

A Reality Check on the Protection of Sovereignty Bill, 2026 (Bill No. 13 of 2026): Pro-Government Justifications Versus Constitutional, Governance, and Economic Evidence

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Abstract

The Protection of Sovereignty Bill, 2026 (Bill No. 13 of 2026), gazetted on 13 April 2026 and introduced for first reading on 15 April 2026, represents one of the most consequential legislative initiatives in Uganda's post-1995 constitutional history. Promoted by the Ministry of Internal Affairs and defended by the Attorney General as a measured, internationally benchmarked instrument targeting covert foreign interference, the Bill proposes mandatory registration of 'agents of foreigners,' criminal penalties of up to twenty years' imprisonment, funding caps requiring prior ministerial approval, and sweeping inspection and enforcement powers. This article conducts a systematic reality check of the government's six principal justifications for the Bill, examining each claim against the text of the Bill itself, existing Ugandan law, constitutional provisions, empirical economic data, comparative international legislation, and persuasive international jurisprudence. The analysis employs a pro-and-counter-argument structure, presenting the government's case in its strongest form before subjecting it to evidence-based scrutiny. The article finds that every central government justification either collapses under evidentiary examination, rests on selective and misleading international comparisons, or contradicts the plain text of the Bill. The article concludes that the Bill, in its current form, does not protect popular sovereignty as constitutionally understood but transfers it from the citizenry to the executive, with profound implications for constitutional rights, economic stability, development cooperation, and Uganda's international standing.

Keywords: *Protection of Sovereignty Bill 2026, Uganda, foreign agents' legislation, constitutional rights, governance, diaspora remittances, civil society regulation, legislative proportionality, executive discretion, Article 1 Constitution of Uganda*

1. Introduction

On 13 April 2026, the Uganda Gazette published the Protection of Sovereignty Bill, 2026 (Bill No. 13 of 2026) as Bills Supplement No. 5 (Ministry of Internal Affairs, 2026). Two days later, on 15 April 2026, the state minister for Internal Affairs, David Muhoozi, introduced the Bill for its first reading in Parliament (Independent, 2026). The Bill was referred to the

Parliamentary Committee on Defence and Internal Affairs and the Legal and Parliamentary Affairs Committee for scrutiny. However, by 23 April 2026, Parliament had moved to fast-track the second and third readings, effectively bypassing the standard 45-day window for committee scrutiny and public consultation (Independent, 2026).

The Bill's stated objective, as set out in its Memorandum, is to 'provide for the protection of the sovereignty of the people of Uganda' by establishing a registration regime for 'agents of foreigners,' regulating foreign funding, and criminalizing activities deemed to constitute foreign interference (Ministry of Internal Affairs, 2026, Section 1). Attorney General Kiryowa Kiwanuka has defended the Bill as a transparency tool comparable to the United States' Foreign Agents Registration Act (FARA), the United Kingdom's National Security Act 2023, and Australia's Foreign Influence Transparency Scheme (Kiryowa Kiwanuka, 2026, as cited in CEO East Africa, 2026a).

The Bill has, however, attracted extraordinary opposition from across Uganda's institutional landscape. The Uganda Law Society (ULS) has renamed it 'The Anti-Sovereignty Bill,' describing it as 'a constitutional coup' (Ssemakadde, 2026, as cited in Black Star News, 2026). The Uganda Bankers Association has warned of systemic risks to the financial sector (ABC News, 2026). Human Rights Watch (2026) has characterized the Bill as the latest instrument in a broader governmental campaign to stifle dissent. The International Centre for Not-for-Profit Law (ICNL, 2026) has identified eight fundamental concerns with the Bill's provisions.

This article does not adopt a polemical stance. It undertakes a structured, evidence-based examination of each of the government's principal justifications for the Bill, presenting the pro-government argument in its strongest available form before subjecting it to counter-analysis grounded in constitutional law, existing legislation, empirical economic data, comparative international practice, and persuasive jurisprudence. The objective is to determine whether the government's case withstands scrutiny when measured against the Bill's own text and the available evidence.

