



NATIONAL UNITY PLATFORM DIASPORA

April 23, 2026

**SUBMISSION TO THE JOINT COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS AND
THE COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS
ON THE PROTECTION OF SOVEREIGNTY BILL, 2026 (BILL NO. 13)**

By the National Unity Platform (NUP) Diaspora Members

To: The Clerk to Parliament
Parliament of the Republic of Uganda
Plot 16–18 Parliamentary Avenue
Kampala, Uganda

**RE: DIASPORA SUBMISSION ON THE PROTECTION OF SOVEREIGNTY BILL, 2026 (BILL
NO. 13)**

The National Unity Platform Diaspora Members respectfully submit this memorandum to the Joint Committee on Defence and Internal Affairs and the Committee on Legal and Parliamentary Affairs. This submission offers a constitutional and policy assessment of the Bill, with particular focus on its implications for Ugandan citizens in the diaspora and the preservation of Uganda's democratic order.

We urge Parliament to ensure that any measure to safeguard sovereignty remains firmly aligned with constitutional guarantees, protects democratic participation, and upholds Uganda's international obligations. Given the direct impact of the Bill on our rights and responsibilities as a Ugandan diaspora, including political participation, remittances, and investment, we respectfully request the opportunity to appear virtually before the Committee and present oral testimony.

We remain available to support a legislative outcome that strengthens both national sovereignty and constitutional governance.

Respectfully submitted,

Dr. Daniel Kawuma
NUP Diaspora Team Leader
On behalf of the NUP Diaspora Members

EXECUTIVE SUMMARY

The Protection of Sovereignty Bill, 2026, is presented as a legislative safeguard of Uganda's independence. However, in its current form, it raises significant constitutional concerns, particularly regarding the rights of Ugandan citizens in the diaspora and the scope of protected political participation.

The Constitution of the Republic of Uganda is explicit on the locus of sovereignty. Article 1(1) provides that "all power belongs to the people who shall exercise their sovereignty in accordance with this Constitution." This principle is foundational; sovereignty resides not in the state as an institution, but in the people as citizens irrespective of their geographic location.

This constitutional position is reinforced by Article 20(2), which affirms that fundamental rights and freedoms are "inherent and not granted by the State." Accordingly, Articles 29(1)(a) and 29(1)(e) guarantee freedom of expression and association, while Article 38(1) secures the right of every citizen to participate in the affairs of government. These rights are not territorially limited; they extend fully to Ugandans in the diaspora.

Within this framework, Ugandans abroad who lawfully associate with registered political parties including the National Unity Platform (NUP), National Resistance Movement (NRM), People's Front for Freedom (PFF), Forum for Democratic Change (FDC), Democratic Party (DP), and others are exercising constitutionally protected rights. Their engagement in political discourse, advocacy, fundraising, and policy debate constitutes legitimate participation in national life, not foreign interference.

The Bill, however, introduces broadly framed and insufficiently defined concepts such as "economic sabotage," "foreign influence," and "interference in national processes." In constitutional terms, this raises serious concerns of vagueness and overbreadth. A law is impermissibly vague where it fails to provide clear and ascertainable standards; it is overbroad where it captures lawful, constitutionally protected conduct within its scope.

The absence of precise definitions and limiting safeguards creates a credible risk that lawful activities such as diaspora political engagement or financial support to political parties may be mischaracterized as unlawful. This risk is exacerbated by the Bill's reliance on discretionary enforcement.

As a result, the Bill risks transforming constitutionally protected participation into a regulated activity contingent upon state approval. Such an outcome is inconsistent with Articles 29 and 38, and fails the proportionality standard under Article 43(2)(c), which requires that any limitation on rights be demonstrably justifiable in a free and democratic society.

1. INTRODUCTION AND CONTEXT

Ugandans in the diaspora are not external actors; they are citizens whose rights remain fully intact under the Constitution. Article 21 guarantees equality before and under the law and prohibits discriminatory treatment. Any legislative framework that effectively subjects diaspora citizens to heightened suspicion or regulatory burdens, by virtue of their residence abroad, raises the prospect of unconstitutional differential treatment.

In practical terms, the Bill risks creating a de facto two-tier system of citizenship; one for citizens within Uganda and another for those outside it. Such an outcome would be incompatible with the constitutional guarantee of equal protection under the law.

