



**FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI)**

**MEMORANDUM ON:  
THE PROTECTION OF SOVEREIGNTY BILL, 2026**

**Submitted to the Clerk to Parliament, Parliament of Uganda  
on 23<sup>rd</sup> April 2026**

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## **1. INTRODUCTION**

Parliament of Uganda is obliged to distinguish permissible, open foreign participation from clandestine interference intended to shape Uganda's public affairs through coercion, deception, or subterfuge. In that context, **The Protection of Sovereignty Bill, 2026** raises serious concerns regarding its compatibility with the **Constitution of the Republic of Uganda** and its potential implications for Uganda's reliance on foreign assistance.

As presently framed, several provisions risk undermining fundamental rights and constraining legitimate civic and civil society activity, while broad definitions and extensive ministerial discretion create a substantial risk of abuse and arbitrary enforcement. Although the bill is presented as a measure to protect sovereignty, aspects of its design concentrate authority in ways that sit uneasily with constitutional principles on the source of sovereign power and the protection of citizens' rights. The analysis below considers the bill against relevant constitutional provisions on sovereignty.

Although the bill invokes the protection of sovereignty of the people of Uganda, it concentrates substantial authority in the Minister and may, in practice, limit citizens' ability to exercise sovereign power. This is difficult to reconcile with Article 1(1) of the Constitution, which provides that **"All power belongs to the people, who shall exercise their sovereignty in accordance with the Constitution."**

Article 1(2) reinforces this principle by stating that "all authority in the State emanates from the people of Uganda," underscoring that state power must remain accountable to the citizenry.

## **2. DEFECTS IN EXISTING LAW**

In the preamble (paragraph 2©), the bill contends that civil society is insufficiently regulated. However, Uganda already has several laws that regulate organisations, funding, public order, and related matters, including:

- **Regulation and oversight of organisations**
  - The NGO Act, 2016 (as amended in 2024)
  - Trustees Incorporation Act, Cap. 165
  - Companies Act 2012
  - Local Government Act, Cap. 243
- **Public order and political activity**
  - Public Order Management Act (POMA), 2013
  - Political Parties and Organisations (Amendment) Act, 2025

- **Financial integrity, taxation, and compliance**
  - Anti-Money Laundering and Anti-Terrorism Acts, 2023
  - Financial Institutions Act, Cap. 57
  - Income Tax (Amendment) Act, 2024
- **Data protection and legal status**
  - Data Protection and Privacy Act, 2019
  - Uganda Citizenship and Immigration Control Act, Cap. 313

Overall, these statutes already provide a workable framework for regulating organisations, financing, public order, and data protection. Any remaining gaps should be addressed through improved enforcement, better inter-agency coordination, and targeted amendments, rather than broad new restrictions that duplicate mandates and risk limiting constitutionally protected civic activity.

### **3. DEFINITION OF A 'FOREIGNER'**

The interpretation section (clause 1) defines "agent of a foreigner" in excessively broad terms. As drafted, it may capture legitimate activities by religious, political, academic, and other public institutions, as well as routine engagement by private sector actors, including churches, hospitals, banks, companies, and investors.

In a similar fashion, the definition of "foreigner" in clause 1(b), as drafted, may operate to discriminate against Ugandans living abroad. This raises concerns under Article 21 of the Constitution, which guarantees equality and freedom from discrimination. In effect, the bill departs from that principle by treating Ugandans in the diaspora as a separate and potentially disfavoured category.

Further, paragraph (f) of the interpretation section confers wide discretion on the Minister to declare a person or institution a foreigner. The breadth of this power conflicts with existing sector-specific legal regimes. It also raises constitutional concerns considering Articles 9 and 10, which set out the legal basis for Ugandan citizenship.

In substance, the bill permits the Minister to determine who qualifies as a 'foreigner.' That determination ought to be set by Parliament through clear statutory criteria. As drafted, it may also sit in tension with other laws, including Article 9 of the Constitution and the Companies Act.

