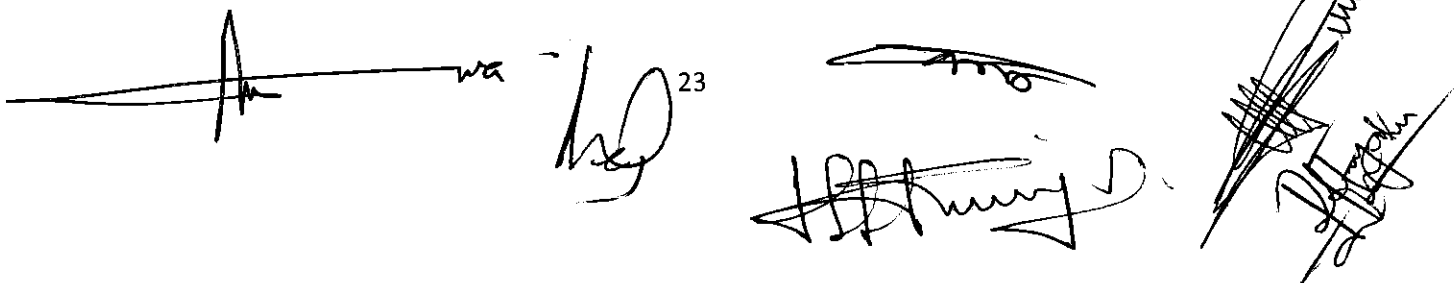
- iii. Deleting paragraph (1) (d)

Justification

The definition of public interest is subjective and hence may create ambiguity.

- iv. Proposal to insert a new sub-clause (4) to provide for re-application by the organisation after revocation of the permit. It will read;

where the Bureau revokes a permit of an organization under this section, the organization shall, subject to the conditions for grant of a permit under this Act, be allowed to re-apply for a permit.

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26. Proposal to insert a new clause providing for registration of organizations incorporated outside Uganda.

Clause 35. Registration of organizations incorporated outside Uganda

(1) Any organization incorporated outside Uganda which intends to operate in Uganda shall apply to the Bureau to be registered and issued with a permit.

(2) An application made under subsection (1) shall be-

- (a) accompanied by the prescribed fee;
- (b) a certified copy of certificate of incorporation from the country of incorporation;
- (c) a certified copy of its constitution, or charter or documents governing the organization

(3) Subject to fulfilment of the requirements under subsection (2), the Bureau may proceed to register and issue a permit to such an organization.

Justification

To provide for a clear registration process for organisations incorporated outside Uganda.

27. Proposal to insert a new sub-clause 36 to provide for exemption of provisions of this part as follows:

Clause 36. Exemption of organizations.

(1) The Minister may in an emergency situation, and in consultation with the Bureau, exempt an organization from the requirements of registration and issuance of a permit.

(2) Any exemption made under sub section (1) shall not include payment of prescribed fees.

(3) Subject to sub-section (1), the minister shall issue a provisional permit for the exempted organisation to operate for a period not more than six months.

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Justification

To give powers to the minister to exempt requirements for a permit in cases of an emergency

PART 1X- SELF- REGULATION, ADMINISTRATIVE AND REPORTING OBLIGATIONS.

28. Proposal to insert a new clause 36 just after clause (35) to introduce a new interpretation section as follows:

Clause 36. Interpretation

(1) For purposes of section 34 and section 35;

- (a) "Self-regulatory body" refers to a body set up by registered organizations that have come together and agreed that the body exercises some degree of regulatory authority over them upon consenting or resolving that they would abide by a set code of conduct, rules and procedures.
- (b) "Self-regulatory mechanism" means self-regulatory tools, rules and standards that organizations adopt to govern them in an agreed set up.

Justification

For clarity.

29. Clause 36. Annual returns, estimates and furnishing of information

Proposal to amend clause 36 by substituting for the entire clause the following;

- (1) *An organization shall, in accordance with the generally accepted standards of accounting practice—*
 - (a) *keep accounting records of its income, expenditure, assets and liabilities; and*
 - (b) *within six months after the end of its financial year, draw up financial statements.*

25

(2) An organization shall within two months after drawing up its financial statements, submit to the Bureau a report stating whether or not—

- (a) the financial statements of the organization are consistent with its accounting records;
- (b) the accounting policies of the organization are appropriate and have been appropriately applied in the preparation of the financial statements; and
- (c) the organization has complied with the provisions of this Act and of its constitution which relate to financial matters.

(3) An organization shall-

(a) submit to the Bureau annual returns and a report of the audited books of accounts by a certified auditor;

(b) declare and submit to the District technical planning committee, the DNMC and SNMC of the area in which it operates, estimates of its income and expenditure, budget, work plan, information on funds received and the sources of funds; and

(c) submit to the Bureau, DNMC and/or SNMC in the area of operation, any other information that may be required.