Ugandan jurisprudence provides clear guidance on these issues. In *Charles Onyango Obbo & Another v Attorney General* (Constitutional Appeal No. 2 of 2002), the Supreme Court affirmed that freedom of expression is a cornerstone of democratic governance and that any restriction must be narrowly tailored. The Court emphasized that open debate, including criticism of the government, is essential to the functioning of a free society.

Similarly, in *Andrew Karamagi & Another v Attorney General* (Constitutional Petition No. 5 of 2013), the Constitutional Court held that vague and overly broad statutory provisions, which create uncertainty in the exercise of fundamental rights, are inconsistent with constitutional protections.

Applying these principles, the Bill's undefined terms particularly "economic sabotage" and "interference" present a clear constitutional vulnerability. For example, a Ugandan in the diaspora participating in a public forum critiquing fiscal policy, or supporting civic engagement initiatives, could under an expansive interpretation be accused of undermining national interests. Such a result would directly conflict with the standards articulated in *Obbo*, where the Court protected even contentious and critical expression.

The right to political participation under Article 38 must also be interpreted expansively. Participation encompasses not only voting, but also organizing, mobilizing, funding, and advocating within the political process. The Bill's potential to restrict diaspora fundraising or civic organization risks encroaching on this core constitutional guarantee.

Importantly, these concerns are not partisan. Whether a Ugandan abroad supports NUP, NRM, FDC, PFF, DP, or any other legally recognized political entity, the constitutional protections remain identical. A legal framework that introduces uncertainty around lawful political engagement risks chilling participation across the political spectrum, thereby weakening democratic pluralism.

The principle of legality further requires that laws be sufficiently clear to guide conduct. Where individuals cannot reasonably determine whether their actions are lawful, the law ceases to function as a predictable standard and instead becomes an instrument of discretion.

Under the current formulation of the Bill, this uncertainty is unavoidable. A Ugandan professional in London engaging in policy discourse, a student in Toronto organizing a political fundraiser, or a diaspora association supporting civic education could all fall within the ambiguous scope of “foreign influence” or “interference.”

The foreseeable consequence is a chilling effect; citizens refrain from exercising their constitutional rights, not because their conduct is unlawful, but because the legal boundaries are unclear. This outcome is fundamentally incompatible with the principles of a constitutional democracy.

2. STRUCTURAL AND ADMINISTRATIVE CONCERNS

A defining feature of the Bill is the concentration of power within the office of the Minister responsible for internal affairs. The Minister is granted authority to determine who qualifies as a “foreigner,” to approve or deny financial transactions, to regulate thresholds, and to revoke permissions based on subjective criteria. This level of discretion undermines predictability in the law and weakens institutional checks and balances.

The risks associated with such concentration of power are not theoretical. Uganda has witnessed instances in which organizations have been suspended and bank accounts frozen based on unspecified intelligence and without transparent due process. Civil society organizations providing essential services in health, education, and governance have had their operations halted, staff unpaid, and beneficiaries left without support. Extending similar discretionary powers under this Bill raises the possibility of replicating these outcomes on a broader scale.

The vagueness of the Bill compounds these concerns. Without precise definitions, citizens, businesses, and institutions cannot reasonably comply with the law. This creates a situation where enforcement becomes discretionary and compliance becomes uncertain, undermining the rule of law.

4. ECONOMIC AND SOCIAL IMPACT

The economic implications of the Bill are profound. Uganda’s diaspora contributes USD 2.5 billion annually in remittances, making it one of the largest sources of foreign exchange. These funds sustain household consumption, finance education and healthcare, and provide capital for small and medium enterprises.

Under the proposed law, even modest remittances could be subject to scrutiny, delays, or regulatory requirements. A Ugandan worker abroad sending money for school fees may find those funds delayed or flagged by financial institutions. The immediate consequence is not abstract, it is children missing school and families falling into hardship.

At the level of business and investment, the Bill introduces significant uncertainty. Diaspora-funded enterprises, such as agricultural projects or health facilities, may be classified

as operating under foreign influence and subjected to approval processes. This creates delays, increases costs, and deters investment. In a country where entrepreneurship is a critical driver of employment, such barriers risk slowing economic growth and job creation.

