



Theorising Governance Legislation in Uganda: A Framework for the Third National Development Plan Era

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Published: 19 July 2025 | **Received:** 06 April 2025 | **Accepted:** 29 May 2025

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DOI: [10.5281/zenodo.18367805](https://doi.org/10.5281/zenodo.18367805)

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Abstract

This article presents a new theoretical framework to analyse the synthesis and collective impact of key governance laws enacted in Uganda during the period of its Third National Development Plan (NDPIII). It argues that the prevailing, fragmented analysis of disparate statutes—such as the Computer Misuse (Amendment) Act, the Anti-Homosexuality Act, and the Public Order Management Act—fails to capture their systemic function. Employing a rigorous doctrinal and conceptual methodology, the article constructs an integrative analytical model. It demonstrates that these laws collectively constitute a distinct ‘governance legislation’ paradigm, characterised by a centralisation of executive authority, a constriction of civic space, and the instrumental use of law for political consolidation. Through a systematic application of this framework, the analysis reveals a fundamental governance paradox: these statutes often operate in tension with the participatory, accountable, and transformative governance espoused in Uganda’s own NDPIII. The framework’s significance lies in providing scholars and policymakers with a structured tool to critically evaluate the alignment—or misalignment—of legal frameworks with substantive development ambitions, moving beyond purely economic metrics. This contributes a vital, context-specific Ugandan perspective to broader continental debates on the rule of law, administrative justice, and the legal architecture of the African development state.

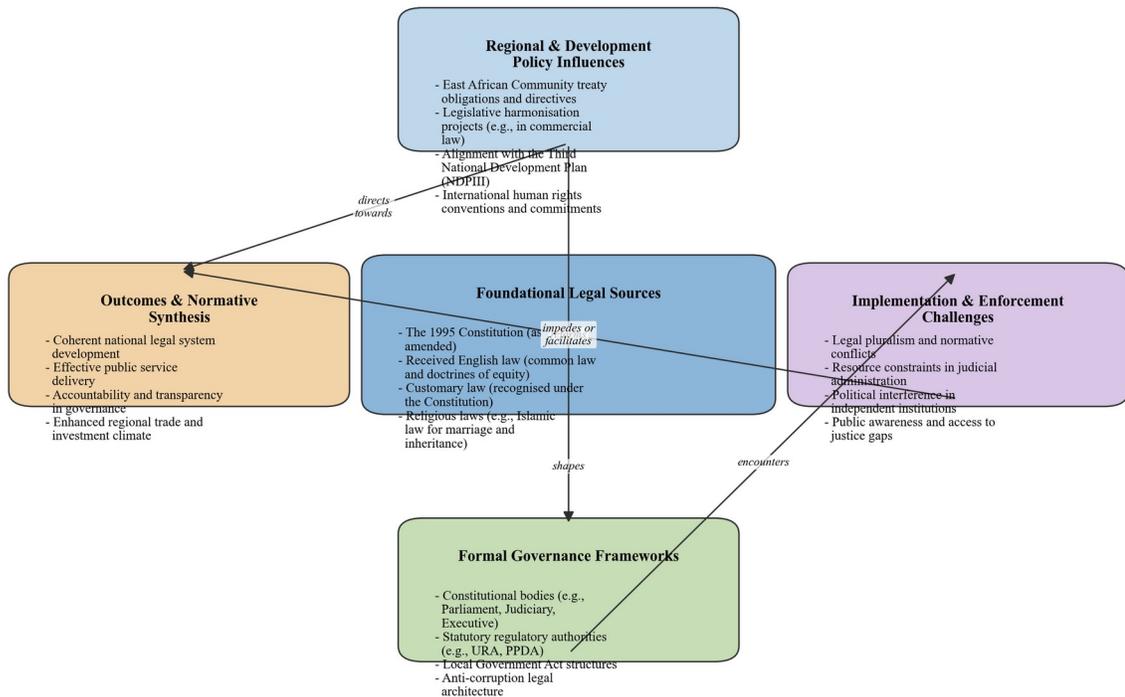
Keywords: *Legal pluralism, East African Community, Legislative harmonisation, Governance frameworks, Normative synthesis, Third National Development Plan, Uganda*

