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**MEMORANDUM AND COMMENTS ON THE
PROTECTION OF THE SOVEREIGNTY BILL, 2026
(BILL NO.13 OF 2026)**

PREPARED BY:
**ACTION FOR LIBERTY AND ECONOMIC
DEVELOPMENT**

DATE OF SUBMISSION:
24TH APRIL, 2026

April, 2026

TO: The Joint Committee of the Committee on Defence and Internal Affairs
and the Committee on Legal and Parliamentary Affairs.

FROM: ACTION FOR LIBERTY AND ECONOMIC DEVELOPMENT

DATE: 24TH APRIL, 2026

RE: LEGAL MEMORANDUM AND COMMENTS ON THE PROTECTION OF THE
SOVEREIGNTY BILL, 2026

SECTION ONE

1.0 INTRODUCTION

The Parliament of Uganda in executing its core function of legislation as enshrined in Article 79 (1) of the 1995 Constitution of the Republic of Uganda is intending to consider the **PROTECTION OF THE SOVEREIGNTY BILL, 2026**.

The Bill was developed by the Ministry of Internal affairs and approved by Cabinet on march 23, 2026. The purported reason fronted for the bill is to operationalize Article 1 of the 1995 Constitution of the Republic of Uganda which provides for the sovereignty of the people.

The Bill aims to regulate foreign funding and influence, targeting activities deemed to threaten national interests, with harsh penalties including up to 20 years in prison. The Bill mandates strict disclosure of foreign funds, requires Cabinet approval for engaging in sectors like education or health, and restricts opposition to government policy.

1.1 OBJECTIVES OF THE BILL

- a. The Bill seeks to provide for the protection of the sovereignty of the people of Uganda
- b. To designate the department responsible for peace and security as the responsible entity for the registration and regulation of the agents of foreigners.
- c. To provide for the registration of agents of foreigners
- d. To regulate the funding and any other assistance to agents of foreigners and for related matters.

SECTION TWO

2.0 Bill Analysis

This section provides the critical issues that should be addressed in the Bill as well as comments and recommendations.

a. Agent of a foreigner.

Under clause 1 of the Bill, **agent** of a foreigner is defined as any person acting as an agent, representative, employee, or servant-or in any other capacity- at the order, request, or under the direction or control of a foreigner. It also includes any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized by a foreigner.

Legal concerns about the term

The term "**agent of a foreigner**" is too wide, imprecise and ambiguous to the extent that it categorizes anything related to foreign dealing of any nature to amount to agent of a foreigner.

Recommendation

The term agent of a foreigner should be precisely defined to get legal efficacy.

b. Definition of "foreigner" under clause 1 of the Bill

There are two contentious legal issues under the term foreigner in the Bill, that is to say, categorizing a Ugandan citizen residing outside Uganda as a foreigner and any person, institution or body that the minister may by statutory instrument, declare to be a foreigner.

Legal concerns

1. Classifying Ugandans living abroad as "foreigners" strips Ugandans of their citizenship and duties as citizens provided for under Objective XXIV of the National Objectives and Directive Principles of State Policy and Article 17 of the Constitution. Those duties inter alia include: being patriotic and loyal to Uganda and promote its well-being, foster national unity, promote democracy and the rule of law. **The Black's law dictionary (8th ed. 2004) at page 1911 defines a foreigner as an alien; a stranger, or as a citizen of another country (Black's Law Dictionary at p.1918).**

2. Threat to Ugandan Multinationals.

Ugandan owned businesses expanding across the region or globe risks being classified as foreign entities. The Bill fails to clarify whether Ugandan entities registered abroad for commercial purposes retain their domestic status, potentially penalizing national economic growth.

3. Overreaching Executive powers and usurpation of powers of Parliament.

Under clause 1 (f) of the Bill, the minister is granted absolute power to declare any person, institution or body a foreigner. This provision rests more power to the executive and takes away the legislative powers of Parliament which is inconsistent with Article 79 of the Constitution.

Recommendation

The powers of the minister to declare anyone a foreigner should be trimmed

C. Application of the Bill

Clause 2 (1) of the Bill is to the effect that the Act applies to any person who acts as an agent of a foreigner.

