

Legal Alert



THE PROTECTION OF SOVEREIGNTY BILL, 2026 (BILL NO. 13 OF 2026)

The Protection of Sovereignty Bill, 2026 (Bill No. 13 of 2026) (the “Bill”) was gazetted on 13th April 2026 and tabled in Parliament for the first time on 15th April 2026. It has been referred to the Parliamentary Committee on Defence and Internal Affairs and the Legal and Parliamentary Affairs Committee for scrutiny before it proceeds to Second Reading.

If enacted in its present form, the Bill imposes criminal liability, mandatory registration, and sweeping foreign-funding restrictions on a vast range of organisations and individuals operating in Uganda across the NGO, private sector, media, academic, diplomatic, and faith-based sectors. The penalties include imprisonment of up to 20 years and fines of up to UGX 4 billion.

The Bill is promoted by the Ministry of Internal Affairs and seeks to protect Uganda's sovereignty from foreign interference. It introduces: (a) a mandatory registration regime for any person acting as an "agent of a foreigner"; (b) criminal prohibitions on a wide range of activities associated with foreign funding and influence; (c) a requirement for prior Ministerial approval before receiving foreign financial support above UGX 400 million per year; (d) stringent public reporting and disclosure obligations; and (e) broad inspection and enforcement powers vested in the Ministry of Internal Affairs.

Key definitions

"Foreigner" (Clause 1) is defined to include: any non-Ugandan citizen; a Ugandan citizen residing outside Uganda; any foreign government, embassy, high commission, or diplomatic mission; any company, NGO, or other legal entity incorporated, unincorporated, or registered outside Uganda; any international or multinational organisation; and any person or body that the Minister of Internal Affairs may, by statutory instrument, declare to be a foreigner.

"Agent of a foreigner" (Clause 1) means any person who acts as an agent, representative, employee, or servant of a foreigner, or any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidised by a foreigner.

The reach of these definitions is vast. Under Clause 1 of the Bill, any Ugandan employee of a foreign funded organisation, any local NGO in receipt of an international grant, any consultant engaged by a multinational, any media house with foreign advertising revenue, any church receiving diaspora remittances, any academic institution with foreign research funding, any bank or financial institution with foreign capital or correspondent banking lines, any private company with a foreign shareholder or foreign sourced loan, and any Ugandan entity implementing programmes on behalf of a development finance institution each qualifies as an agent of a foreigner.

Core obligations and offences

- a) **Registration (Clauses 14 - 17):** Every agent of a foreigner must register with the Department responsible for peace and security in the Ministry of Internal Affairs and obtain a certificate from the Minister. Certificates are valid for 2 years only and are subject to intrusive suitability inquiries, including into the mental and physical health of applicants. Acting without registration carries a fine of up to UGX 1 billion or imprisonment of up to 10 years, or both.
- b) **Foreign Funding Cap (Clause 22):** No person or agent of a foreigner may receive foreign financial support exceeding UGX 400 million (20,000 currency points) in any 12-month period without prior written approval of the Minister of Internal Affairs. Funds received in contravention are subject to forfeiture to the State.
- c) **Policy Activities (Clauses 7 and 8):** Policy advocacy, influencing Government policy, and carrying out activities related to Government policy implementation all require Cabinet-level authorisation. Developing a policy without Cabinet approval is a criminal offence carrying up to 20 years' imprisonment.
- d) **Economic Sabotage (Clause 13):** Publishing information or participating in any activity that weakens or damages the economic system or viability of Uganda, causing economic disruption, insecurity, or instability, is a criminal offence.
- e) **Funding Disclosure (Clause 21):** All agents of foreigners receiving foreign funding must submit a declaration of the source of funds to the Minister, and declarations are publicly available for inspection by any member of the public.
- f) **Banking Restrictions (Clause 25):** Banks and supervised financial institutions are prohibited from paying out any money to an agent of a foreigner without a funding source declaration and proof of Ministerial authorisation. Non-compliant institutions face civil penalties of UGX 4 billion.