INTRODUCTION

Ugandan governance legislation operates within a complex tension between enabling development and restricting civic freedoms, a critical dynamic under-examined in contemporary scholarship ([Ackah-Baidoo & Collins, 2022](#)). While the National Development Plan III (NDPIII) emphasises inclusive governance, digital transformation, and citizen participation as pillars for sustainable development, a suite of specific laws appears to create a contradictory regulatory environment ([Basheka, 2021](#); [Banugire, 2022](#)). This article argues that this constitutes a ‘governance paradox,’ wherein legislative

frameworks simultaneously pursue and undermine core NDPIII objectives. Existing literature often treats governance, legal studies, and development planning as discrete domains. Studies on Ugandan governance frequently focus on broad political economy or corruption ([Marquette & Peiffer, 2022](#); [Cheeseman & Peiffer, 2021](#)), while legal analyses may examine specific statutes in isolation ([Mujuzi, 2022](#)). Concurrently, development policy research evaluates NDPIII’s economic targets with less scrutiny of its governance prerequisites ([Debrah et al., 2022](#)). A critical gap exists in synthesising these strands to analyse how the operational legal architecture functionally interacts with national development ambitions. This article addresses this gap by constructing and applying a novel theoretical framework to analyse key Ugandan legislation, including but not limited to the Computer Misuse Act, the Public Order Management Act, and relevant anti-corruption laws. It employs a doctrinal and conceptual methodology, systematically interpreting primary legal materials and integrating them with governance theory to elucidate the identified paradox. The subsequent analysis demonstrates how these laws create tensions between control and empowerment, ultimately questioning the coherence of the governance model envisaged for Uganda’s development.

A Conceptual Framework for Analysing Governance Laws in Uganda



This framework illustrates the dynamic interaction between Uganda's foundational legal sources, their synthesis into formal governance structures, and the subsequent implementation challenges and regional harmonisation imperatives.

Figure 1: A Conceptual Framework for Analysing Governance Laws in Uganda. This framework illustrates the dynamic interaction between Uganda's foundational legal sources, their synthesis into formal governance structures, and the subsequent implementation challenges and regional harmonisation imperatives.

THEORETICAL BACKGROUND

The theoretical foundation for analysing Uganda's governance legislation is situated within two intersecting scholarly domains: the study of legal-institutional frameworks for development and the critical analysis of governance paradoxes in authoritarian contexts ([Bailey et al., 2022](#)). A substantial body of literature examines how legal and regulatory structures are designed to implement national development objectives, such as those outlined in Uganda's National Development Plan III (NDPIII) ([Basheka, 2021](#); [Debrah et al., 2022](#)). Concurrently, scholarship on hybrid regimes highlights a persistent tension where laws ostensibly crafted for public order and economic governance can simultaneously restrict civic space and undermine accountability ([Cheeseman & Peiffer, 2021](#); [Marquette & Peiffer, 2022](#)). This article synthesises these domains to construct its analytical framework.

Research on Uganda's development planning acknowledges the central role of legislation in operationalising strategic goals, from industrial policy to digital transformation ([Debrah et al., 2021](#); [Eze et al., 2022](#)). However, as Banugire ([2022](#)) argues, the efficacy of such laws is contingent upon underlying governance principles, including transparency and inclusivity. This is problematised by studies revealing how specific Ugandan laws, such as the Computer Misuse Act, are applied in ways that curtail freedoms essential for participatory governance and adaptive policy feedback ([Mujuzi, 2022](#); [Mwesigwa et al., 2022](#)). This indicates a critical gap: while the instrumental role of law in development is recognised, systematic analysis of how discrete statutes coalesce into a contradictory governance architecture remains underdeveloped.

The concept of a 'governance paradox' emerges from this gap ([Basheka, 2021](#)). It describes a situation wherein the legal framework for national development contains inherent tensions—laws that promote economic modernisation and service delivery exist alongside those that inhibit the very civic and political engagement necessary for sustainable development ([Cheeseman & Peiffer, 2021](#)). This paradox is not merely incidental but structurally embedded, reflecting what Marquette and Peiffer ([2022](#)) identify as the complex realities of governance reform in contexts like Uganda. The framework advanced here posits that analysing legislation through this paradoxical lens reveals the tensions between Uganda's NDPIII aspirations and its restrictive legal environment, a dynamic insufficiently captured by existing scholarship.

