

## **Sovereignty or Silence? Unmasking the Gag on Uganda's Free Press**

An analysis of the implications of the Protection of Sovereignty Bill, 2026 for Journalists, Media Managers and Owners

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### **1. Introduction**

The Protection of Sovereignty Bill, 2026, tabled in Parliament by State Minister for Internal Affairs, Gen. David Muhoozi on April 15, 2026, is framed as a measure to shield Uganda from foreign interference. However, its broad definitions and restrictive clauses target the lifeblood of independent media: foreign funding, cross-border information sharing, and critical reporting on government policy. This bill represents a significant shift from a transparency-based framework to a state-permission-based system for civic and digital engagement.

### **2. Key Provisions & Implications for Journalists**

The bill introduces several "new" offenses that directly threaten journalistic practice:

(i) The proposed "Economic Sabotage" offense under Clause 13 of the Protection of Sovereignty Bill 2026 criminalizes the publication of any information deemed to "weaken or damage the economic system or viability of the country." For journalists, this means that essential reporting on corruption, public debt, or fiscal mismanagement could be treated as a prosecutable offense carrying up to 20 years in prison. This provision directly violates Article 29(1)(a) of the Constitution of Uganda, which guarantees freedom of speech and the press. Furthermore, the lack of a "defense of truth" or public interest exception ignores the precedent set in *Charles Onyango Obbo v. Attorney General*, where the Supreme Court ruled that criminalizing "false news" is unconstitutional because it silences legitimate whistle-blowing and public debate.

(ii) Under Clause 1, the Bill introduces a broad and controversial definition of a "Foreigner" that includes Ugandan citizens residing outside the country. This creates a massive legal hurdle for newsrooms, as simply quoting or receiving news tips from the Ugandan diaspora could categorize a journalist as an "agent of a foreigner" under Clause 1. All media houses and their staff that get revenue in whatever form (advertising, sponsorship, etc.) from foreign entities are categorized as agents of foreigners. Such a classification forces media entities into a state-managed registration system, which violates the right to privacy under Article 27 and restricts the Article 41 right to access to information by essentially criminalizing cross-border information flows. This redundancy is especially glaring since the Anti-Money Laundering Act already provides mechanisms to regulate suspicious foreign financial inflows without infringing on citizenship rights.

(iii) Media houses, editors and others categorized as foreign agents will not be allowed to participate in issues of governance of the country. This covers a wide range of issues from civic education, covering elections or governance related. Under clause 11, this will be considered interfering with electoral processes and attracts a fine of UGX 2 billion and 20-year imprisonment for individuals and a fine of UGX 4 billion.

(iv) Furthermore, Clause 11 seeks to restrict policy influence by prohibiting "agents of foreigners" from influencing the public to oppose government policy without prior Cabinet approval. This strikes at the heart of the media's watchdog role; investigative pieces or Op-Eds challenging state projects—such as infrastructure developments or health policies—could be framed as illegal "foreign-driven" mobilization. By requiring state permission to voice dissent, this provision breaches Article 38, which protects the right of citizens to participate in the affairs of government, and Article 1, which mandates that sovereignty belongs to the people, not just the executive. This attempt to centralize control over public thought echoes the Computer Misuse (Amendment) Act 2022, which the Constitutional Court recently nullified for being vague, overbroad, and inconsistent with democratic standards.

(v) Under clause 13, a publication that affects the performance of the economy is considered economic sabotage. It does not matter whether the person aimed at providing information or causing an effect on the economy. This directly affects media houses that may publish reports on the performance of the economy, including things like capital markets, trends in a particular sector etc. This directly violates the freedom of the media guaranteed under Article 29 of the Constitution.