Under clause 2 (2) of the Bill, the Act applies to an agent of a foreigner who engages in the following activities through any means the digital platforms inclusive-

- (a) Engages in the political activities in Uganda for or in the interests of a foreigner;
- (b) Solicits. Collects, disburses or dispenses contributions, loans, money or other things of value for or in the interest of a foreigner;
- (c) Represents the interests of a foreigner before any agency or official of the Government of Uganda;
- (d) Recruits, contracts, engages, enters into a partnership or sponsors any person in Uganda to promote the interests of a foreigner;
- (e) Agrees, consents, assumes or purports to act as, or who is or holds himself or herself out to promote the interests of a foreigner against the interests of Ugandans;
- (f) Influences the development of the Policy of Government;
- (g) Influences the public to oppose the policy of Government
- (h) Funds of political parties or organizations or any person contesting for an election; or
- (i) any other activity declared by the Minister by statutory instrument

Legal concerns

1. The Bill falls short of precisely defining what constitutes interests of foreigners creating a lacuna that can be abused by the executive.

2. Stifling of civic participation.

The Bill under Clause 2 (2) (g) classifies influencing the public to oppose the Government policy as an activity of the agent of a foreigner. This is intended to dissuade the public from engaging in civic activities like community sensitization.

3. Limiting the operations of political parties.

The Bill categorizes funds of political parties or organizations or any person contesting for an election as an activity which is within the purview of an agent of a foreigner. The Legal framework in Uganda provides enough safeguards to the political parties, for example Article 71 (1) requires political parties to account for the sources and use of their funds and assets.

4. Granting unfettered powers to the minister.

The minister is granted powers under clause 2 (2) (i) of the Bill by statutory instrument to bring any other activity under the application of the Bill. This is prone to abuse by the Executive.

D. Sovereignty of the people.

The Bill under clause 5 provides for the sovereignty of the people. Clause 5 (3) is worded as follows;

A person shall not engage in any activity that promotes the interests of a foreigner against the interests of Uganda.

Legal concerns

The Bill falls short of defining what amounts to "Interests of Uganda" visa vis "foreign interests". This makes the provision ambiguous and thus inconsistent with Article 28 of the Constitution which requires the criminal offence to be precisely defined so that the accused person understands the nature of the charge.

Clause 5 (4) of the Bill is to the effect that a person who promotes the interests of a foreigner against the interests of Uganda commits an offence and is liable, on conviction-

(a) in the case of a legal entity, to a fine not exceeding two hundred thousand currency points; and

(b) in the case of an individual, to a fine not exceeding one hundred thousand currency points or to imprisonment for a term not exceeding twenty years, or both.

Recommendations

The words interest of a foreigner and interests of Uganda should be defined

E. Exercising functions and services for which Government is responsible.

Clause 6 prohibits any person or agent of a foreigner from exercising functions specified in the Sixth Schedule to the Constitution (exclusive Government functions) without Cabinet approval through the relevant Government agency. The Sixth Schedule covers functions including defence, external

security, immigration, courts of law, and constitutional amendment. Violation attracts penal penalties

Legal concern

This clause, applied to genuinely exclusive constitutional functions, has a legitimate regulatory basis, non-State actors should not exercise sovereign governmental functions. However, the requirement for Cabinet approval (rather than approval by the relevant line ministry or licensing body) for every exercise of these functions by any person (including those already licensed by sector regulators) creates a duplicative, cumbersome, and legally uncertain approval system. Clause 6(5) provides an exemption for persons holding existing licences, permits, or authorizations from Government licensing bodies, but the scope of this exemption, and its interaction with the Cabinet-approval requirement, is unclear. The drafting risk is that already-licensed NGOs, hospitals, schools, and service providers operating in areas touching on Sixth Schedule functions may be caught by the prohibition despite holding valid sectoral authorizations.

Recommendation

The requirement of cabinet approval is burdensome and it will discourage potential private investors who may wish to seek authorization under clause 6 (5) of the Bill. Licensing and necessary approvals should be done by the line ministry.

F. Development of Government policy.

Under clause 7 of the Bill, it provides that Government policy shall be developed by the relevant ministry, department or agency of Government and submitted to cabinet for approval before the implementation of the policy.

The Bill under clause 7 (4) makes it an offence for a person or an agent of a foreigner to develop a policy without the approval of cabinet and on conviction in case a legal entity, it pays a fine not exceeding two hundred thousand currency points and in case of an individual a fine not exceeding one hundred thousand currency points or imprisonment for a term not exceeding twenty years or both.

Legal concerns

Clause 7 (3) of the Bill is worded as follows;

A person or an agent of a foreigner who wishes to influence or propose amendments to the development of the policy shall submit his or her proposals to the relevant ministry, department or agency of Government for consideration.