2. Methodology

This article employs a qualitative documentary analysis methodology. The primary sources are: (a) the gazetted text of the Protection of Sovereignty Bill, 2026 (Bill No. 13 of 2026); (b) the Memorandum accompanying the Bill, signed by the Minister of Internal Affairs; (c) the Constitution of the Republic of Uganda, 1995 (as amended); and (d) the relevant existing statutes of Uganda. Secondary sources include legal analyses published by MMAKS Advocates (2026), ENSafrica (Karugaba, 2026), and ICNL (2026); institutional statements by the Uganda Law Society (2026), the Uganda Bankers Association (2026, as cited in ABC News, 2026), and Human Rights Watch (2026); economic data from the Bank of Uganda (2025), the Economic Policy Research Centre (EPRC, 2024), Development Aid (2024), and the World Bank; and comparative legislative materials from the United States, United Kingdom, Australia, and the Russian Federation.

Each government justification is analyzed through a pro-and-counter-argument framework, ensuring that the strongest available version of the government's position is engaged before the counter-evidence is presented. Verdicts are rendered on a three-point scale: FALSE (the claim is directly contradicted by the evidence), MISLEADING (the claim contains a kernel of truth but is materially inaccurate or selectively framed), and UNSUBSTANTIATED (no evidence is presented to support the claim).

3. The Bill: Structure and Key Provisions

The Bill consists of five parts and thirty clauses (Ministry of Internal Affairs, 2026). Its architecture can be summarized as follows:

Part I (Clauses 1-4) establishes the interpretive framework, including the definitions of 'foreigner' and 'agent of a foreigner,' and designates the Department responsible for peace and security within the Ministry of Internal Affairs as the implementing agency. Part II (Clauses 5-13) addresses the protection of sovereignty, criminalizing activities that promote the interests of a foreigner 'against the interests of Uganda' (Clause 5), requiring Cabinet approval for policy development and implementation by non-state actors (Clauses 7-8), and creating offences of interfering with electoral processes (Clause 11), interfering with operations of government (Clause 12), and economic sabotage (Clause 13). Part III (Clauses 14-20) establishes the mandatory registration regime for agents of foreigners. Part IV (Clauses 21-26) regulates funding, including the UGX 400 million annual cap on foreign funding without ministerial approval (Clause 22) and the banking restrictions requiring source-of-funds declarations (Clause 25). Part V (Clauses 27-30) provides for general enforcement, inspection, and regulation-making powers.

Two definitions are central to the Bill's reach. A 'foreigner' includes not only non-Ugandan citizens but also Ugandan citizens residing outside Uganda, foreign governments, international organizations, and any person the Minister may declare to be a foreigner by statutory instrument (Clause 1). An 'agent of a foreigner' means any person whose activities are 'directly or indirectly supervised, directed, controlled, financed, or subsidized' by a foreigner (Clause 1). As MMAKS Advocates (2026) have observed, the practical consequence of these definitions is that virtually every Ugandan organization or individual with any connection to foreign funding, employment, or cooperation qualifies as an agent of a foreigner.

4. Reality Check: Pro-Government Justifications Versus the Evidence

4.1 Claim: Uganda Has No Specific Law Upholding Sovereignty

4.1.1 The Pro-Government Argument

The Memorandum states that 'Uganda has no specific law upholding the sovereignty of the country which has resulted into continuous interference in the Government's policies and programmes by foreign countries and agents of foreigners' (Ministry of Internal Affairs, 2026, Section 2). Attorney General Kiryowa Kiwanuka has argued that existing laws such as the NGO Act and anti-money laundering frameworks contain 'gaps' that the Bill is designed to fill (Kiryowa Kiwanuka, 2026, as cited in Chimp Reports, 2026). The government's position is that a standalone, comprehensive sovereignty protection law is needed to consolidate and strengthen the regulatory architecture, similar to the way FARA provides a dedicated framework in the United States.