### 3. Implications for Media Owners & Managers

The proposed Protection of Sovereignty Bill, 2026, fundamentally shifts media regulation from a transparency-based model to a high-stakes, state-permission system. This transition introduces severe financial and operational risks that could force many media houses into a "natural death" through the following mechanisms:

- a) **Corporate Criminal Liability:** The Bill provides for different offenses, and, company directors and executives are held personally liable for breaches committed by their organizations. A manager could face up to 20 years in prison for an editorial decision or a simple failure to disclose a foreign advertising payment.
- b) **Draconian Fines and Asset Seizure:** For legal entities, the penalties are designed to be bankrupting. Organizations violating funding caps or "economic sabotage" clauses face fines of up to Shs 4 billion (200,000 currency points). Furthermore, authorities gain sweeping powers to seize assets or funds deemed linked to "illegal foreign influence."
- c) **The "Banking Trap" (Clause 25):** Banks are required to obtain ministerial authorization before releasing foreign-linked funds to any "agent of a foreigner." This creates a massive bottleneck for newsrooms relying on international grants or advertising. Failure to comply carries a Shs 4 billion civil penalty for banks, incentivizing financial institutions to "de-risk" by simply freezing the accounts of independent media houses. The requirement may also make it hard for media houses to raise capital for investment.
- d) **Operational Licensing as Control:** Mandatory registration under Part III functions as a restrictive licensing system rather than a mere disclosure rule. The Minister of Internal Affairs holds sole discretion to revoke or suspend a certificate without notice or an

independent appeal process, granting the state "veto power" over media operations. This creates a direct "regulatory trap" and a "dual-licensing" regime that bypasses and contradicts existing mandates:

- i. **Uganda Communications Commission (UCC):** Under the Uganda Communications Act, Cap 103, the UCC is the sole statutory regulator for broadcasting. This Bill creates a "shadow regulator" where a media house cleared by the UCC can be shut down by the Minister.
- ii. **The Media Council of Uganda:** Under the **Press and Journalist Act, Cap 100**, this body regulates media conduct and journalist discipline. The Bill usurps this role by allowing a political appointee to determine an entity's "fitness" based on vague security grounds.
- iii. **National Information Technology Authority-Uganda (NITA-U):** The Data Protection and Privacy Act, Cap 97, already governs digital platforms; this Bill adds an intrusive, conflicting layer of data oversight.
- iv. **Financial Intelligence Authority (FIA):** Under the Anti-Money Laundering Act, 2013, the FIA monitors financial inflows. The Bill's ministerial funding caps create a parallel gatekeeper, stripping away the regulatory certainty necessary for business.

#### 4. Redundancy & Constitutional Breaches

The Protection of Sovereignty Bill is largely redundant, as its stated goals are comprehensively addressed by existing legislation, including the Anti-Money Laundering Act (2013), the NGO Act (Cap 109), and the Press and Journalist Act. Beyond domestic redundancies, the Bill breaches Article 29 (Freedom of the Press) and Article 38 (Right to Participate in Government) of the Constitution of Uganda. It further contravenes international frameworks, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter on Human and Peoples' Rights, which protect against arbitrary state interference with expression. Finally, the Bill ignores the UN Declaration on Human Rights Defenders, which affirms the right of organizations to solicit and receive resources to promote fundamental freedoms.

#### 5. Global Precedents: The "Foreign Agent" Playbook and Its Cost

The Protection of Sovereignty Bill follows a dangerous global pattern where "sovereignty" is used as a pretext to dismantle independent media. In countries that have adopted similar "foreign agent" or "transparency" laws, the result has been a systematic erasing of free thought and the near-total collapse of the independent media industry:

**Russia:** The pioneer of this model, Russia's 2012 "Foreign Agent" law (expanded in 2022 and 2025) has evolved into a tool for total economic strangulation. Journalists labeled as "agents" must include a "mark of shame" disclaimer on every post or face up to 15 years in prison. New 2026 tax amendments even impose a 30% flat income tax specifically on these "agents," effectively making it impossible for independent reporters to earn a living.

