

MEMORANDUM TO PARLIAMENT

SUBJECT

Memorandum on the Constitutional, Social, Economic, Civil and Political Implications of the Proposed Protection of Sovereignty Bill, 2026

ADDRESSED TO

The Committees on Legal and Parliamentary Affairs
and Defense and Internal Affairs

Parliament of Uganda

FROM

HON DR. MIRIA MATEMBE

A concerned Senior Citizen and Child of God (Former Minister,
Former MP and Member of the Odoki Constitutional Commission)

DATE

22nd April, 2026

1. INTRODUCTION

I respectfully submit this memorandum to the Joint Committee of Legal and Parliamentary Affairs and Defense and Internal Affairs of Parliament to express serious concerns regarding the **constitutional, Social, Economic, civil and political, and economic rights implications** of the proposed Sovereignty Bill, 2026.

While the objective of safeguarding national sovereignty is legitimate, I submit that **the Bill in its current form is overly broad, vague, and disproportionate**, and risks fundamentally undermining constitutional governance, democratic participation, and Uganda's economic and social development.

2. CONSTITUTIONAL FRAMEWORK

The **Constitution of the Republic of Uganda** is supreme (Article 2) and binds all organs of State. Any legislation inconsistent with it is void to the extent of the inconsistency.

The Bill must therefore be assessed against:

The National Objectives and Directive Principles of State Policy

The Sovereignty of the People under Article 1

Citizenship under Articles 9-15 of the Constitution

The Bill of Rights (Chapter Four)

The constitutional test for limitation of rights under **Article 43**

Judicial power and authority derive from the People in Article 126

3. SOVEREIGNTY OF THE PEOPLE

The sovereignty of the people is an entrenched principle in Article 1 of the Constitution. This is the spirit and guiding principle of the 1995 Constitution, as amended. All power and authority of government and its organs derive from the people. This Bill is seeking to hijack the sovereignty of the PEOPLE and place it in the hands of GOVERNMENT by taking away citizenship of the people, blocking their economic rights and prohibiting them from participation in their governance after being licensed as AGENTS OF FOREIGNERS. THIS IS UNCONSTITUTIONAL.

4. IMPACT ON CITIZENSHIP

The bill in its interpretation section seeks to declare Ugandans living abroad

FOREIGNERS. This is contrary to constitutional provisions in Articles 9-15 on citizenship and how Ugandans can lose their citizenship. Legislation is not listed as a reason why Ugandans can become foreigners.

5. IMPACT ON CIVIL AND POLITICAL RIGHTS

5.1 Freedom of Association and Assembly

Article 29(1)(e) and (d)

The Bill's expansive definition of "foreign agent" and mandatory registration regime will:

- (i) Restrict the ability of individuals and organizations to associate freely
- (ii) Subject lawful civic, professional, and humanitarian organizations to executive approval

This transforms the enjoyment of constitutional freedoms into a **licensed privilege**, contrary to democratic norms.

5.2 Freedom of Expression and Participation

Article 29(1)(a)

By criminalizing or penalizing engagement with foreign partners deemed undesirable by the State, the Bill will:

- (i) Chill public discourse
- (ii) Discourage advocacy, research, policy engagement, and participation in public affairs

This undermines **pluralism**, which is a cornerstone of constitutional democracy.

5.3 Right to Due Process and Fair Treatment

Articles 28 and 42

The Bill vests wide discretionary powers in the Executive, including:

- (i) Approval or denial of registration
- (ii) Suspension of operations
- (iii) Imposition of criminal sanctions

Without clear criteria, timelines, or independent oversight, this violates the right to a fair hearing and the right to just and lawful administrative action

5.4 Limitation of Rights Test

Article 43

Any limitation of rights must be:

- (i) Acceptable and demonstrably justifiable in a free and democratic society
- (ii) Proportionate, necessary, and non-arbitrary

The Bill:

- (i) Applies indiscriminately to non-political actors
- (ii) Imposes criminal sanctions where civil regulation would suffice
- (iii) Lacks safeguards against abuse

It therefore **fails the Article 43 proportionality test.**

6. IMPACT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

6.1 Right to Work and Practice a Profession

Article 40

The Bill threatens:

- (i) Professionals receiving foreign grants, training, or partnerships
- (ii) Academics, researchers, health workers, and private sector actors

This undermines lawful livelihoods and professional advancement, contrary to the right to work.

6.2 Right to Property and Economic Activity

Article 26

Restrictions on receiving or utilising foreign funding and partnerships may:

- (i) Interfere with contractual relations
- (ii) Disrupt investments, grants, and donations
- (iii) Lead to arbitrary freezing or blocking of funds

Such interference risks constituting **unjustifiable deprivation of property.**

6.3 Right to Health, Education, and Social Services

National Objectives XIV and XX

Uganda's social sectors are heavily supported through international cooperation. The Bill threatens:

- (i) Health service delivery
- (ii) Education and research funding
- (iii) Humanitarian and social protection programs

Any law that predictably disrupts these services **violates the State's constitutional obligations** to promote social welfare.

6.4 Impact on Economic Development and Investment

The Bill creates:

- (i) Regulatory uncertainty
- (ii) Investor risk
- (iii) Compliance burdens that may deter foreign and diaspora investment

This contradicts national development objectives and weakens Uganda's economic resilience.

7. IMPACT ON DIASPORA ENGAGEMENT

The Bill's treatment of Ugandans abroad as "foreigners" for regulatory purposes:

- (i) Undermines citizenship.
- (ii) Undermines diaspora remittances
- (iii) Undermines family and household socioeconomic support
- (iv) Discourages skills transfer and investment
- (v) Erodes national unity

This is inconsistent with constitutional values of equality and citizenship.

8. NATIONAL INTEREST AND DEMOCRATIC GOVERNANCE

I submit that:

- (I) **Strong institutions, not excessive control, protect sovereignty**
- (II) Civil society, professionals, investors, and diaspora communities are **partners in nation-building**, not adversaries
- (III) Laws that suppress lawful civic and economic activity ultimately weaken the State.

CONCLUSION

The proposed Sovereignty Bill, if enacted as drafted, risks **undermining constitutionalism, democratic participation, economic stability, and social welfare.**

I urge the Committees of Parliament to uphold their constitutional duty to protect rights, restrain executive overreach, and ensure that legislation **strengthens rather than weakens the Republic of Uganda.**

I respectfully urge you Honourable Members of Parliament to REJECT THIS BILL and END YOUR TENURE WELL ON THE SIDE OF THE CONSTITUTION AND THE PEOPLE.

Submitted by:

HON DR. MIRIA MATEMBE

A CONCERNED SENIOR CITIZEN