The banking sector is particularly vulnerable. Virtually every bank in Uganda has foreign shareholders, borrows offshore capital, or facilitates international transactions. If routine financial activities trigger classification as “foreign agent” activity, banks will face increased compliance burdens, delays in processing transactions, and potential penalties. This will inevitably translate into reduced lending, higher costs of capital, and constrained economic activity.

Beyond formal sectors, the Bill extends its impact into the creative economy. Artists, musicians, and digital content creators who earn income through international platforms may be classified as receiving foreign funding. This could subject them to registration requirements and potential penalties, stifling innovation and limiting access to global markets.

5. THE DIASPORA AS A NATIONAL ASSET

The Ugandan diaspora stands among the country’s most consequential national assets. Beyond the scale of remittances, diaspora communities sustain Uganda’s development through the transfer of skills, professional networks, and long-term investment. They build homes, finance education, underwrite medical care, and seed businesses that generate employment across the country. In many districts, diaspora support is not supplementary, it is foundational to household stability and local economic activity.

To recast this community as a regulatory risk rather than a strategic partner reflects a fundamental misreading of its role in Uganda’s national life. The proposed reclassification of diaspora Ugandans as “foreigners” signals exclusion and institutional distrust, eroding the sense of belonging that has historically underpinned their continued engagement. It also sits in direct tension with Uganda’s own diaspora policy framework, which has deliberately expanded inclusion through dual citizenship, the externalization of labour, and the extension of National Identification and Registration Authority (NIRA) services to Ugandans abroad. In effect, the Bill risks reversing years of policy progress aimed at integrating the diaspora into the national project including ongoing efforts to facilitate their participation in electoral processes.

The economic consequences are neither abstract nor remote. Measures that introduce uncertainty, administrative barriers, or stigma around diaspora engagement will predictably dampen remittance flows, deter investment, and weaken the financial and social ties that bind Ugandans abroad to their country. At a moment when Uganda seeks to broaden its economic base and attract capital, such signals are not only counterproductive, they risk undermining one of the country’s most reliable engines of resilience and growth.

6. POLITICAL ECONOMY AND RISK OF MISUSE

Uganda's recent legislative and regulatory trajectory provides material context for this concern. The Political Parties and Organizations (Amendment) Act, 2025 reconfigured the basis for political party funding by conditioning access to public resources on participation in the Interparty Organization for Dialogue (IPOD). While formally framed as a coordination mechanism, its operational effect has been to shift public financing from a neutral, representation-based system to one contingent on institutional alignment with a state-facilitated political platform. The practical consequence has been the continued exclusion of the National Unity Platform from public funding streams, notwithstanding attempts to engage within the established framework.

This structural exclusion has had predictable downstream effects. In response, opposition political activity has increasingly relied on alternative financing mechanisms, including diaspora contributions and private fundraising networks. The present Bill, by broadly defining "foreign influence" and potentially capturing cross-border political financing and engagement, risks constraining precisely this residual channel of political participation. In effect, it places the remaining viable funding pathways for opposition political activity under heightened regulatory suspicion.

A parallel pattern is observable in the governance of financial oversight. Actions undertaken by the Financial Intelligence Authority (FIA), including the freezing of accounts belonging to civil society organisations such as Agora Centre for Research, Chapter Four Uganda, and the African Institute for Investigative Journalism, have significantly disrupted the operations of institutions engaged in governance, accountability, and human rights reporting. While these measures are formally grounded in compliance and anti-money laundering frameworks, their timing and scope particularly in proximity to electoral cycles have contributed to a perception of regulatory asymmetry in the treatment of civic actors.

Taken together, these developments point to a broader structural reality; the increasing use of regulatory and financial instruments in ways that materially affect the operational space of opposition political actors and independent civil society. Whether by design or by institutional evolution, the cumulative effect is a narrowing of civic and political space through mechanisms that are formally legal but substantively restrictive.

7. BROADER NATIONAL IMPLICATIONS

If enacted in its current form, the Protection of Sovereignty Bill is likely to have far-reaching consequences. It risks alienating the diaspora, partisan targeting of opposition members and leaders, discouraging both foreign and domestic investment, and placing strain on the financial system.

At a macroeconomic level, the reduction in remittances, foreign direct investment, and donor funding could significantly impact growth, employment, and fiscal stability. This would place

additional pressure on government revenue and potentially lead to increased taxation on an already burdened population.