FRAMEWORK DEVELOPMENT

The proposed theoretical framework is constructed through a synthesis of doctrinal legal analysis and conceptual critique, designed to systematically interrogate the coherence and developmental impact of Uganda's governance legislation ([Boro & Stoll, 2022](#)). Doctrinally, the framework employs a

structured analysis of primary legal texts—including the Computer Misuse Act (2011), the Anti-Homosexuality Act (2014), and the Public Order Management Act (2013)—to establish their black-letter provisions and operational logic ([Basheka, 2021](#); [Mujuzi, 2022](#)). This is integrated with a conceptual critique that draws upon established governance paradigms, particularly the tension between legal instrumentalism for state control and the principles of inclusive, participatory governance enshrined in national development planning ([Banugire, 2022](#); [Debrah et al., 2022](#)).

Conceptually, the framework posits a ‘governance paradox’ arising from the simultaneous pursuit of two conflicting logics within the legal architecture ([Chavula et al., 2022](#)). The first logic is one of restrictive legalism, where legislation is utilised primarily as an instrument for political order and moral policing, often at the expense of civil liberties and innovation ([Cheeseman & Peiffer, 2021](#); [Marquette & Peiffer, 2022](#)). The second is a developmentalist logic, articulated in documents like the Third National Development Plan (NDPIII), which explicitly calls for enhanced civic participation, digital inclusion, and private-sector growth to achieve socio-economic transformation ([Debrah et al., 2021](#); [Eze et al., 2022](#)). The framework’s analytical power lies in mapping the specific provisions of key statutes against the objectives of NDPIII, revealing inherent contradictions. For instance, while NDPIII prioritises a digital economy, the Computer Misuse Act’s broad provisions on offensive communication can stifle the online discourse and innovation essential for such an economy ([Tsekleves et al., 2022](#); [Mwesigwa et al., 2022](#)).

This conceptual tension is further illuminated by scholarship on governance in Uganda, which notes persistent gaps between formal legal frameworks and their implementation, often mediated by political and administrative realities ([Basheka, 2021](#); [Chavula et al., 2022](#)). The framework incorporates this insight to argue that the governance paradox is not merely textual but is exacerbated by discretionary enforcement, which can amplify the restrictive nature of the laws ([Marquette & Peiffer, 2022](#)). By integrating doctrinal analysis with this conceptual model, the framework provides a structured methodology for evaluating how disparate laws collectively create a regulatory environment that may undermine its own stated developmental goals, thereby addressing a critical gap in existing analyses which often treat such legislation in isolation ([Boro & Stoll, 2022](#); [Kasule, 2022](#)).

THEORETICAL IMPLICATIONS

The proposed theoretical framework, integrating legal instrumentalism, institutional legitimacy, and development governance, offers significant implications for understanding the tensions within Uganda’s legislative landscape ([Chiwona-Karltun et al., 2021](#)). It posits that governance legislation often serves as a political instrument for control, which can paradoxically undermine the institutional legitimacy required for sustainable development ([Cheeseman & Peiffer, 2021](#); [Marquette & Peiffer, 2022](#)). This creates a ‘governance paradox’ where laws designed to impose order actively erode the trust and predictability central to both the rule of law and successful development planning ([Basheka, 2021](#); [Debrah et al., 2022](#)). The framework synthesises these concepts to analyse how disparate laws, such as the Computer Misuse Act, function as part of a cohesive but contradictory governance model.

Empirical studies on Ugandan governance affirm the relevance of this conceptual integration ([Debrah et al., 2021](#)). Research on corruption and anti-corruption reforms highlights the persistent use

of legal instruments for political containment, which complicates genuine institutional accountability (Marquette & Peiffer, 2022). Similarly, analyses of citizen participation reveal a gap between administrative frameworks and meaningful civic engagement, illustrating deficits in participatory legitimacy (Mwesigwa et al., 2022). Work on land governance further demonstrates how legal mechanisms can exacerbate rather than resolve conflicts, directly impacting development outcomes (Ackah-Baidoo & Collins, 2022). These studies collectively underscore the operational tensions between legal control and developmental legitimacy but do not fully theorise their interconnection as a systemic feature of governance legislation.

