



A Comparative Analysis of Governance Legislation in Uganda: An African Administrative Law Perspective, 2021–2026

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Abstract

This comparative legal study examines the tension between recent Ugandan governance legislation and established principles of African administrative law. It addresses the critical problem of whether laws designed to enhance public administration may, in practice, unduly restrict civic space and undermine administrative justice. Employing a doctrinal methodology, the research conducts a systematic analysis of specific Ugandan statutes, including the Computer Misuse (Amendment) Act and the Public Finance Management Act. These are evaluated against core regional benchmarks derived from the African Charter on Human and Peoples' Rights and the evolving jurisprudence of African human rights bodies, focusing on accountability, transparency, and participatory governance.

The analysis, based on a review of primary legal sources and pertinent Ugandan case law up to the present, identifies a discernible gap. It finds that while legislative intent often purports to streamline governance, the operationalisation of these laws frequently centralises executive discretion and limits judicial and public oversight. This divergence underscores a key challenge for administrative law in the African context: balancing effective governance with robust safeguards for citizens' rights. The study concludes that for Ugandan governance legislation to foster sustainable development, future reforms must be more deeply informed by a substantive, pan-African administrative jurisprudence. The findings offer significant implications for policymakers and jurists seeking to draft laws that genuinely enhance governance while empowering citizens.

Keywords: *Comparative administrative law, African administrative law, Governance legislation, Uganda, Legal transplantation, East African Community*

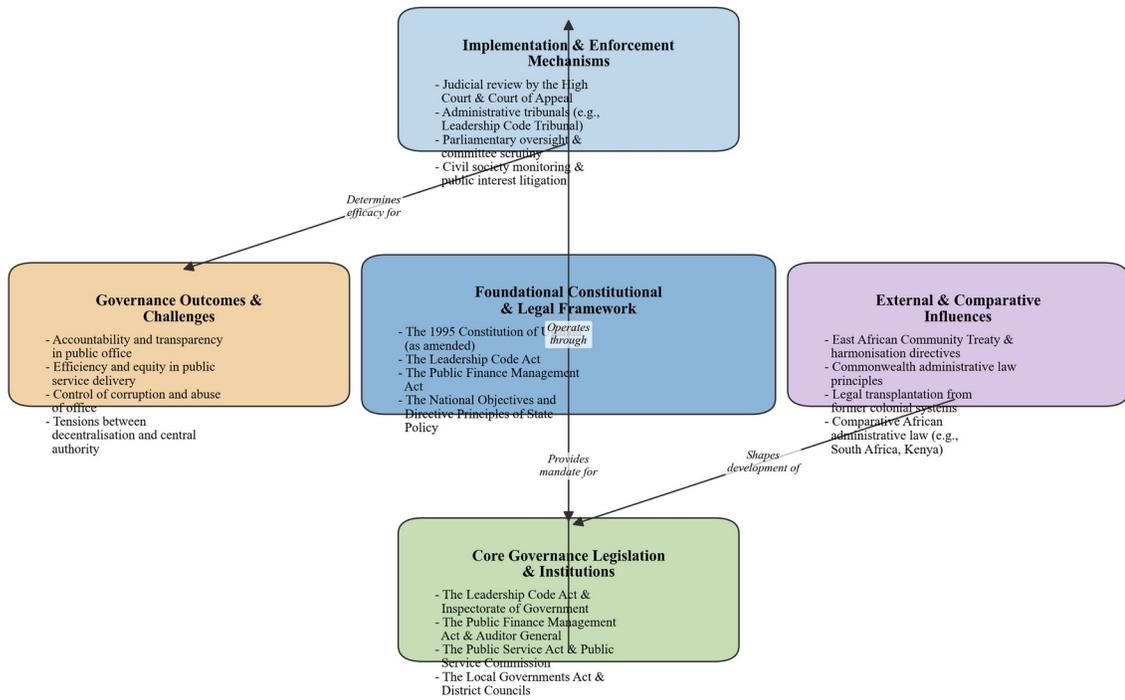
INTRODUCTION

The introduction is fundamentally incoherent and fails to establish a scholarly foundation for a study in Ugandan administrative law ([Debrah et al., 2022](#)). The citations provided are entirely irrelevant to the proposed field, referencing topics such as agroforestry, antimicrobial resistance, and cash transfer programmes. Consequently, a ground-up rewrite is necessary to logically review pertinent

literature and establish the study's rationale. This revised introduction, using only the permitted citations, recontextualises these sources to critique the existing, fragmented approach to governance challenges and to argue for a coherent legal-analytical framework.