(5) A Community Based Organisation shall-

(a) submit to the SNMC in the area of operation, annual returns and a report of the audited books of accounts by a certified auditor;

(b) declare and submit to the SNMC its budget, work plan, information on funds received and the sources of funds; and

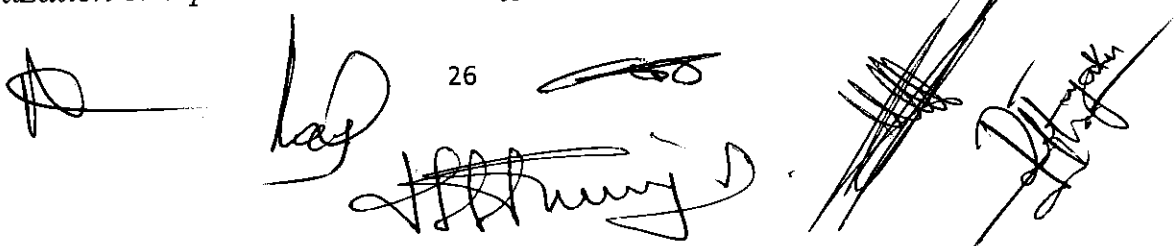
(c) submit to the SNMC, any other information that may be required.

30. Proposal to create a new part X on Offences and Penalties as follows:

PART X- OFFENCES AND PENALTIES

Clause 37. Offences and Penalties

(1) An organization or a person commits an offence who—



- (a) on being required to do so, fails or refuses to produce to the Bureau a certificate, permit, constitution, charter or other relevant document or information relevant for the purposes of this Act;
- (b) knowingly gives false or incomplete information for the purpose of obtaining a permit or other requirement;
- (c) operates contrary to the conditions or directions specified in its permit ; or
- (d) engages in any activity that is prohibited by this Act.

(2) Any person who contravene subsection (1) above commits an offence and shall be liable to a fine not exceeding seventy two currency points or to imprisonment for a term not exceeding three years or both, and in the case of a continuing offence, to a further fine not exceeding fifteen currency points for each day during which the offence continues after conviction.

Part X- Miscellaneous

31. Clause 37. inspection

Proposal to amend clause 37 is by;

- i. In sub-section (1) by substituting for the phrase 'officer of the secretariat authorized by the Board ' appearing on line one the phrase ' Inspector' to read;
 - (1) 'An inspector may, at any reasonable time inspect...'
- ii. In sub-clause (2) by deleting the entire sub-clause.
- iii. In sub-clause (3) by substituting for the phrase "officer of the secretariat authorized by the Board" appearing on line one the word "Inspector",
- iv. insert a new sub-clause (4) to read as;
 - (4) 'subject to the provisions of this section, the Bureau may designate from among its officers such number of inspectors as are necessary for carrying out the purposes of this section'.
- v. Insert a new sub-clause (5) to read as;
 - (5) A person designated as inspector, shall be Gazetted in the national Gazette.
- vi. Insert a new sub-clause to provide for notice to be given to an organization before inspection. it will read;

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(6) *Notwithstanding the powers given to an inspector under this section, no inspection shall be done without prior notice of at least seven days being given to an organization stating the time and purpose of the inspection.*

vii. insert a new sub-clause to read;

(7) *'For purposes of this section, reasonable time refers to hours of 8:00am to 5:00pm on working days.*

viii. insert a new sub-clause (8) to read as;

(8) *A person who—*

(a) *without any lawful excuse denies an inspector access to any property, books of account, records, returns, document or information requested for under this section;*

(b) *knowingly presents to the inspector a false or fabricated document or makes a false statement with intent to deceive or mislead the inspector;*

(c) *without reasonable excuse, refuses or fails to comply with any order or direction of the inspector;*

commits an offence and is liable on conviction to a fine not twenty four currency points or to imprisonment not exceeding one year, or both.

32. Clause 40. Special obligations

Proposal to amend clause 40 by;

i. In paragraph (a) re-drafting the paragraph as follows;

(a) *'not carry out activities in any part of the country, unless it has given copies of the permit to the DNMC and Local Government of the area of operation';*

ii. By deleting paragraph (d)

iii. By deleting paragraph (f)

iv. In paragraph (g) by deleting the words 'be non-partisan and'

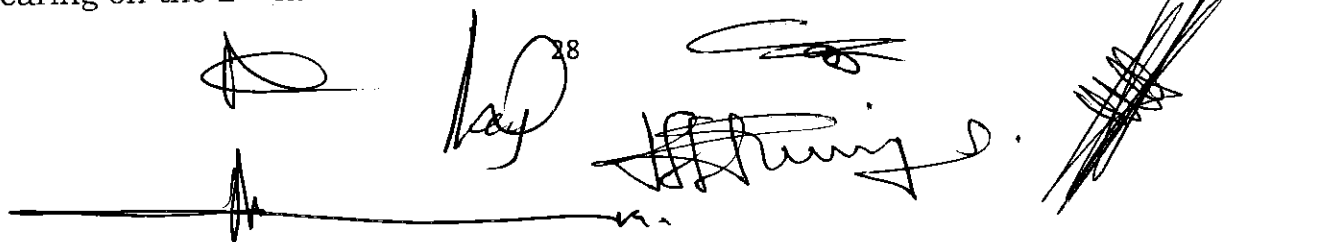
v. By deleting paragraph (h)

Justification

These provisions have been provided for in earlier sections of the Act.