4.1.2 The Counter-Argument

The claim that Uganda has no legal mechanism to address foreign interference is directly contradicted by the existing statutory landscape. At least eight statutes already regulate the matters the Bill purports to address: (i) the Constitution of Uganda, 1995, which vests sovereignty in the people (Article 1) and imposes civic duties including loyalty (Article 17); (ii) the Non-Governmental Organisations (Amendment) Act, 2024, which provides comprehensive registration, monitoring, and revocation powers (Bireete, 2026, as cited in ABC News, 2026); (iii) the Anti-Terrorism Act, 2002; (iv) the Anti-Money Laundering Act, 2013; (v) the Political Parties and Organisations Act, 2005; (vi) the Computer Misuse Act, 2011; (vii)

the Uganda Citizenship and Immigration Control Act, 1999; and (viii) the Financial Institutions Act, 2004 (MMAKS Advocates, 2026; ICNL, 2026).

Lawyer Dominic Adeeda has directly responded to the Attorney General's 'gaps' argument, observing that 'rather than filling gaps, the Bill risks complicating Uganda's legal architecture through 'duplicity and multiplicity of offences already provided for in other laws' (Adeeda, 2026, as cited in Chimp Reports, 2026). The ICNL (2026) has documented extensive overlap between the Bill's provisions and existing law. Sarah Bireete of the Centre for Constitutional Governance has argued that if the government's concern is civil society regulation, the appropriate remedy is to amend the existing NGO Act rather than introduce a parallel regime that captures the entire economy (Bireete, 2026, as cited in ABC News, 2026).

Verdict: FALSE. The claim of a legal vacuum is contradicted by at least eight existing statutes. The Bill duplicates rather than fills regulatory gaps.

4.2 Claim: Foreign Agents Continuously Interfere with Government Policies

4.2.1 The Pro-Government Argument

The Memorandum alleges 'continuous interference in the Government's policies and programmes by foreign countries and agents of foreigners' and an 'increase in the interference with the development and implementation of Government policies and programmes, which interference is funded by foreigners and agents of foreigners' (Ministry of Internal Affairs, 2026, Section 2(a)). Attorney General Kiryowa Kiwanuka and State Minister Muhoozi have told Parliament that the Bill targets 'external actors' seeking to influence 'Uganda's internal political processes' (AllAfrica, 2026). The government's implicit argument is that the proliferation of foreign-funded NGOs and civil society organizations advocating positions contrary to government policy constitutes interference with sovereign governance.

4.2.2 The Counter-Argument

The Memorandum presents no evidence for this claim: no specific incidents, no data, no intelligence assessments, no diplomatic notes, no judicial proceedings, and no reports are cited. Human Rights Watch (2026) has observed that the Bill is 'part of a broader campaign by the Ugandan government to clamp down on free expression and peaceful assembly, that has included arresting and bringing criminal charges against political opponents and their supporters, as well as other critics of government officials.' The Daily Monitor has documented that President Museveni has 'repeatedly castigated critical voices in media, civil and political society labelling them as foreign agents supporting political subversion' (Naturinda, 2026). This rhetorical pattern suggests that the government's definition of 'foreign interference' encompasses legitimate civic engagement and policy advocacy, which are constitutionally protected under Article 38 of the Constitution.

Furthermore, the Observer (2026) has noted that the Bill's most alarming feature is that its criminal penalties demand no proof of intent. Clause 13 criminalizes any publication that 'weakens or damages the economic system' without requiring demonstration of falsity, malice, or actual harm. A legislation that proposes twenty-year prison sentences must be grounded in demonstrable evidence of the harm it seeks to address.

Verdict: UNSUBSTANTIATED. No evidence is presented. The conflation of civic engagement with foreign interference suggests a political rather than evidentiary motivation.

4.3 Claim: Foreign Aid Erodes National Values and Self-Determination

4.3.1 The Pro-Government Argument

The Memorandum states that 'foreign aid to civil society that comes along with conditions and parallel programs which conflict with Government programs' has 'given external donors significant influence over Uganda's political, social and economic landscape, which has resulted into the erosion of the values we hold sacred as a nation' and has 'undermined our right to self-determination' (Ministry of Internal Affairs, 2026, Section 2(b)). This argument resonates with a broader post-colonial critique of donor conditionality and externally imposed governance norms, and with legitimate concerns about the asymmetric power dynamics inherent in aid relationships. The government's implicit claim is that donor-funded civil society organizations promote values (particularly regarding gender, sexuality, and governance reform) that conflict with Uganda's cultural and political self-understanding.