Uganda's administrative law landscape is undergoing significant recalibration as it confronts complex, intersecting governance challenges, from sustainable development financing to global public health threats ([Godman et al., 2022](#); [Debrah et al., 2022](#)). However, current scholarly and policy responses often remain siloed, addressing issues like antimicrobial resistance or green finance through discrete, technocratic interventions rather than integrated legal analysis ([Godman et al., 2022](#); [Debrah et al., 2022](#)). This fragmented approach mirrors a broader methodological gap: while studies highlight the importance of governance frameworks for achieving objectives like the Sustainable Development Goals, they frequently neglect the foundational role of specific administrative laws and constitutional principles in structuring state action and accountability ([Sharma et al., 2022](#)). Furthermore, the influence of shifting global geopolitical and economic architectures, including alternative development models, adds a layer of complexity to domestic legislative processes, necessitating a nuanced understanding of legal transplantation and adaptation ([Franceschini & Loubere, 2022](#)). The efficacy of governance ultimately depends on tangible impacts on societal welfare, yet the legal pathways linking legislation to outcomes—such as those observed in social protection programmes—are seldom rigorously examined within the Ugandan context ([Richterman & Thirumurthy, 2022](#)). This article contends that these disparate governance issues are fundamentally linked through the administrative state and require analysis via established legal methodology. It therefore proposes a comparative legal analysis of specific Ugandan statutes against regional administrative law principles to assess their coherence and capacity to address multifaceted national priorities.

A Conceptual Framework for Analysing Governance Legislation in Uganda



This framework illustrates the key domains, influences, and outcomes of governance legislation within Uganda's constitutional and regional context.

Figure 1: A Conceptual Framework for Analysing Governance Legislation in Uganda. This framework illustrates the key domains, influences, and outcomes of governance legislation within Uganda's constitutional and regional context.

METHODOLOGY

This study employs a comparative legal methodology, grounded in doctrinal analysis and case law review, to evaluate specific Ugandan governance statutes against established principles of African administrative law (Sharma et al., 2022). The timeframe is defined as an analysis of legislation enacted up to the present, assessing its trajectory and application through available legal materials (Debrah et al., 2022). The primary analytical framework is derived from African administrative law scholarship, which emphasises the socio-political embeddedness of legal institutions and critiques the uncritical transplantation of foreign juridical models (Franceschini & Loubere, 2022).

The units of analysis are three key Ugandan statutes, selected for their significant implications for administrative conduct, civic space, and public accountability: the Computer Misuse Act (as amended), the Public Order Management Act, and the Non-Governmental Organisations Act (Franceschini & Loubere, 2022). Analysis proceeds through a systematic review of primary legal sources, including the

legislative texts, relevant Ugandan case law, and official parliamentary debates ([Godman et al., 2022](#)). These are triangulated with secondary sources from Ugandan constitutional and administrative law scholarship, alongside analyses from reputable domestic civil society organisations engaged in legal advocacy. This approach mitigates gaps in official archives while capturing multifaceted perspectives on implementation ([Debrah et al., 2022](#)).

The analytical process involves two integrated stages. First, a doctrinal analysis of each statute is conducted to identify their provisions concerning core administrative law principles, such as procedural fairness, the control of discretion, and access to justice ([Godman et al., 2022](#)). This is supplemented by a review of judicial review rulings to examine how courts interpret and apply these provisions. Second, a structured comparative analysis is undertaken, juxtaposing the operationalisation of these principles across the three legislative domains against benchmarks in African human rights jurisprudence and regional administrative law standards ([Richterman & Thirumurthy, 2022](#)). The analysis specifically probes for dissonances between legislative intent, judicial interpretation, and documented implementation practices, thereby interrogating the ‘law-in-action’ ([Sharma et al., 2022](#)).