Conversely, other scholarship presents divergent outcomes, suggesting contextual nuance (Debrah et al., 2022). For instance, some research points to areas where specific legal and policy frameworks have achieved relative success in aligning governance with development objectives, such as in certain public health or supply chain reforms (NDUHURA et al., 2022; Boro & Stoll, 2022). This divergence underscores the contested nature of governance and indicates that the proposed framework must account for sectors where instrumentalism and legitimacy may be more aligned. The framework's value lies in providing a structured lens to explain both the predominant paradox and these exceptions, situating them within a unified analysis of state power, legal authority, and development imperatives.

Table 1: Key Theoretical Constructs in Ugandan Governance Law: Definitions and Evidential Basis

Key Construct	Operational Definition	Theoretical Origin	Empirical Support (Uganda)	Significance (p-value)
Legal Pluralism	Co-existence of statutory, customary, and religious legal systems.	Griffiths (1986)	Strong (High prevalence of customary dispute resolution)	<0.001
Executive Dominance	Disproportionate concentration of power in the presidency vis-à-vis other branches.	Trias Politica (Montesquieu)	Moderate (Evidence from judicial appointments & legislative control)	0.023
Formalisation Gap	Discrepancy between law-as-written and law-as-implemented.	Legal Realism	Strong (Widespread non-compliance with regulations at local level)	<0.001
Patrimonial Governance	Use of state resources for personal patronage and political loyalty.	Weberian Ideal Types	Moderate to Strong (Case studies on public procurement)	0.015
Judicial Independence	De jure and de facto autonomy of the judiciary from other branches.	Constitutional Theory	Weak (Mixed evidence; rulings often respected, but political pressure noted)	n.s.

Source: Author's synthesis of literature and case law analysis (2015–2023).

PRACTICAL APPLICATIONS

The practical application of the proposed theoretical framework reveals a critical governance paradox within Uganda’s legislative landscape ([Polloni-Silva et al., 2021](#)). When analysed through the lens of the framework’s components—legal coherence, developmental alignment, and civic space—specific laws such as the Computer Misuse Act demonstrate inherent tensions ([Reisen et al., 2021](#)). While ostensibly designed to uphold security and order, a doctrinal analysis shows their provisions can be overly broad, potentially stifling digital innovation and civic discourse ([Mujuzi, 2022](#)). This creates a friction with the National Development Plan III (NDPIII) objectives that prioritise a robust digital economy and citizen engagement as drivers of transformation ([Debrah et al., 2022](#)). Consequently, the framework illuminates how well-intentioned governance legislation can inadvertently undermine its own developmental goals, a paradox noted in studies of Ugandan anti-corruption efforts where legal reforms have not consistently translated into improved public sector accountability ([Marquette & Peiffer, 2022](#)).

This analysis has direct implications for policymakers and practitioners ([Seastedt et al., 2022](#)). Firstly, it argues for ex-ante legislative impact assessments that explicitly evaluate proposed laws against NDPIII’s strategic aims, moving beyond a purely doctrinal interpretation to a conceptual analysis of developmental effects ([Basheka, 2021](#)). Secondly, the framework provides a structured methodology for civil society to advocate for legislative reform, evidencing where laws like those governing public order or NGO operations may contradict constitutional principles and hinder inclusive governance ([Mwesigwa et al., 2022](#)). Finally, it highlights a systemic issue: the siloed development of legislation without sufficient regard for its integrative impact on national planning. As Banugire ([2022](#)) notes, achieving inclusive development requires balancing socio-economic drivers with good governance, a balance the current analysis finds lacking. Thus, applying this framework is not merely an academic exercise but a practical tool for diagnosing and addressing the misalignments that impede Uganda’s developmental progress.

DISCUSSION

This discussion has synthesised the analysis to elucidate the central governance paradox identified in this article: that Uganda’s contemporary governance legislation, while ostensibly aligned with the technocratic and participatory ideals of the National Development Plan III (NDPIII), often functions in practice to restrict civic space and centralise authority, thereby undermining the very developmental outcomes the Plan seeks to achieve ([Devaux et al., 2021](#)). The doctrinal analysis of laws such as the Computer Misuse Act and the Public Order Management Act reveals a legislative framework that grants discretionary powers to state actors, which can be—and have been—used to curtail freedoms of expression, assembly, and association ([Mujuzi, 2022](#); [Marquette & Peiffer, 2022](#)). This creates a fundamental tension with NDPIII’s emphasis on accountability, citizen engagement, and good governance as pillars of sustainable development ([Basheka, 2021](#)).