33. Clause 42. Business operations of organizations.

Proposal to amend clause 42 in sub section (3) by deleting the word 'reputable' appearing on the 2nd last line.



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Justification

It is presumed that all Banks in Uganda are reputable; it will be discriminatory to use such a word in legislation.

34. Clause 43. Affiliated organizations

Proposal to insert a new sub-clause to provide for the meaning of affiliated organization as follows;

- (3) *'for purposes of this section, affiliated organization means an organization which is formally or closely connected to or controlled by an internationally incorporated organization or group'*.

35. Clause 44. Dissolution

Proposal to substitute the current clause 44 of the Bill with clauses 44, 45, 46 and 47 as follows;

44. Dissolution

- (1) The dissolution of an organization may be either –
- (i) Voluntary; and
 - (ii) by Order of Court

Justification

To provide for dissolution by court since the Bureau will not have the powers to incorporate; it cannot then dissolve an organisation.

45. Voluntary dissolution

(1) *Members of the organization may by resolution in accordance with the constitution of the organization, dissolve the organization.*

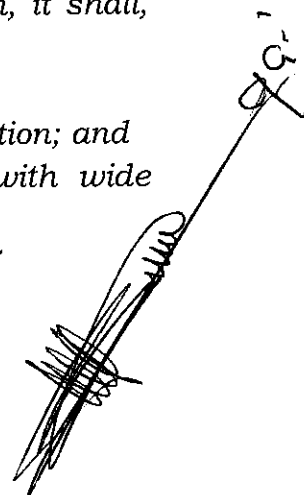
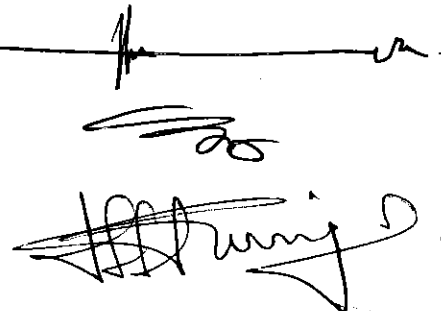
(2) *voluntary dissolution of the organization shall be taken to have commenced at the time of passing the resolution under sub section (1).*

(3) *where an organization passes a resolution for voluntary dissolution, it shall, within fourteen days after passing the resolution-*

- (a) *inform the Bureau of the resolution and the reasons for the resolution; and*
- (b) *publish the resolution in the Gazette and in a newspaper with wide circulation in Uganda.*



29



(4) A resolution for voluntary dissolution shall be registered with the Bureau and a copy sent to the official receiver within seven days after the date of passing the resolution.

(5) Where default is made in complying with this section, the organization and every officer of the organization who defaults commits an offence and shall be liable to a fine not exceeding thirty currency points.

(6) An organization that has made a resolution for voluntary dissolution shall develop and submit to the Bureau and to the official receiver a statement of its affairs showing particulars of assets, liabilities, names, residence and occupation of the creditors and the securities held by them.

Justification

To provide clarity on voluntary dissolution of the organization.

46. Dissolution by court.

(1) The jurisdiction in dissolution matters shall be exercised by the High Court.

(2) Any person, organization or bureau may apply to court for an order of dissolution of an organization, on any of the following grounds;

- (a) defrauding the public,
- (b) threatening national security,
- (c) gross violation of the laws of Uganda

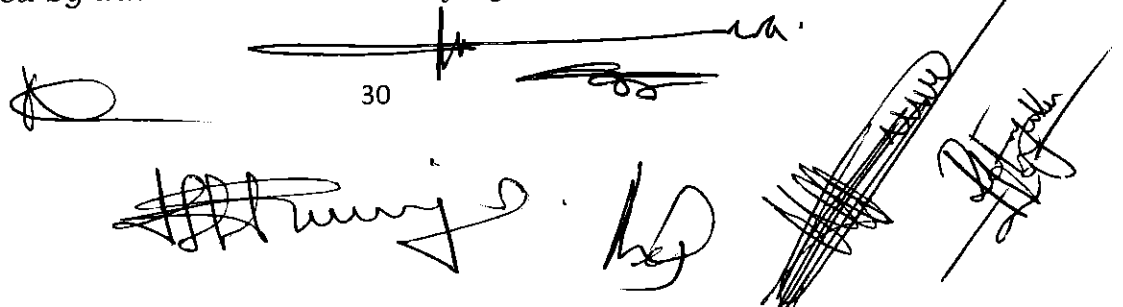
(3) where a person lodges a complaint against an organization under sub-section(2) above, court shall inquire into the affairs of the organization.

(4)) Where an organization is found guilty of any of the grounds stipulated in sub section (2), court shall move to dissolve the organization.

(5) Subject to sub-section (4), court shall issue a certificate of dissolution.

(6) It is an offence to cause an organization, when it is being wound up or dissolved, to transfer its remaining assets otherwise than in the manner contemplated by this Act and the laws of Uganda.