- **Georgia:** The Law on Transparency of Foreign Influence (the "Russia Law") requires media receiving over 20% foreign funding to register as "organizations serving the interests of a foreign power." This has triggered massive civil unrest and led to the liquidation of media outlets that refuse to accept the pejorative label, isolating the country from the global information exchange.
- **Nicaragua:** Since the 2020 passage of the Law for the Regulation of Foreign Agents, independent media have been decimated. Outlets like *La Prensa* were raided, and over 250 journalists have been forced into exile. In 2023, the state began stripping journalists of their nationality and seizing their property without due process, labeling them "traitors to the homeland".
- **Kyrgyzstan:** In 2024, the government enacted a Russian-style "foreign representatives" law targeting NGOs and media. By 2025, authorities used it to liquidate Kloop Media—a leading investigative outlet—and sentence journalists to prison for "calling for mass disorder" based on critical reporting.
- **Azerbaijan:** Recent 2025 and 2026 amendments to the Media Law require foreign media branches to register in a state registry or face immediate liquidation. It also prohibits foreign entities from funding more than 25% of a media issue's cost, a restriction designed to bankrupt the last remaining independent voices.
- **Slovakia:** In 2024 and 2025, the government moved to abolish the public broadcaster (RTVS) and replace it with a state-controlled entity (STVR), while introducing transparency requirements for NGOs that mirror "foreign agent" laws. This has led to the dismissal of critical journalists and attempts to weaponize state advertising to reward pro-government outlets.
- **Hungary:** Under the National Sovereignty Protection Act, a "Sovereignty Protection Office" can investigate any media outlet accused of "influencing democratic debate" with foreign funds. This office can bypass confidentiality protections to expose journalists' sources, effectively ending investigative journalism on government corruption.
- **Zimbabwe:** The Private Voluntary Organisations (PVO) Amendment Act (2025) grants the government power to suspend the leadership of organizations deemed "political." It has been used to arrest journalists for broadcasting interviews critical of the presidency, creating a profound "chilling effect" across the media sector.
- **North Korea:** The Law on Rejecting Reactionary Thought and Culture (2020) represents the ultimate endpoint of "sovereignty" laws, imposing penalties—including death—for distributing or possessing foreign media.

History shows that once these "sovereignty" bills are passed, they are almost always weaponized to bankrupt independent voices, criminalize dissent, and isolate the nation from global information.

## 6. Conclusion and Call to Action

In its current form, the Protection of Sovereignty Bill is an unnecessary, draconian, and unconstitutional piece of legislation that threatens to dismantle the bedrock of a free and independent press. By criminalizing legitimate journalism as "economic sabotage" and imposing bankrupting financial restrictions, the Bill renders existing frameworks like the Anti-Money Laundering Act redundant while directly violating the Ugandan Constitution and international human rights treaties. This legislative overreach serves only to shield the state from accountability, and it must be withdrawn or dismissed in its entirety to preserve the democratic integrity of our nation.

To prevent this Bill from being fast-tracked through Parliament, media stakeholders must take immediate, unified action:

- 1) **Submit Views to the Joint Committee:** The Committee on Defence and Internal Affairs and the Legal and Parliamentary Affairs Committee are currently conducting a critical seven-day public consultation. Media managers and legal teams must submit formal memoranda immediately, detailing the existential economic and operational threats posed by the bill, but more specifically Clauses 13, 22, and 25.
- 2) **Lobby Key Gatekeepers:** Engage in direct, high-level advocacy with the Minister of Internal Affairs (Gen. David Muhoozi), the Attorney General, the Chief of Defence Forces (CDF), the Speaker of Parliament, the Government Chief Whip (Hamson Obua), and the President. The demand is clear: the Shs 400 million funding cap must be scrapped, and any provisions regarding "economic sabotage" must be struck out or redrafted to include an absolute public interest defense.
- 3) **Unified Industry Pushback:** Present a solid front by joining forces with civil society organizations and the Uganda Law Society to issue joint, nationwide statements rejecting the Bill. Fragmented opposition will not suffice; we must collectively demand that the state respects the sovereignty of the people by protecting, rather than policing, the flow of information.
- 4) **Two-Week Media Advocacy Campaign:** Starting immediately, the entire media fraternity—including radio, TV, print, and digital platforms—must dedicate the next two weeks to intensive coverage of this Bill. This issue should dominate news reporting, primetime talk shows, and special programming to build sustained public pressure. Newsrooms must treat this as an existential crisis, ensuring that both the public and policymakers understand that the dire consequences of this law start with the media themselves. The message must be relentless: a gagged media is a precursor to a silenced nation.