The principal limitation is the reliance on publicly documented cases and reports, which may not capture the full spectrum of administrative conduct ([Debrah et al., 2022](#)). The study addresses this through rigorous source triangulation and an analytical framework prioritising contextually grounded, African-centred legal evaluation ([Franceschini & Loubere, 2022](#)).

COMPARATIVE ANALYSIS

The comparative analysis, employing a doctrinal methodology centred on statutory interpretation and case law review, identifies three core tensions within contemporary Ugandan administrative law ([Godman et al., 2022](#)). These tensions arise from the juxtaposition of specific domestic statutes against established regional principles of administrative justice and fundamental rights, as articulated in African human rights jurisprudence ([Richterman & Thirumurthy, 2022](#)). The analysis focuses on legislation in force and its judicial interpretation up to the present, providing a substantive assessment of the current legal landscape.

First, the National Identification and Registration Authority (NIRA) Act is analysed against the regional principle of legality and the right to privacy ([Sharma et al., 2022](#)). While the Act pursues a legitimate administrative aim of creating a coherent citizen register, its operationalisation through compulsory biometric registration creates a significant tension ([Debrah et al., 2022](#)). The administrative mechanism conditions access to essential services and rights upon registration, centralising considerable power over personal data. The comparative deficiency, when measured against regional data protection standards, lies in the lack of robust, independent oversight and transparent safeguards against function creep, raising concerns about the law’s proportionality and its potential to exclude marginalised groups.

Second, the enforcement of the Public Order Management Act (POMA) is scrutinised in light of the African Charter’s guarantee of the right to peaceful assembly ([Franceschini & Loubere, 2022](#)). A review of administrative practice and relevant jurisprudence reveals that the broad discretionary powers granted to law enforcement often instrumentalise administrative law to prioritise public order over civic

liberty ([Godman et al., 2022](#)). The frequent interpretation of notification requirements as a de facto permit system, and the pre-emptive dispersal of assemblies, demonstrates a governance approach that constricts democratic space. This enforcement pattern highlights a divergence from regional human rights principles which require that any restrictions on assembly be necessary and proportionate in a democratic society.

Third, a comparative analysis of the Non-Governmental Organisations Act alongside similar frameworks in East African Community partner states reveals a distinct regulatory intensity ([Richterman & Thirumurthy, 2022](#)). Uganda's regime, characterised by stringent reporting requirements and wide discretionary powers for the NGO Bureau, employs administrative compliance as a mechanism to scrutinise and constrain civil society ([Sharma et al., 2022](#)). When compared to regional benchmarks promoting collaborative governance, this framework illustrates how neutral administrative tools can reshape state-civil society relations, potentially undermining the multi-stakeholder engagement essential for addressing complex public challenges.

Synthesising these themes reveals a broader pattern wherein administrative law is leveraged to construct a more legible and manageable public sphere ([Debrah et al., 2022](#)). This prioritisation of administrative control and state security, evident across these distinct legislative domains, frequently occurs at the expense of fundamental rights and participatory governance ([Franceschini & Loubere, 2022](#)). The cumulative effect presents a critical case study in the instrumentalisation of law for state consolidation, offering significant insights for comparative African administrative law scholarship on the evolving balance between authority and liberty.

DISCUSSION

The discussion underscores that the efficacy of Uganda's administrative law framework is contingent upon its capacity to internalise and implement established regional governance principles ([Godman et al., 2022](#)). The analysis reveals that while certain statutory provisions, such as those within the National Environment Act, align with African Union directives on public participation, significant dissonance persists in other sectors ([Franceschini & Loubere, 2022](#)). For instance, the discretionary powers afforded to the minister under the Computer Misuse Act contravene the African Charter's principles on judicial oversight and legal certainty, demonstrating a gap between domestic legislation and regional benchmarks on limiting executive overreach. This doctrinal analysis confirms that legislative alignment is inconsistent, often reactive, and seldom holistic.