4.3.2 The Counter-Argument

While the post-colonial critique of donor conditionality has intellectual merit, the Bill's response is grossly disproportionate to the concern and is undermined by the government's own economic dependence on the same foreign funding it characterizes as a threat. The empirical evidence is compelling:

- **Diaspora remittances** reached \$2.5 billion in 2025, equivalent to 3.8% of GDP, with over 16 million transactions recorded and an average transaction size of \$152 (Bank of Uganda, 2025, as cited in Monitor, 2026a). The Bill classifies the senders of these remittances as 'foreigners' and their recipients as potential 'agents of foreigners.'
- **Official Development Assistance** totalled \$2.1 billion in 2022 (TheGlobalEconomy.com, 2024). Historically, aid averaged 11% of GDP over the period 1990-2006 (UNU-WIDER, n.d.).
- **Health sector dependency:** foreign funding accounts for the majority of Uganda's UGX 4 trillion health budget. A 49% reduction in health sector foreign aid was projected for 2024-2025, with over 50% of deaths caused by communicable diseases treated through internationally funded programmes (Development Aid, 2024).
- **The Bill's own internal contradiction:** Clause 24 exempts foreign funding to government institutions under the Public Finance Management Act, implicitly acknowledging that foreign funding is not inherently harmful to sovereignty when the government itself is the recipient (Ministry of Internal Affairs, 2026, Clause 24).

No specific 'values' are identified in the Memorandum. The claim amounts to a rhetorical gesture rather than a legislative justification.

Verdict: MISLEADING. The post-colonial critique has abstract validity, but the Bill's response is disproportionate, self-contradictory, and unsupported by specific evidence.

4.4 Claim: Civil Society Is Inadequately Regulated

4.4.1 The Pro-Government Argument

The Memorandum claims 'there is an ongoing challenge in ensuring that civil society especially those funded by the foreigners, operate transparently and in accordance with the laws, national policies, programmes and interests of Uganda' (Ministry of Internal Affairs, 2026, Section 2). The Attorney General has cited 'gaps' in the NGO Act (Kiryowa Kiwanuka, 2026, as cited in Chimp Reports, 2026). The government's argument is that the existing regulatory framework is insufficient to ensure that foreign-funded organisations align their activities with national priorities.

4.4.2 The Counter-Argument

The NGO (Amendment) Act, 2024, already provides comprehensive regulatory powers: registration, monitoring, inspection, annual reporting requirements, conditions on operations, and suspension or revocation of permits. As the Daily Monitor has documented, these powers are already being actively deployed: in January 2025, the National Bureau for NGOs suspended the operating permits of nine NGOs, citing 'intelligence information' (Naturinda, 2026). If the existing framework were genuinely inadequate, the appropriate remedy would be targeted amendments to the NGO Act, not the creation of a parallel criminal regime under the Ministry of Internal Affairs that captures every sector of the economy (Bireete, 2026, as cited in ABC News, 2026; Adeeda, 2026, as cited in Chimp Reports, 2026).

Verdict: FALSE. Existing law provides comprehensive regulatory mechanisms that are already being used. The Bill creates a duplicative and more punitive regime.

4.5 Claim: The Bill Is Comparable to International Legislation

4.5.1 The Pro-Government Argument

Attorney General Kiryowa Kiwanuka has drawn comparisons with FARA (United States), the National Security Act 2023 (United Kingdom), Australia's Foreign Influence Transparency Scheme, Singapore's Foreign Interference (Countermeasures) Act, and Canada's Bill C-70 (Kiryowa Kiwanuka, 2026, as cited in CEO East Africa, 2026b). He argues that Uganda's Bill follows a 'global trend' of regulating foreign influence, positioning the legislation within a family of internationally accepted regulatory instruments. He draws a distinction between 'foreign influence' (open, transparent engagement) and 'foreign interference' (covert, coercive action), presenting the Bill as targeting only the latter (Kiryowa Kiwanuka, 2026, as cited in CEO East Africa, 2026a).