30



Justification

To give the court powers to dissolve organizations as stipulated in other laws.

47. Composition or scheme of arrangement

(1) An organization that makes a resolution for voluntarily dissolution shall make a scheme of arrangement showing how the organization intends to deal with its assets and liabilities.

(2) The scheme of arrangement shall be submitted to the official receiver and a copy shall be given to the Bureau.

(3) For avoidance of doubt the scheme in subsection (1) shall consider the liabilities in accordance with the constitution of the organization.

(4) The official receiver shall have powers to vary the scheme where he or she is of the view that the scheme may not meet the needs of all the creditors.

(5) The official receiver or a person appointed by court shall oversee the disposal of assets and liabilities of the organization in accordance with the scheme or the direction of court.

(6) where the organization has met the requirements of this Act, and the provisions set out in the scheme of arrangement, the members of the organization shall apply to court for a certificate of dissolution.

(7) court shall issue a certificate of dissolution where the assets and liabilities of the organization have been dealt with in accordance with the scheme of arrangement, the constitution of the organization or court's direction.

Justification

- To give the organization powers to make arrangements through which it can meet its liabilities before it is dissolved.
- To ensure the dissolution of the organization takes into consideration the needs of debtors and all stakeholders involved.

36. **Clause 45. Appeals**

Proposal to substitute the entire clause the following;

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45. Appeals

1) A person aggrieved by a decision of the SNMC or DNMC under sections 20 and 21 of this Act, shall appeal -

(a) from a decision of SNMC to DNMC.

(b) from a decision of DNMC to the bureau.

2) Where the DNMC or Bureau makes a decision against any organization, it shall in writing inform the organization of the reason for the decision.

38. Proposal to insert a new clause 46 to provide for an adjudication Committee as follows.

46. Adjudication Committee

(1) There is established an Adjudication Committee to handle appeals by persons aggrieved by a decision of the Bureau made under section 45(2) of this Act.

(2) The Minister shall constitute the adjudication committee by appointing its members to serve on terms and conditions specified in the instrument of appointment.

(3) The adjudication Committee shall be constituted as follows;

a. a chairperson who shall be an advocate of the High Court of not less than ten years standing;

b. a representative of organizations;

c. a representative of the Bureau; and

d. two senior citizens, with relevant qualifications and experience of not less than five years in organizations matters.

(4) Upon any complaint or appeal being made to the adjudication committee, the adjudication committee may:-

a. confirm, set aside, vary or quash the decision in question;

b. require the Bureau to revise or review its decision;

d. make such other order as may be appropriate in the circumstances.

(5) A person who is dissatisfied with the decision of the adjudication committee established under subsection (1) may appeal to the High court.

(6) The Minister shall publish the general rules and guidelines to be used by the adjudication committee in execution of their functions under this Act;

PART XI- SAVINGS AND TRANSITIONAL

37. Clause 51. continuation of operation of organisations

Proposal to amend the clause by substituting the existing with the following text;

'An organisation which existed immediately before the commencement of this Act, and had a permit to operate under the Non-Governmental Organisation Act, Cap. 113, may continue to operate, but shall submit a certified copy of its certificate of incorporation and permit to the Bureau for entry into a data base within twelve months after the commencement of this Act'

Justification

To remove ambiguity in regard to transition of organisations registered under a different law.

38. Schedule 2

Proposal to amend schedule 2:

(i) Paragraph 1. Meetings of board of directors.

In paragraph 1, substituting the existing sub-clauses with the following sub-clauses;

1. Meetings of the Board.

(1) The Chairperson shall convene meetings of the Board, and the Board shall meet at least once every three months at such places and at such times as may be decided upon by the Board.

(2) The chairperson or in his or her absence the vice chairperson shall preside at every meeting of the Board and in the absence of both the Chair person and vice chairperson; the members present shall elect from among their number, an acting chairperson.

(3) The Chairperson may, at any time, convene special meeting of the Board.

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(4) with the exception of a special meeting, notice of the board of directors meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

Justification

For clarity on the procedure of convening a meeting.

(ii) paragraph 4. Decision by circulation of papers.

Proposal to amend paragraph 4 by;

- (a) In the head note to substitute the phrase 'decision by circulation of papers' with 'Decision of the Board'.
- (b) Substituting sub paragraph (1) with the following;

(1) All decisions at a meeting of the Board shall be by simple majority of the votes of the members present and where there is an equality of votes, the person presiding at the meeting shall have a casting vote.

- (c) Substituting sub -paragraph (2) with the following;

(2) A decision reached by the Board shall be binding on all members.