### **4. INFLUENCING GOVERNMENT POLICY**

Clauses 2(2)(f), (g), (i)) criminalise attempts by citizens to influence government policy and, in doing so, risk unjustifiably limiting the **freedoms of expression, association, and assembly protected under Article 29 of the Constitution**. In practical effect,

these clauses shift decision-making power away from the people and towards the State, contrary to Article 1. To the extent of any inconsistency with the Constitution, the provisions are constitutionally objectionable per Article 2 (2) of the Constitution.

Clause 1 vests extensive powers in the Minister. In so far as those powers result in limitations on rights and freedoms, they raise concerns under Article 43 of the Constitution, which governs the permissible scope of limitations on fundamental and other human rights and freedoms.

## **5. PENALTIES UNDER THE BILL**

In general, the penalties prescribed in the bill (fine not exceeding two hundred thousand currency points or to imprisonment for a term not exceeding twenty years or both) appear disproportionate to the offences created. This raises concerns under the **principle of proportionality**, which requires that the severity of punishment correspond to the gravity of the misconduct and that the State's response not exceed what is necessary and justified.

## **6. DEPARTMENT OF PEACE AND SECURITY**

Clause 4 confers functions on the 'Department' that substantially duplicate mandates already exercised under existing regulatory frameworks, including those of the Uganda Revenue Authority, the Non-Governmental Organisations Bureau, and Bank of Uganda.

Where the existing framework contains gaps, the more proportionate response would be targeted amendments to the relevant statutes, rather than creating overlapping structures and powers.

## **7. IMPLEMENTATION OF GOVERNMENT POLICY**

Clauses 7 and 8 introduce approval requirements that may unduly restrict civic engagement and participation in governance, thereby offending Article 29 of the Constitution. They also appear inconsistent with the principle of participatory governance under Article 38, which guarantees citizens the right to take part in the affairs of government individually or through his or her representative.

## **8. INTERFERENCE WITH ELECTORAL PROCESSES**

Clause 11 restricts participation in elections, including by citizens in the diaspora. This raises concerns under Article 59 of the Constitution, which guarantees citizens the right to participate in elections and to vote. Accordingly, the clause is constitutionally vulnerable to the extent that it is inconsistent with Article 59 of the Constitution.

## **9. PROHIBITION OF INTERFERING WITH OPERATION OF GOVERNMENT**

Clause 12 is drafted in broad and intrusive terms. As a result, it risks unjustifiably constraining civic engagement and participation, including legitimate civil society activities.

## **10. PROHIBITION OF ECONOMIC SABOTAGE**

Clause 13 risks undermining legitimate institutional independence and may have adverse implications for the economy. It could constrain citizens' participation in economic governance, including oversight and accountability, anti-corruption engagement, discussion of national budgets, and the expression of views on the state of the economy.

It may also affect investor confidence and create uncertainty for financial institutions engaged in ordinary market commentary and investor relations activities, raising concerns in relation to Article 40(2) of the Constitution on economic rights and interests.

## **11. REGISTRATION OF AN AGENT OF A FOREIGNER**

Clause 14 establishes a subjective and open-ended standard for registration, leaving key thresholds undefined and thereby permitting wide administrative discretion. In the absence of express safeguards, such as, transparent reasons, consistent benchmarks, and an effective right to review or appeal, this discretion creates a real risk of arbitrary enforcement, selective targeting of disfavoured actors, and abuse of the registration process.

## **12. APPLICATION FOR REGISTRATION**

Clause 15 imposes procedural and documentary requirements that may be unduly burdensome in practice, particularly for smaller organisations and individuals with limited administrative capacity.

## **13. CONSIDERATION OF APPLICATION FOR REGISTRATION**

Clause 16 is framed in a manner that is highly restrictive and difficult to implement. The limitations contemplated are not demonstrably necessary given the existing regulatory framework, which can address the stated objectives through narrower means. As drafted, the clause would impede legitimate operations and should be reconsidered.