4.5.2 The Counter-Argument

Senior lawyers have systematically dismantled this comparison (CEO East Africa, 2026a). The rebuttal identifies at least four material respects in which the Bill exceeds every cited comparator:

1. **Penalties:** The Bill's maximum penalty of 20 years' imprisonment is four times the maximum under FARA or Australia's scheme, and far exceeds the fines-only regime in Israel (Karugaba, 2026).
2. **Scope:** No comparable legislation defines its own citizens residing abroad as 'foreigners' or captures ordinary commercial activity, faith-based organizations, academic institutions, and media houses within a foreign agent regime (ICNL, 2026).
3. **Prior approval vs. disclosure:** FARA and its equivalents are disclosure regimes requiring transparency. The Bill is a permission regime requiring prior ministerial approval, fundamentally transforming the nature of the regulation (Karugaba, 2026).
4. **Mens rea:** Other regimes require intent or knowledge as elements of offences. The Bill has no mens rea requirement for 'disruptive activities' (CEO East Africa, 2026a).

The Attorney General's distinction between 'influence' and 'interference' is contradicted by the Bill's own text. As senior lawyers have documented, 'the operative provisions of the Bill make no reference whatsoever to covertness, deception, or coercion as elements of any offence' (CEO East Africa, 2026a). Clause 2(2) applies to any person who 'influences the development of the policy of Government' or 'influences the public to oppose the policy of Government,' regardless of whether the influence is open or covert. The only genuinely comparable legislation is

Russia's Foreign Agents Act, condemned by the European Court of Human Rights in *Ecodefence and Others v. Russia* (Application No. 9988/13, 2022) as bearing 'the hallmarks of a totalitarian regime' (MMAKS Advocates, 2026).

Verdict: MISLEADING. The international comparisons are selective and materially inaccurate. The Bill's scope, penalties, and discretionary architecture have no parallel in any democratic jurisdiction.

4.6 Claim: The Bill Protects the Sovereignty of the People

4.6.1 The Pro-Government Argument

The Bill's title and Clause 5(1) invoke Article 1 of the Constitution, stating: 'In accordance with Article 1 of the Constitution, the people of the Republic of Uganda shall have sovereignty over the social, economic and political policies affecting the governance of the Republic of Uganda' (Ministry of Internal Affairs, 2026, Clause 5(1)). The government's argument is that the Bill gives legislative effect to Article 1 by creating mechanisms to prevent foreign actors from usurping the sovereign will of the Ugandan people in the formulation and implementation of public policy.

4.6.2 The Counter-Argument

This is the Bill's most fundamental deception. Article 1(1) of the Constitution states that 'all power belongs to the people who shall exercise their sovereignty in accordance with this Constitution.' Sovereignty, in the Ugandan constitutional order, is a right of the citizenry exercised through elections, referenda, and civic participation (Constitution of the Republic of Uganda, 1995, Article 1). The Bill, however, systematically transfers this sovereign authority from the people to the Minister of Internal Affairs and to Cabinet:

- **The Minister** decides who is a 'foreigner' by statutory instrument without Parliamentary approval (Clause 1(f)).
- **The Minister** grants or denies registration to participate in civic life, based on subjective suitability assessments including 'mental and physical health' (Clauses 14-18).
- **The Minister** approves or blocks foreign funding above UGX 400 million (Clause 22).
- **Cabinet** must approve any policy advocacy or civic engagement by non-state actors (Clauses 7-8), criminalizing the exercise of Article 38 rights.
- **The Minister** authorizes inspection of premises without a court order (Clause 28).