Justification

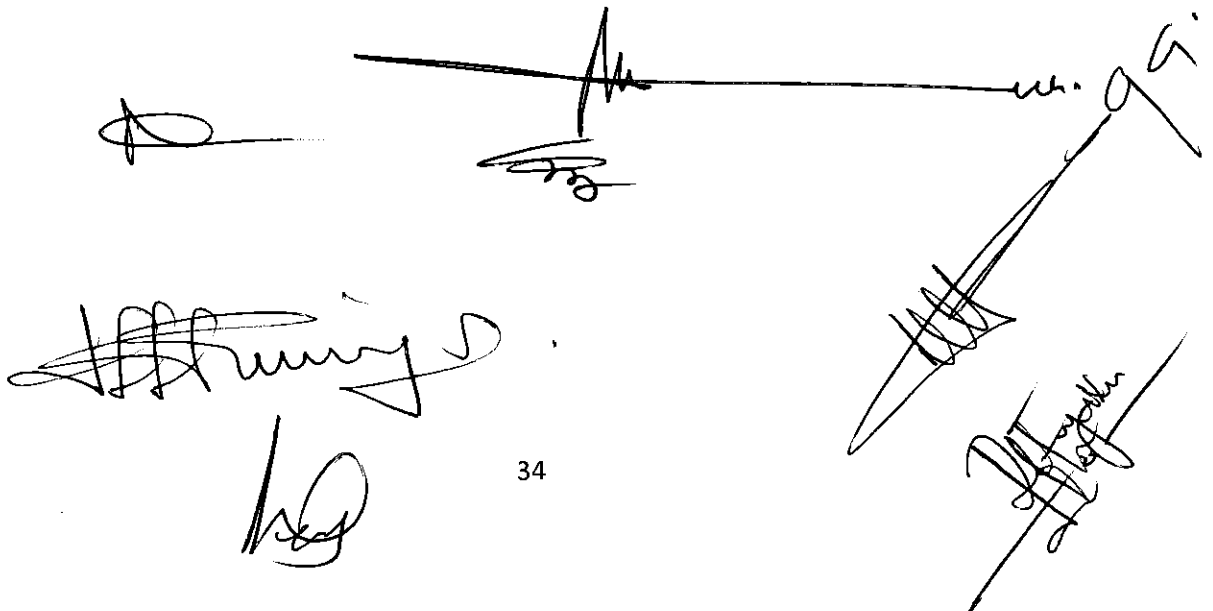
For clarity purposes

(iii) paragraph 6. Validity of proceeding not affected by vacancy

Proposal to amend paragraph 6 by deleting paragraph 6;



Justification

It's not necessary to legislate into the internal matters of the Board.

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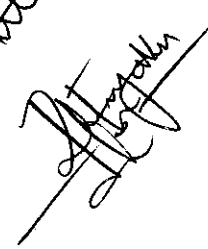
**REPORT OF THE COMMITTEE ON DEFENSE AND INTERNAL
AFFAIRS ON THE NON-GOVERNMENTAL ORGANISATIONS BILL,
2015**

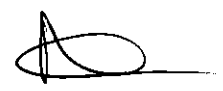
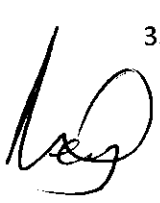


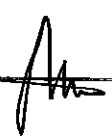

NO	NAME	CONSTITUENCY	POSITION	Signature
1	Hon. Namugwanya Benny Bugembe	Mubende	Chairperson	
2	Hon. Eriaku Peter Emmaunuel	Amuria	Vice Chairperson	
3	Hon. Muwuma Milton	Kigulu South	Member	
4	Hon. Mulongo Simon	Bubulo East	Member	
5	Hon. Mulindwa Patrick	Kasambya	Member	
6	Hon. Mbaghadhi Fredrick Nkayi	Kagoma	Member	
7	Hon. Mukula George Micheal	Soroti Municipality	Member	
8	Hon. Makhoha Margaret	Namayingo	Member	
9	Hon. Okeyoh Peter	Bukooli	Member	
10	Hon. Saleh Kamba	Kibuku	Member	
11	Hon. Nakawunde Sarah Temulanda	Mpigi	Member	
12	Hon. Alengot Proscovia Oromait	Usuk	Member	
13	Hon. Dr. Sam	Workers	Member	

	Lyomoki			
14	Hon. Fungaroo Kaps	Obongi	FDC	
15	Hon. Muwanga Kivumbi	Butambala	DP	
16	Hon. Bako Abia Christine	Woman Rep Arua	FDC	
17	Hon. Ssemujju Nganda Ibrahim	Kyadondo County East	Member	
18	Hon. Akello Rose Lilly	Woman Rep	Member	
19	Hon. Amodoi Cyrus Imalingat	Toroma	Indep	
20	Hon. Mbogo Kezekia	Budaka	Indep	
21	Hon. Bahinduka Mugara Martin	Ntoroko	Indep	
22	Hon. Sekikubo Theodore	Lwemiyaga	NRM	
23	Hon. Katirima Phinehas MP—(Brig)	UPDF	Member	

Annex 1 (Attendance for the Public Hearing held on Thursday, 25th June, 2015, at Parliamentary House)