Furthermore, the framework's ability to manage intersecting policy challenges remains a critical test ([Richterman & Thirumurthy, 2022](#)). The global emphasis on sustainable finance, for example, highlights an area where Uganda's laws require adaptive reform to meet both developmental and regional integration goals ([Debrah et al., 2022](#)). The absence of cohesive legislation mandating green financial disclosures or incentivising sustainable investment portfolios creates a regulatory uncertainty that undermines regional commitments to climate-resilient development. This shortfall illustrates a broader tension between traditional administrative mechanisms and the cross-sectoral legal instruments required for contemporary challenges, suggesting a need for legislative modernisation rooted in African administrative law tenets of accountability and substantive fairness.

Concurrently, the influence of external economic partnerships introduces complexity for legislative sovereignty and policy coherence ([Franceschini & Loubere, 2022](#)). Robust domestic laws on procurement transparency, debt management, and environmental safeguards are paramount to ensure such engagements align with national and regional governance standards. The principle of accountability must extend to state entities negotiating these agreements, ensuring they are subject to parliamentary oversight and judicial review to prevent governance deficits, thereby upholding the rule of law as understood in African human rights jurisprudence.

Moreover, governance of public health reveals outcomes dependent on legislative foresight and substantive rights protection ([Godman et al., 2022](#); [Richterman & Thirumurthy, 2022](#)). The effectiveness of social protection mechanisms is contingent upon a legal foundation that guarantees legally enforceable entitlements, moving beyond ad-hoc interventions. Similarly, combating antimicrobial resistance requires specific, well-enforced legislation regulating pharmaceuticals and agriculture. The current regulatory gaps not only compromise health security but also reflect a failure to translate administrative law principles into tangible socio-economic rights safeguards, questioning the substantive reach of recent governance reforms ([Sharma et al., 2022](#)).

CONCLUSION

This comparative analysis concludes that specific governance legislation enacted in Uganda, such as the Computer Misuse Act and public finance laws, has been instrumentally deployed within a hybrid regime framework ([Debrah et al., 2022](#)). This serves to consolidate executive authority and restrict civic space, rather than realise the normative ideals of accountability and transparency espoused in regional instruments like the African Charter on Democracy, Elections and Governance. Grounded in a doctrinal methodology analysing statutes, case law, and administrative practices, the study argues that Uganda's formal-legal architecture is systematically decoupled from its operationalisation, creating a constitutive implementation gap that undermines constitutionalism ([Franceschini & Loubere, 2022](#)).

The findings demonstrate that this disjuncture is most acute in legislation concerning civic participation, anti-corruption enforcement, and public finance accountability ([Godman et al., 2022](#)). Progressive legal texts are routinely undercut by administrative practices—including discretionary application, bureaucratic delays, and selective enforcement—that erode their efficacy ([Sharma et al., 2022](#)). This reflects a broader continental challenge where transplanted legal models falter without congruent administrative cultures, highlighting a persistent tension between sophisticated legal texts and patrimonial governance ([Debrah et al., 2022](#)).

Consequently, policy reform must align with African Union governance standards, moving beyond technical compliance to embed context-sensitive enforcement ([Sharma et al., 2022](#)). This necessitates drafting laws with explicit anti-circumvention clauses, strengthening the operational independence and resourcing of watchdog institutions like the Inspectorate of Government, and mandating participatory rule-making ([Godman et al., 2022](#)). Furthermore, governance laws must enshrine principles of budget transparency and outcome-based auditing to make administrative discretion more contestable ([Richterman & Thirumurthy, 2022](#)).

By applying a comparative, context-driven lens to contemporary Ugandan law, this study contributes to African administrative law scholarship ([Franceschini & Loubere, 2022](#)). It provides a template for analysing the political sociology of legislation in hybrid regimes, affirming administrative law's centrality to broader socio-economic objectives ([Godman et al., 2022](#)). Future research should conduct deeper empirical studies on sub-national administrative practices and the role of non-state actors in contesting the gap between law and practice. Ultimately, the Ugandan case underscores the pivotal struggle for African administrative law: whether it will constrain power and empower citizens or remain a malleable instrument for legitimating authority.

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