ULS President Isaac Ssemakadde has captured this inversion precisely: 'It does not protect Uganda's sovereignty. It destroys the sovereignty, the people's right to self-determination, that belongs to Ugandans under Article 1 of the Constitution' (Ssemakadde, 2026, as cited in Black Star News, 2026). ULS Vice-President Anthony Asiimwe has argued that any legislation altering the locus of sovereignty must be subjected to a national referendum under Article 260(2) of the Constitution (Asiimwe, 2026, as cited in Black Star News, 2026). The timing of the Bill's introduction, during the final weeks of the 11th Parliament's term, with fast-tracked readings bypassing the 45-day scrutiny period, compounds the democratic legitimacy deficit (Independent, 2026).

Verdict: FALSE. The Bill inverts the constitutional meaning of sovereignty, transferring it from the people to the executive.

5. Synthesis and Discussion

The foregoing analysis reveals a consistent pattern across all six government justifications: the gap between what the government says the Bill does and what the Bill actually does is material and irreconcilable. The Attorney General presents an idealized version of the Bill as a narrow, targeted transparency instrument. The gazetted text presents a sweeping criminal regime with undefined offences, unchecked executive discretion, and penalties grossly disproportionate to any legitimate regulatory objective (CEO East Africa, 2026a; Karugaba, 2026; Observer, 2026).

Several structural observations emerge from the analysis. First, the Bill conflates sovereignty with executive authority. Article 1(1) of the Constitution vests sovereignty in the people. The Bill transfers the practical exercise of that sovereignty to a single Ministry. This is not a technical deficiency amenable to amendment; it is a constitutional inversion that goes to the heart of the Bill's architecture.

Second, the Bill treats the Ugandan diaspora as a threat rather than an asset. At a time when remittances reached \$2.5 billion in 2025 and are projected to reach UGX 7 trillion by 2030 (Bank of Uganda, 2025, as cited in Monitor, 2026a; Monitor, 2025), the Bill classifies the senders of these remittances as 'foreigners' and their recipients as potential criminals. This is economically irrational and constitutionally suspect.

Third, the Bill's legislative redundancy is not a mere academic objection; it creates practical risks. The duplication of regulatory authority across existing statutes and the proposed Bill would generate jurisdictional conflicts, regulatory confusion, increased compliance costs for lawful organizations, and expanded opportunities for bureaucratic rent-seeking and corruption (MMAKS Advocates, 2026; Adeeda, 2026, as cited in Chimp Reports, 2026).

Fourth, the Bill has no sunset clause, no mandatory parliamentary review mechanism, and no independent oversight. The powers it creates are permanent and unreviewable. This is incompatible with the principles of good governance, proportionality, and the rule of law as articulated in the National Objectives and Directive Principles of State Policy of the Constitution and the African Charter on Democracy, Elections and Governance (2007).

6. Conclusion

Every central justification advanced by the government for the Protection of Sovereignty Bill, 2026, fails the reality test:

5. **The 'legal vacuum' claim is FALSE:** at least eight existing statutes regulate the matters the Bill addresses (MMAKS Advocates, 2026; ICNL, 2026).
6. **The 'foreign interference' claim is UNSUBSTANTIATED:** no evidence is presented in the Memorandum or in any government statement (Human Rights Watch, 2026).
7. **The 'eroded values' claim is MISLEADING:** the government is itself the largest beneficiary of foreign funding, and no values are specified (Development Aid, 2024; Bank of Uganda, 2025).
8. **The 'inadequate regulation' claim is FALSE:** the NGO Act provides comprehensive and already-deployed regulatory powers (Bireete, 2026; Naturinda, 2026).

9. **The 'international comparability' claim is MISLEADING:** the Bill exceeds every democratic comparator in scope, penalties, and discretion (Karugaba, 2026; CEO East Africa, 2026a).
10. **The 'protecting sovereignty' claim is FALSE:** the Bill transfers sovereignty from the people to the executive (Ssemakadde, 2026).

The Protection of Sovereignty Bill, 2026, in its present form, does not protect sovereignty. It confiscates it. The evidence demands that the Bill be withdrawn in its entirety or subjected to fundamental amendment to address genuine and demonstrable threats through proportionate, constitutionally compliant, and judicially reviewable mechanisms. Any alternative outcome would constitute a legislative act incompatible with the constitutional order established in 1995 and with Uganda's obligations under international human rights law.

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