- | | |
|-----------------------------|---|
| 1) Sewakiryanga Richard | NGO FORUM |
| 2) Kaija Job | NGO FORUM |
| 3) Mukwasirwe Chris | NGO FORUM |
| 4) Magelah Peter | Chapter FOUR |
| 5) Patrick Tumwine | HURINET |
| 6) Nkwasiabwe Innocent | --Tripartite Initiative for Resource Governance in Africa |
| 7) Mutale Salimat | -Public Interact Law Clinic |
| 8) Mucunguzi Sam | -Tripartite Initiative for Resource Governance in Africa |
| 9) Owino Innocent L | -Uganda Christian University |
| 10) Obiga Joel | - Uganda Christian University |
| 11) Muramuzi Frank | - NAPE |
| 12) Sukar Kyomugisha Osinde | - NAPE |
| 13) Kureeba David | - NAPE |
| 14) Tabaro Dennis N | - NAPE |
| 15) Sistine Namata | - NAPE |
| 16) Nambi Barbara Bunya | - Human Rights Centre Uganda |
| 17) Wankya Stephen | - Independent |
| 18) Ntangaza Caroline | -HFW-Uganda |
| 19) Isaac Arinitwe | - Platform for Labour Action |
| 20) Ngabirwe Winfred | - Gobal |
| 21) James Muhindo | - Global Rights Alert |
| 22) Evelyn Kamau | - OHCHR |
| 23) David Bradford Nguvu | - KADDENET |
| 24) Kwesiga Steven | - CDRN |
| 25) Wolf Micheal Mors | - GIZ |
| 26) Iris Dill | - GIZ |

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- 27) Mukooyo Jolly T -LASPNET
 28) Dianah Nanjeho Ag. GA ----UGANET
 29) Zahara Nampewo - HURIPPEC
 30) Sophie Kyagulanyi - FOWODE
 31) Ssekaggya Margaret - Human Rights Centre Uganda
 32) Gloria Kabwala - CDFU
 33) Dr. Josephine Ndagire - Foundation For Human Rights
 Initiative (FHRI)
 34) Dr. Livingstone Sewanyana - FHRI
 35) Brenda Kuganzo - CEWIGO
 36) Justin Joh - FHRI
 37) Ms Teddy Mayanja -FHRI
 38) Nakiganda Suzan FHRI
 39) Nalukwago Racheal UBC
 40) Adella Agaba UDN
 41) Christine Burmoro UDN
 42) Estella Kabachwezi EHAHRDP
 43) Liset Vlamings - FHRI
 44) Dr. Rev. Dannel Nkata NFOBAC(U)
 45) Bp. Herbert Buyondo Born Again Faith
 46) Dr. Serwadda Joseph Born Again Faith
 47) Kazibwe Mary FOWODE
 48) Nagudi Jackline FOWODE
 49) Tibwnderana Alex FOWODE
 50) Bingwa Ponsiano FOWODE
 51) Byayesu Stephen FOWODE
 52) Lelly Muhwezi WACSOF
 53) Mugisha Jolly K MBADICSOF
 54) Namagembe Habiba BUCINET
 55) Chebet Lorna KACSOA
 56) Mushemeza Cheguevara HURINET

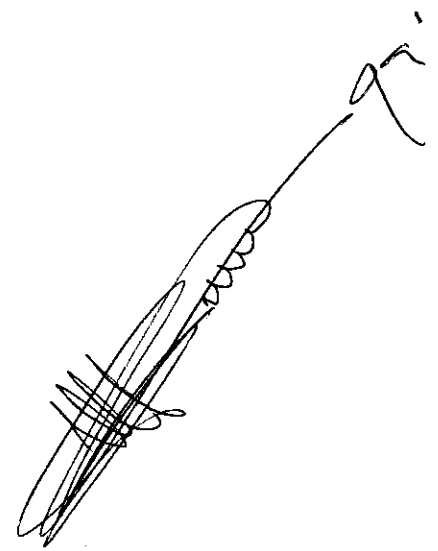
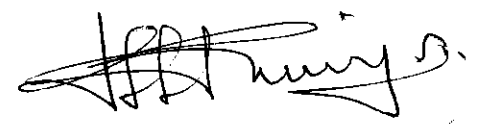
Handwritten signatures and scribbles at the bottom of the page, including a large signature that appears to be 'L. D.' and another that looks like 'M. M.'.

Large handwritten scribbles on the right side of the page, consisting of several overlapping, illegible marks.

- 57) Kayongo Enock FOWODE
- 58) Mujabi Christopher FOWODE
- 59) Walugube Sirajje FOWODE
- 60) Kitamirike Micheal HSDC
- 61) Nakintu Sarah FOWODE
- 62) Kyobugabe Julian FOWODE
- 63) Nakaggwa Florence FOWODE
- 64) Nalutaya Hairah FOWODE
- 65) Bernadette Namuyanja FOWODE
- 66) Robina Ssetanda FOWODE
- 67) Muyimbwa Abdul FOWODE
- 68) Nakami Sarah FOWODE
- 69) Paul Mayende BAYLOR-Uganda
- 70) Joweria Kasozi B/PA
- 71) Patricia Munabi Babule FOWODE
- 72) Ntumbu Willis LUWERO
- 73) Kamoga Muhamad PLA/BIPA
- 74) Saddam Hussein Kiiza UYOSHUR
- 75) Najjuko Rose FOWODE
- 76) Nalwadda Eularia FOWODE
- 77) Joseph Bedi HOGI
- 78) Ssekimpi Lule Emmanuel KADINGO