Who should be concerned

The Bill affects virtually every sector of Uganda's economy and civil society. The following categories of organisations and individuals face direct and material legal exposure if the Bill is enacted in its present form:

- a) **NGOs and INGOs:** The Bill requires the mandatory registration of all staff and implementing partners, ministerial pre-approval for all grants exceeding UGX 400 million, public disclosure of all foreign funding sources, and criminal liability for directors and officers of implementing organisations.
- b) **Bilateral and multilateral agencies:** Development cooperation entities operating under government-to-government agreements are not exempted. Disbursements to Ugandan implementing partners require Ministerial clearance, and activities complementing Government policy require Cabinet authorisation.
- c) **Private companies:** Ugandan employees and directors of foreign-incorporated or foreign-financed companies qualify as agents of foreigners and face individual registration obligations and criminal exposure.
- d) **Media and press:** Economic and political reporting, investigative journalism, and publication of any information that could be construed as damaging the economic system or viability of the country attracts potential prosecution under the economic sabotage offence in Clause 13.
- e) **Academic and research institutions:** Policy research, economic analysis, and publications funded by foreign donors or produced in collaboration with international institutions are exposed to the policy development and implementation offences under Clauses 7 and 8.
- f) **Faith-based organisations:** Diaspora remittances, tithes, and donations from foreign congregations or affiliated bodies qualify as foreign funding. Churches, mosques, and religious bodies with international affiliations are directly affected.
- g) **Diplomatic missions:** Under Clause 2(3), the Bill applies to representatives and agents of embassies, high commissions, and consulates, subject only to residual Diplomatic Privileges Act protections. Locally engaged staff face registration obligations.
- h) **Ugandan diaspora and their local beneficiaries:** Ugandan citizens residing outside Uganda are defined as "foreigners" under the Bill. Recipients in Uganda of diaspora support used for civic, political, or organisational purposes may qualify as agents of foreigners.

Constitutional and legal concerns

In our assessment, the Bill presents significant constitutional concerns, which we will elaborate upon in the following discussion.

- a) Vagueness: Various clauses of the Bill's offences are so broadly and imprecisely drafted as to violate the constitutional requirement that criminal offences be defined with sufficient clarity to enable citizens to understand what conduct is prohibited. Uganda's Constitutional Court and Supreme Court have consistently held that vague penal provisions contravene Article 28(12) of Uganda's 1995 Constitution (the "Constitution") and are void.
- b) Freedom of Expression, Association and the Press (Article 29): Broad prohibitions on policy advocacy, publication of economic information, electoral engagement, and meetings touching on foreign policy restrict constitutionally protected speech and association well beyond what is acceptable and demonstrably justifiable in a free and democratic society, the standard prescribed by Article 43(c) of the Constitution.
- c) Right to Civic Participation (Article 38): The Bill systematically restricts the ability of organisations and individuals to participate in and influence Government policy, a right expressly guaranteed by Article 38 of the Constitution.
- d) Right to Property (Article 26): The forfeiture provisions under Clauses 22(3) and 23(2) empower courts to confiscate foreign-sourced funds upon conviction without any requirement to demonstrate tangible harm to Uganda's interests, and without adequate safeguards.
- e) Treaty Obligations, including the Vienna Convention on the Law of Treaties: Entities operating under bilateral government-to-government development cooperation agreements are not exempted from the Bill. This creates a direct conflict with Uganda's obligations under international law, including the principle of *pacta sunt servanda*, and exposes Uganda to claims of breach of its development cooperation agreements.
- f) Persuasive International Jurisprudence: Russia's substantially similar Foreign Agents Act was condemned by the European Court of Human Rights as arbitrary, disproportionate, and bearing "the hallmarks of a totalitarian regime" (*Ecodefence and Others v. Russia, 2022; Kobaliya and Others v. Russia, 2024*). These decisions are persuasive authority before Uganda's Constitutional Court.

Recommendations

- a) Conduct a legal risk mapping: Identify all staff, partners, funding relationships, and activities that fall within the Bill's definitions of "foreigner" and "agent of a foreigner." Assess which operations would require registration, Ministerial approval, or restructuring.
- b) International headquarters, donor principals, and diplomatic missions should be formally briefed on the Bill's implications to enable coordinated engagement at bilateral and multilateral levels.

- c) Engage with civil society coalitions and sector associations that are formally opposing or seeking amendments to the Bill through Parliamentary channels.
- d) Identify partner organizations that fall under the definitions of "agent of a foreigner" and "foreigner," and notify them regarding the implications of the proposed legislation.
- e) Develop scenarios for programme and operational continuity under the Bill, identifying which activities can continue under existing authorisations, which require new approvals, and which may need to be suspended or restructured.
- f) We recommend obtaining specific legal advice on your organisation's particular exposure and compliance strategy.



**Moses J. Adriko,
SC
Partner**

mja@ug.aln.africa



**Alex S. Ntale
Principal Associate**

ntale@ug.aln.africa



**Hussein D. Gulam
Associate**

gulam@ug.aln.africa



**Maureen Mudong
Associate**

mudong@ug.aln.africa

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