It is our submission that the above clause is contrary to the tenets of a democratic state, the Government only leads policy formulation but there are a number of other actors like the Civil Society Organizations, private sector, academics and experts, media and citizens that propose or influence policy development or formulation.

Clause 7 (4) of the Bill makes it an offence for a person or agent of a foreigner to develop a Government policy without the approval of cabinet and on conviction, in case of a legal entity it has to pay a fine not exceeding two hundred thousand currency points; and in case of an individual, a fine not exceeding one hundred thousand currency points or imprisonment for a term not exceeding twenty years or both.

Recommendation

The word "shall" under Clause 7 (3) of the Bill should be dropped and replaced with the word "may".

A fine of two hundred thousand currency points under Clause 7 (3) (a) of the Bill should be revised to twenty currency points.

Under clause 7 (3) (b) of the Bill, the fine of one hundred thousand currency points should be reduced to forty currency points and the sentence of twenty years be dropped.

G. Implementation of Government policy.

Clause 8 (1) of the Bill is worded as follows;

A Government policy approved by Cabinet shall be implemented by the relevant Government ministry, department or agency.

The above clause prohibits private persons from implementing government policies without the approval of Government ministry, department or agency.

Legal concerns

The Bill prohibits private persons from implementing Government policies without approval from Government,

The Bill under clause 8 (3) prohibits an "agent of a foreigner" from hindering, frustrating or disrupting the implementation of policy. However, the Bill provides no legal definitions for those terms. This makes the provision vague, imprecise and therefore unconstitutional.

Curtailing rights and duties of citizens under the Constitution. By curtailing citizens from implementing or engaging with policy, the clause strips citizens of their rights under Articles 1 and 38 and duties under Article 17 of the 1995 Constitution.

Recommendations

The terms "hindering", "frustrating" or "disrupting" should be defined in the interpretation clause.

The scope of clause 8 (1) of the Bill should be expanded to allow private citizens participate in the implementation of Government policy without the bureaucracy provided for under clause 8 (7).

Justification

To avoid ambiguity

To reinforce the spirit of Article 38 and 17 of the 1995 Constitution. Article 38 (2) provides that every Ugandan has a right to participate in peaceful activities to influence the policies of Government through civic organizations while Article 17 stipulates the duties of a citizen.

H. Prohibition of interfering with electoral processes.

Clause 11 (3) of the Bill makes it an offence for an agent of a foreigner to influence the will and consent of any person to decide on how he or she shall be governed

Legal concerns

The word "interfering" is not defined in the interpretation clause neither is the word "influences". This may have the effect of classifying Ugandan citizens employed in multinational firms or those in the diaspora as agents of foreigners and thus barred from engaging in electoral processes.

Disenfranchisement of Ugandans who are abroad. Since the Bill defines Ugandans residing abroad as "foreigners", clause 11 prohibits Ugandans abroad from participating in the country's democratic processes. This is inconsistent with Article 59 of the Constitution which provides for the right to vote.

Unconstitutional penal penalties. Under Uganda's constitutional dispensation, participating in legitimate electoral processes is not an offence. The implication of clause 11 (3) prohibits an agent of a foreigner from participating in an election is to penalize citizens for exercising civic rights in violation of Article 59 of the Constitution.

Recommendation

The entire clause 11 of the Bill should be dropped. It has no place in our constitutional dispensation.

Justification

The provision is inconsistent with a number of constitutional provisions for example, it falls short of the Constitutional threshold under Article 1 about sovereignty of the people, it is inconsistent with Article 2 which provides for the supremacy of the Constitution, is it inconsistent with Article 21 which provides for equality and freedom from discrimination, it is in contravention of Article 38 (1) which requires Ugandan citizens to participate in the affairs of Government.

I. Prohibition of interfering with operations of Government.

Clause 12 (1) of the Bill is worded as follows;

A person or an agent of a foreigner shall not engage in any activity, solicit or obtain or receive any assistance from a foreigner to sponsor or organize a meeting or any function with the aim of interfering with the operations of Government.

Legal concerns

The Bill does not define what acts constitute "interfering with the operations of Government" leaving the provision open to abuse by the executive. For example, if citizens meet to criticize a government program or policy will that be construed to amount to interfering with the operations of Government.