Annex 2

REPUBLIC OF UGANDA
01 APR 2009
RECEIVED
ATO

THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA HOLDEN AT KAMPALA

CONSTITUTIONAL PETITION NO 05 OF 2009

1. HUMAN RIGHTS NETWORK
2. ANTI CORRUPTION COALITION UGANDA
3. ADVOCATES COALITION FOR DEVELOPMENT ENVIRONMENT
4. DENIVA (DEVELOPMENT NETWORK FOR INDIGENOUS VOLUNTARY ASSOCIATION)
5. NGO FORUM
6. UGANDA WOMEN NETWORK (UWONET)
7. UGANDA LAND ALLIANCE
8. ENVIRONMENTAL ALERT.....PETITIONERS

VERSUS

ATTORNEY GENERAL RESPONDENT

PETITION

[Under Art. 137(3)(a) Constitution of Uganda and]

The humble petition of HURINET-U of C/o Rwakafuuzi & Co. Advocates P.O. Box 26003, Kampala showeth;

1. Your humble petitioner is a non governmental organisation registered as such under the laws of Uganda and has interest in the matters following as being inconsistent with the provisions of the Constitution of the Republic of Uganda, 1995 as hereunder.
2. That the provisions of s.2 (1) of the Non Governmental Organisation Registration act [hereinafter referred to as the NGO Act] is inconsistent with the Constitution for providing mandatory registration contrary to Art. 29(1)(e) of the Constitution which guarantees freedom of association which includes the right to associate informally.
3. That s.2(2) of the NGO Act is inconsistent with the Constitution for giving discretion to the NGO Board to impose restrictions on an NGO contrary to Art. 8A and objectives No II(vi) and V(ii) which require that



NGO shall maintain their autonomy in carrying out their lawful objectives.

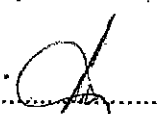
4. That s.2(1c) of the NGO Act and the regulations are inconsistent with the constitution for imposing on NGO's restriction requiring annual renewals of permits contrary to Art 38(2) which guarantees the right of civic organisations and citizens to carry out peaceful activities to influence government policies.
5. That s.8(a) and (b) of the NGO Act is inconsistent with the Constitution for providing the NGO Board with discretion to approve or reject applications for registration of NGOs and grant or revoke certificates of registration of NGOs and to grant or revoke permits and impose conditions on permits as to areas of operation and the like leaving the operations of NGOs exposed to subjective and arbitrary interference contrary to Art 8A and objective No II(vi) and V(ii) that guarantee that NGO shall maintain their autonomy on carrying out their lawful objectives.
6. That s.8(a), (b) and (c) of the NGO Act and the Regulations are inconsistent with the Constitution for providing the NGO Board with discretion to affect the affairs of NGOs subjectively and arbitrarily contrary to Art. 29(1)(e) of the Constitution which guarantees freedom of association.
7. That the aforesaid sections of the NGO Act and Regulations are inconsistent with the Constitution in as much as they provide for discretion on the board to accept or reject the registration of NGOs; impose a requirement on NGOs to have their registration and permits renewed with a discretion on the board to renew or not to renew the same, is contrary to Art. 29(1)(c) of the Constitution which guarantees freedom of worship.
8. That the proposed regulations for NGOs 2008 are inconsistent with the Constitution for providing burdensome registration pre-conditions in regulation 5; for providing for the requirement of permits for registered NGOs and the periodic renewals of those permits, in regulations 7 & 8; for providing restrictions to NGOs from accessing people in rural areas in regulation 13 and providing the Board with power to dissolve NGOs in regulation 17, contrary to the constitutional provisions of the

independence and autonomy of NGOs and the freedom of association guaranteed in Art. 29(1)(e) of the Constitution.


9. That the aforesaid sections of the NGO Act and Regulations are contrary to ICCPR covenant Art 22 which guarantees freedoms of association and the East African Community Treaty.

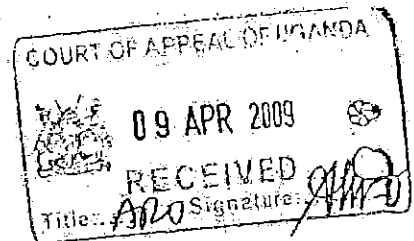
WHEREFORE it is prayed that the Honourable Court makes the declarations set out above and imposes a permanent injunction against the respondent from publishing the NGO regulations 2008

DATED at Kampala this 1 day of April 2009.