## **14. RESTRICTIONS ON FOREIGN FUNDING**

Clause 22 imposes stringent restrictions that may undermine legitimate institutional operations. The stated limit of twenty thousand currency points (about Ugx 400

million) is unjustified and defeats economic sense. The provision appears unnecessary in light of existing legal frameworks that already regulate financial flows and related compliance obligations such as the Bank of Uganda Act Cap 54 and its Regulations, the Anti Money Laundering Act Cap 118 and, the Financial Institutions Act, Cap 57.

Uganda has historically relied on foreign assistance to fund development programmes and public services. The restrictions on foreign funding in clause 22 could jeopardise the implementation of such programmes, particularly in the health, education, and infrastructure sectors, as well as the operations of non-governmental actors that support service delivery. This may, in turn, hinder the fulfilment of constitutional commitments relating to development.

## **15. OBTAINING FUNDS TO ENGAGE IN DISRUPTIVE ACTIVITIES**

Clause 23 concerns the solicitation, receipt, or mobilisation of funds for activities aimed at overthrowing the Government. Related conduct is already provided for under the Penal Code, including in sections 23, 24, 25, and 32.

## **16. POTENTIAL EFFECTS OF THE SOVEREIGNTY BILL**

### **Constitutional sovereignty and governance**

The bill may adversely affect the practical exercise of sovereignty by Ugandans. While it purports to protect the people and the State, it centralises significant authority in the Minister, potentially limiting citizens' ability to exercise sovereign power as contemplated by the Constitution.

### **Development and service delivery**

The bill may undermine the National Objectives and Directive Principles of State Policy, which require the State, so far as practicable, to facilitate rapid and equitable development by encouraging private initiative and self-reliance. (Directive Principle IX)

### **Ministerial discretion and accountability**

The bill grants extensive powers to the Minister, including powers to approve foreign funding, issue and revoke certificates of registration, and amend the currency point schedule. Without adequate safeguards and oversight, these powers may be exercised arbitrarily and could weaken existing accountability mechanisms.

### **International cooperation**

The restrictions on foreign funding and related activities may affect Uganda's ability to comply with, and benefit from, international treaties and cooperation

frameworks, including those relevant to development assistance, human rights, and international collaboration. The Constitution recognises the importance of international relations, and the bill's provisions could impede constructive engagement with foreign partners and may adversely affect investor confidence and Direct Financial Investment in the Country.

### **Civic space and participation**

The restrictions on foreign funding and the activities of agents of foreigners may hinder civil society organisations (CSOs) and individuals from undertaking legitimate advocacy and policy engagement. This may, in turn, diminish citizens' ability to contribute to democratic governance as provided by the Constitution.

## **17. CONCLUSION**

The Protection of Sovereignty Bill, 2026 pursues a legitimate public interest in safeguarding Uganda from covert external interference. However, as drafted, it adopts overly broad definitions, introduces duplicate institutional mandates, and confers extensive discretionary powers on the Minister in ways that risk unjustifiably restricting constitutionally protected rights, undermining participatory governance, and constraining lawful civic, religious, academic, and private-sector engagement.

In addition, the bill's restrictions on foreign funding may adversely affect development and service delivery, notwithstanding existing frameworks that already regulate organisational oversight, public order, financial integrity, and related compliance.

Accordingly, Parliament should reconsider the bill and, where necessary, pursue narrower and more proportionate reforms through targeted amendments and improved enforcement of existing laws, supported by clear statutory criteria, due process safeguards, and effective oversight.

Any legislative response to foreign influence must preserve the constitutional balance between national security and the rights of citizens to participate in public affairs. Ultimately, sovereignty is exercised through the Constitution, and any law that derogates from it cannot stand: **Article 2(2) provides that if any other law or any custom is inconsistent with the Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.**