RECOMMENDATIONS TO THE PARLIAMENTARY COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS

1. Total Rejection of the Bill in Its Current Form

The Committee is urged to reject the Protection of Sovereignty Bill, 2026 in its entirety on the grounds that it is:

- Fundamentally inconsistent with the Constitution of the Republic of Uganda, 1995, particularly Articles 1, 20, 21, 29, 38, and 43;
- Redundant in light of existing statutory and regulatory frameworks;
- Structurally vague and overbroad, thereby conferring unconstitutional discretion; and
- A disguised instrument of political control targeting lawful civic and diaspora engagement.

2. Immediate Constitutional Incompatibility of Core Clauses

The Committee should formally determine that the following clauses are facially unconstitutional and incapable of salvage without wholesale redrafting:

- Clause 5 (Sovereignty offence provision)
- Clause 11 (Electoral interference)
- Clause 12 (Interference with Government operations)
- Clause 13 (Economic sabotage)
- Clause 22 (Restrictions on foreign funding)

3. Protection of Diaspora Constitutional Rights

The Committee must affirm, without ambiguity, that Ugandans in the diaspora remain full constitutional citizens under Articles 1 and 38, and cannot be reclassified directly or indirectly as foreign actors by statutory implication.

4. Removal of Criminalization of Political Participation

The Bill must not be used to criminalize political funding, advocacy, association, or civic engagement by citizens supporting any lawful political party, including NUP, NRM, FDC, DP, and others.

5. Elimination of Ministerial Overreach

All provisions vesting unilateral discretion in the Minister over definitions, approvals, thresholds, or enforcement must be rejected. Such concentration of power is incompatible with constitutional governance and the rule of law.

6. Vagueness and Overbreadth in Criminal Offences

All criminal provisions must be struck down or redrafted to meet strict constitutional standards of legality, precision, and foreseeability. Terms such as “economic sabotage,” “interference,” and “disruptive activity” are legally defective and constitutionally indefensible.

7. Protection of Civil Society Space

The Bill must be amended to expressly distinguish lawful civic and human rights activity from any form of unlawful conduct, and must not be used to chill legitimate civil society operations.

8. Safeguarding Freedom of Expression and Digital Rights

All provisions that directly or indirectly criminalize online expression, political speech, or digital association must be deleted in full as they offend Articles 29 and 43 of the Constitution.

9. Electoral Integrity Without Political Suppression

Electoral integrity provisions must be narrowly tailored to prevent actual unlawful interference and must not extend to lawful political participation, observation, advocacy, or diaspora engagement.

10. Institutional Strengthening, Not Criminal Expansion

The Committee should prioritise regulatory strengthening of existing institutions rather than expanding criminal liability. The appropriate response to governance risks is capacity-building not penal overreach.

11. Full Legislative Withdrawal and Redrafting Process

The Bill should be withdrawn in its entirety and subjected to a structured, transparent, and inclusive redrafting process involving Parliament, legal experts, civil society, electoral stakeholders, and Ugandan diaspora representatives.

12. Mandatory Diaspora Stakeholder Hearings

The Committee is formally urged to immediately halt further progression of this Bill until Ugandan diaspora stakeholders are accorded a full and structured opportunity to present oral testimony.

The accelerated passage of this Bill through Parliament raises serious procedural and constitutional concerns and gives the appearance of predetermined legislative outcome rather than good-faith consultation. A Bill of this magnitude affecting citizenship rights, political participation, and financial flows cannot lawfully or credibly proceed without meaningful stakeholder engagement.

The complete absence of structured diaspora consultation is a material defect in the legislative process. It effectively excludes a constitutionally protected class of citizens from participation in laws that directly govern their political and economic rights, thereby reducing them to second-tier stakeholders in their own national affairs.

The Committee is therefore urged to suspend further consideration of the Bill until formal oral hearings are conducted, both in Uganda and through diaspora consultation platforms.

13. Final Recommendation

The Committee is urged to conclude that the Bill:

- Fails the constitutional thresholds of legality, necessity, and proportionality;
- Institutionalizes risks of political criminalization; and
- Is not fit to proceed to readings in Parliament under any constitutional standard.

Respectfully submitted,

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