Clause 12 (2) of the Bill makes it an offence to interfere with the operations of Government and if convicted, the legal entity is liable to a fine not exceeding two hundred thousand currency points and in case of an individual a fine not exceeding one hundred thousand currency points or to imprisonment for a

term not exceeding twenty years or both. These penal penalties and sentence are harsh.

Recommendation

The entire clause 12 should be dropped or deleted.

Justification

The provision lacks legal certainty which contravenes Article 28 of the Constitution

The Bill is likely to criminalize any form of dissenting views or criticisms which limits holding the Government accountable.

J. Prohibition of economic sabotage.

Under clause 13 of the Bill any person who publishes information or participates in any activity that weakens or damages the economic system, or causes economic disruptions, insecurity, or instability commits an offence.

Legal concerns

The Bill falls short of defining what constitutes "weakening" or "damaging" an economic system. This vague provision can be used by the Executive to target researchers, journalists, or whose professional work might be construed as "damaging" to the economy. Without a clear definition of what constitutes "weakening" or "damaging" an economic system, an article discussing the state of the economy can be interpreted as an offence as per the provisions of Clause 13 of the Bill.

Recommendation

The provision should be dropped or the words "weakening" or "damaging" an economic system should be precisely defined.

Justification

To avoid enacting an ambiguous law

The Bill is likely to stifle the work of professionals like journalists, researchers whose work that is critical of Government might be construed as "weakening" or "damaging" the economic system.

K. Registration of an agent of foreigner.

The Bill under clause 14 (1) provides that a person shall not act as an agent of a foreigner unless is registered with the Department and issued with a certificate of registration by the Minister.

Legal concerns

The term "foreigner" is broad in the interpretation clause of the Bill to the extent that it categorizes a Ugandan citizen residing outside Uganda as a foreigner. Further, the interpretation clause in the Bill gives an expansive definition of "an agent of a foreigner" which captures employees of international companies, legal and financial professionals and even relatives of Ugandans living abroad. This requirement is unreasonable as it creates a huge burden on carrying out any transaction with someone who is outside Uganda.

The Bill has the ripple effect of criminalizing family support, for example a Ugandan citizen receiving funds from a relative working abroad would be technically required to register as a foreign agent.

The criminal penalty of 10 years' imprisonment for failure to register as an agent of a foreigner would apply, for example, to a community health worker employed by an international NGO delivering malaria medication to children, even if they are entirely unaware that their employment status triggers registration requirements. This constitutes the criminalization of ordinary employment and is wholly disproportionate.

Recommendation

If a registration scheme is maintained, it should be limited to persons acting as agents of foreign governments or foreign political organizations in relation to political activities in Uganda. The penalty for non-registration should be administrative (a fine, not imprisonment) and proportionate. An extensive public awareness campaign and adequate notice period would be required before any registration requirement takes effect.

Justification

To narrow the scope of the provision so that it can pass the legal certainty test under Article 28 of the Constitution.

L. Application for registration, consideration of application and certificate of registration.

Clauses 15 to 20 deal with a number of formalities ranging from requiring a person who wishes to act as an agent of a foreigner to apply to the minister for registration, therein, there is detailed application procedure requiring disclosure of personal and business details, all business addresses, a complete list of employees, details of every foreigner for whom the applicant acts, copies of all agreements, financial details for the preceding 60 days, and any other information the Minister may prescribe.

Under clause 16, where the application is made to the minister, the minister is obligated to forward the application to the department to conduct inquiries into the suitability of the application and make recommendation to the minister.

The Bill also gives the minister powers to issue a certificate under clause 17 provided the applicant meets the requirement stipulated under clause 16. Further, the Bill also gives powers to the minister to suspend and revoke the certificate of registration.

Legal concerns

There are no enough safeguards on the information availed by the applicant. Under clause 15 (2) of the Bill, detailed information has to be disclosed by the applicant but there is no any information regarding the confidentiality of the information shared. This is in contrast with some of the progressive provisions of Data protection and Privacy Act, Cap.

The clauses (15 to 20) are likely to weaken the checks and balances as they give a lot of powers to the minister and the department for peace and security in determining who qualifies to become an agent of a foreigner.

Clause 16 (2) (d) which requires the Department for peace and security to conduct inquiries to ascertain the suitability of the applicant and the application is inconsistent with Article 21 of the 1995 Constitution which provides for equality and freedom from discrimination. Under clause d alluded to above, the Department has to consider whether the applicant has the adequate facilities for handling the activities of a foreigner which is contrary to Article 21 (2) which is worded as follows;

Without prejudice to clause 1 of this Article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, **social or economic standing**, political opinion or disability [Highlighted for emphasis].