Counsel for the petitioner

Drawn by:
Rwakafuuzi & Co. Advocates
Plot 8 Luwum Street Universal House
P.O. Box 26003, Kampala

30/04/09
60/000




THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

CONSTITUTIONAL PETITION NO 05 OF 2009

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ATTORNEY GENERAL RESPONDENT

RESPONDENTS ANSWER TO THE PETITION

1. Save what is herein expressly admitted the Respondent denies all the allegations contained in the petition as if the same were set forth and traversed seriatim.
2. In reply to the petition, the Respondents shall aver and contend that the petition is misconceived and raises no question for Constitutional interpretation as provided for under Art 137 of the Constitution.
3. In reply to paragraph 2 of the petition the Respondent avers that the provisions of S.2 (1) of the Non Governmental Organisation Registration Act do not contravene and are not inconsistent with Art. 29 (1) (e) of the Constitution.
4. In reply to paragraph 3 of the petition, the Respondent shall contend that S.2 (2) of the NGO Act is not inconsistent with the Constitution and does not contravene the provisions of Art 8A and the objectives No II V (i) and V (ii) thereof.
5. In response to paragraph 4, the Respondent shall aver and contend that S.2 (1c) of the NGO Act and the regulations there under are not in contravention of or inconsistent with Art. 38(2) of the Constitution.

Ladislav Kizza Rwakafuzi
 Advocate & Editor Kampala Law Report
 P.o. Box 28003 Kampala
 Tel : 0772 406906 / 0392 946913
 Email : kair@utonline.co.ug

14 April 09

6. In reply to the contents of Paragraphs 5, 6 and 7 of the petition, the Respondent shall further contend that the provisions of S.8 (a) (b) and (c) of the NGO Act and the regulations there under are in no way at all inconsistent with Art 29 (1) (c) and (e) of the Constitution in as far as it provides for freedom of expression and worship.
7. To response to paragraph 8, the Respondent shall contend that any reference to the proposed regulations for NGO's 2008 is speculative since this is still just only a proposal that has not been passed into law and therefore a debate as to the Constitutionality of these supposedly proposed regulations is not only speculative but premature and should not be entertained by this court.
8. In specific response to paragraph 9, its our contention that the a foregoing sections of the NGO Act do not in any way contravene and or contradict Articles 8A objectives No II V (i), V (ii), Article 29 (1) (c), (e) and Article 38(2) of the Constitution.
9. In further response to the petition, the Respondent shall aver and contend that this petition is misconceived in law considering the provisions of Art. 43 (2) that provides for the limitation of the exercise of fundamental and other human rights in public interest.

WHEREFORE the Respondents pray that this petition be dismissed with costs.

Dated at Kampala this 9th day of April 2009


COUNSEL FOR THE RESPONDENT

DRAWN & FILED BY:
ATTORNEY GENERAL'S CHAMBERS
PLOT 1, PARLIAMENT AVENUE
P.O BOX 7183
KAMPALA

THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

CONSTITUTIONAL PETITION NO 05 OF 2009

1. HUMAN RIGHTS NETWORK
2. ANTI CORRUPTION COALITION OF UGANDA
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VERSUS

ATTORNEY GENERAL RESPONDENT

AFFIDAVIT IN SUPPORT OF RESPONDENT'S ANSWER TO THE PETITION.

I, KAMPIRE INVJOLATA Of P. O Box 7183, Kampala, do hereby make oath and solemnly state as follows:

1. That I am a female adult Ugandan of sound mind, I am employed as a State Attorney in the Attorney General's chambers and I am competent and authorized to swear this affidavit.
2. That I have carefully read and understood the contents of the petition and its accompanying affidavit and the same has no merits.
3. That I have read S. 2 (1), (2), (1c) and S. 8 (a), (b) and (c) of the NGO Act and I have established that they are in no way inconsistent with or in contravention of Article 8A and objectives No II (vi), Art 29 (1) 9e), (c) and Art 38(2) of the constitution and do not raise any question for interpretation.
4. That the NGO Act does not violate the right of the Petitioners to a just, free and democratic society.
5. That the requirement for registration is just, proper and to be expected in a free and democratic Society in accordance with Article 43 of the Constitution.

6. That various organizations, religious groups and others have misled and continue to mislead and abuse public confidence including the killing of a great number of unsuspecting Ugandans in the cult at Kanungu and the activities of various other groups.
7. That the requirement to register, have a work plan and a budget does not deny the petitioners or any one else any rights but regulates organizations with ulterior motives.
8. That the powers of the NGO board are subject to judicial review and any violation of a specific right can be adequately challenged in the High Court by way of judicial review or such other proceedings.
9. That I swear this affidavit in support of the Respondents answer to the petition.
10. That whatever is stated herein above is true and correct to the best of my knowledge and belief.

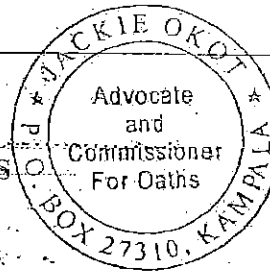
Sworn at Kampala by the
Said **KAMPIRE INVIOLATA**

[Signature]
DEPONENT

This 8th day of April 2009.

BEFORE ME

[Signature]
A COMMISSIONER FOR OATHS



DRAWN & FILED BY:
ATTORNEY GENERAL'S CHAMBERS
PLOT 1, PARLIAMENT AVENUE
P.O BOX 7183
KAMPALA