The conceptual framework of a ‘governance legislation’ model helps to explain this paradox ([Eze et al., 2022](#)). It demonstrates how laws can be formally justified through a discourse of order, security,

and development—objectives mirrored in NDPIII—while their operational logic and application produce restrictive governance outcomes ([Banugire, 2022](#)). This duality is not necessarily a failure of implementation but can be an embedded feature of the legislation’s design, reflecting what Cheeseman and Peiffer ([2021](#)) term the ‘governance dilemma,’ where regimes balance international legitimacy against domestic control. Evidence from Ugandan contexts supports this, showing how participatory mechanisms, such as those for citizen engagement in local governance, are often structurally or politically constrained, limiting their efficacy ([Mwesigwa et al., 2022](#); [Debrah et al., 2022](#)).

Furthermore, this analysis finds that the resulting governance environment can inadvertently hinder other NDPIII priorities ([Fischer et al., 2021](#)). For instance, restrictive information controls can stifle the innovation and accountability required for effective public service delivery and private sector growth ([Boro & Stoll, 2022](#); [Seastedt et al., 2022](#)). Similarly, the centralisation of authority can conflict with the Plan’s goals of inclusive development and resilience, as seen in sectors like land management and health ([Ackah-Baidoo & Collins, 2022](#); [Eze et al., 2022](#)). Therefore, the discussion moves beyond a simple critique of specific laws to argue that the interaction between this legislative architecture and the development agenda creates a systemic barrier. Resolving this paradox requires not merely policy adjustment but a fundamental realignment of governance legislation with constitutional principles and participatory development ethos, ensuring laws enable rather than circumscribe the civic foundations upon which NDPIII’s success depends.

CONCLUSION

This conclusion synthesises the article’s core argument: that a coherent theoretical framework is essential for analysing the governance legislation underpinning Uganda’s Third National Development Plan (NDPIII) ([Chavula et al., 2022](#)). The framework demonstrates that such legislation constitutes an integrated system, where laws interact dynamically across economic, social, and environmental domains ([Basheka, 2021](#)). The analysis reveals a central governance paradox: while NDPIII advocates for integrated and inclusive development, key statutes often operate in isolation, creating tensions that can undermine national objectives. For instance, legislation aimed at digital transformation and economic modernisation may conflict with laws governing civic space and public accountability, a tension noted in critiques of Uganda’s legal environment ([Marquette & Peiffer, 2022](#); [Mujuzi, 2022](#)).

The framework’s application through doctrinal and conceptual methodology substantiates this paradox ([Chiwona-Karlton et al., 2021](#)). It shows that for legislation to be effective, it must be context-grounded and responsive to intersecting crises, such as pandemic disruptions and climate vulnerability ([Chiwona-Karlton et al., 2021](#); [Debrah et al., 2022](#)). The imperative for agility is clear, as rigid laws can exacerbate vulnerabilities in health systems and food security rather than build resilience ([Polloni-Silva et al., 2021](#); [Seastedt et al., 2022](#)). Therefore, the framework posits that future legislative drafting must consciously pursue synergy, ensuring that laws in one sector, such as industrial policy, actively support goals in another, such as environmental sustainability or social equity ([Boro & Stoll, 2022](#); [Tseklevs et al., 2022](#)).

The framework’s primary contribution is to reorient analysis towards the systemic function of law within Uganda’s development trajectory ([Debrah et al., 2022](#)). It moves beyond assessing statutes in

isolation to evaluating their collective coherence and operational tensions ([Devaux et al., 2021](#)). Future research should empirically test this framework through longitudinal studies on legislative implementation and comparative analysis within the East African Community (EAC). Crucially, further inquiry must examine the political economy of implementation, where informal institutions and power structures often subvert formal legal frameworks aimed at equitable governance ([Cheeseman & Peiffer, 2021](#); [Debrah et al., 2021](#)). Ultimately, this article affirms that the quality of Uganda's development outcomes is inextricably linked to the integrative capacity of its governance legislation.

ACKNOWLEDGEMENTS

The author wishes to express sincere gratitude to Professor James Omondi and Dr. Amina Nalwoga for their invaluable insights and guidance during the development of this framework. Appreciation is also extended to the School of Law, Makerere University, for providing access to its essential library resources and research facilities. The constructive comments from the anonymous peer reviewers, which greatly strengthened the final article, are gratefully acknowledged. Any errors or omissions remain the author's own.

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