The above provision will lead to discrimination premised on social or economic standing.

Recommendations

Enough safeguards for confidentiality of information should be considered under clauses 15 to 20 to avoid violating the right to privacy provided for under Article 27 of the Constitution and also to avoid diluting the progressive provisions under the Data Protection and Privacy Act, Cap.97

Clause 20 of the Bill should be reconsidered or redrafted to take away powers of suspension and revocation of certificate of registration from the minister.

Justification

To uphold the Constitutional provisions regarding privacy and to avoid conflict with the other existing laws like Data Protection and Privacy Act, Cap. 97

Once the minister grants the certificate of registration under clause 17 becomes functus officio cannot therefore revoke it under clause 20.

M. Declaration of sources of funding

Clause 21 (1) of the Bill is worded as follows;

Subject to the provisions of the Anti-Money Laundering Act, an agent of a foreigner or other person receiving any funding from a foreigner shall submit a declaration of the sources of funds to the minister.

Legal concerns

The words "any **funding from a foreigner**" under clause 21 (1) is problematic in the sense that even a person receiving funds from relatives abroad is required to submit a declaration of the source of funds to the minister.

Clause 21 (2) which gives latitude to the members of the public to inspect the declaration of sources of funding without data protection safeguards is inconsistent with Article 27 of the Constitution which provides the right to privacy of person, home and other property and in conflict with the provisions of the Data Protection and Privacy Act, Cap. The public availability of this

information could facilitate targeting, harassment, or retaliation against registered agents of foreigners.

Recommendation

Clause 21 of the Bill should be dropped.

Justification

The legal regime in Uganda sufficiently addresses issues to do with sources of funding, for example we have; the Non-Governmental Organizations Act, Cap.109 Which requires NGOs to declare sources of funding and submit them to the NGO Bureau for oversight, the Anti-Money Laundering Act, Cap.118 Which requires financial institutions to monitor international transfers, report suspicious transactions etc. the Anti-terrorism Act, Cap.120 Which prohibits receiving funds linked to terrorism, foreign exchange Act, Cap.167 which governs cross-border money transfers and political parties and Organizations Act, Cap.178 which restricts foreign funding for political actors

Restrictions on Funding from Foreigners

Clause 22 prohibits receipt of foreign funding in excess of 20,000 currency points (UGX 400 million) within any 12-month period without written ministerial approval. Violation attracts 20-year imprisonment and UGX 2 billion / 4 billion fines.

Legal concerns

There is no any policy rationale upon which the threshold of Ugx. 400 million was arrived at.

The provision will stifle economic growth. For Uganda's development finance ecosystem, which depends heavily on foreign direct investment, syndicated lending, venture capital, and large charitable grants, this threshold could disrupt major infrastructure projects, commercial banking operations, and humanitarian programmes. The clause applies to any person receiving such funds, not just NGOs, creating serious risks for the investment climate.

Recommendation

Clause 22 should be dropped.

Justification

It is a hinderance to economic growth and development

Clause 22 (1) of the Bill is unreasonable. How will a person or an agent of a foreigner know that is going to receive to financial support, donation, loan or other assistance in excess of twenty thousand currency points in a period of 12 months. Therefore, this provision is presumptive and unenforceable.

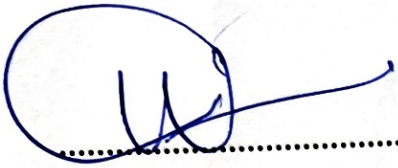
CONCLUSION

The Protection of the Sovereignty Bill, 2026 is intended to give more powers to the Executive while weakening the other two arms of Government. It is intended to resurrect the forces of tyranny, oppression and exploitation which is against the preamble of the 1995 Constitution. The Bill is a threat to the stability, prosperity, and constitutional order of Uganda.

The Bill has no place in a young democracy like Uganda but rather it is going to stifle economic growth and development. Parliament should consider abandoning the Bill.

Presented on behalf of **ACTION FOR LIBERTY AND ECONOMIC DEVELOPMENT**

BY MUGABI JOHN



A handwritten signature in blue ink, consisting of a large, stylized 'M' followed by a horizontal line that extends to the right and ends in a small flourish. The signature is positioned above a dotted line.

POSITION: DIRECTOR

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