

Quick Guide on Writing a Memorandum to Parliament

There are two primary formats you can use when submitting a Memorandum to a Parliamentary Committee.

1. General Memorandum Format (Key Points and Recommendations)

This approach is straightforward and focuses on highlighting high-level concerns. The goal is to clearly spell out what is problematic or missing in the Bill and provide actionable improvements.

Suggested Structure:

- a. Contact Details:** Use an official letterhead or include your full name/organization name and physical address.
- b. Heading:** State the subject clearly, e.g., “*Memorandum on the Protection of Sovereignty Bill, 2026.*”
- c. Introduction:** Keep this brief (approx. half a page). Introduce yourself or your organization and provide a high-level summary of your position.
- d. Key Issues and Recommendations:** This is the core of your submission. For each issue, consider including:
 - **Problem Identification:** What specific concern do you have with the current text?
 - **Comparative Analysis:** How have other countries or international frameworks successfully addressed this specific problem?
 - **Proposed Solution:** Clearly state if you recommend that Parliament withdraws the Bill, amends specific clauses, or introduces new safeguards.
- **e. Conclusion:** Summarize your final stance based on the issues discussed above.
Note: In this format, you are encouraged to cite academic research, international treaties, and other domestic or foreign laws to strengthen your arguments.

2. Parliamentary Technical Format (Clause-by-Clause Analysis)

This second option follows the formal drafting style used by Parliament. It is highly effective for legal scrutiny as it addresses the Bill line-by-line.

Suggested Structure:

- a. Introduction and Background:** Briefly introduce your entity (half a page). You may also include a "Background" section (half a page) specifically dedicated to the context of the Bill.
- b. Clause-by-Clause Assessment:** Identify the specific clause, discuss the issue, and provide a recommendation followed by a justification

Example of Clause-by-Clause Analysis:

Clause 1: Meaning of "Foreign Agent"

Discussion: Under the Bill, a foreign agent is defined as any person acting as a representative or employee under the direction or control of a foreigner, or whose activities are directly or indirectly supervised or financed by a foreigner. This definition is overly broad and could potentially criminalize:

- i. Employees of foreign companies and multinational entities operating in Uganda
- ii. Legal practitioners and accountants working with international clients.
- iii. Ugandans receiving remittances or support from relatives and friends residing abroad.

As drafted, the Bill is nearly impossible to enforce fairly. It targets thousands of Ugandans who engage in genuine business or receive personal support that poses zero security threat to the state.

Recommendation: The definition should be narrowed significantly to focus exclusively on activities that demonstrably and directly threaten national security.

Justification:

- a) To ensure legislative clarity and prevent the targeting of innocent citizens.
- b) o make the enforcement of the Bill practical and focused on actual security risks.
- c) **Conclusion:** Provide a closing statement summarizing your technical findings and your overall recommendation to the Committee.

Clause-by-Clause Assessment of the Bill

Clause 1: Definition of "Foreigner" to include Diaspora Citizens

Recommendation: Delete the inclusion of Ugandan citizens residing abroad from the definition.

Justification: Under **Article 9** of the Constitution, citizenship by birth is an inherent right that cannot be stripped or modified by residence. Reclassifying them as foreigners is a legislative attempt to circumvent **Article 14**, which protects birthright citizenship from being lost.

Clause 5: Prohibition of Promoting "Interests of a Foreigner"

Recommendation: Delete or strictly define "interests" to mean only acts of espionage or sabotage.

Justification: The clause violates **Article 28(12)** of the Constitution (Principle of Legality) by being "void for vagueness". It fails to differentiate between ordinary commercial advocacy and legitimate security threats, thereby creating a chilling effect on the **Freedom of Expression** guaranteed under **Article 29**.

Clause 7: Developing Alternative Policy without Cabinet Approval

Recommendation: Delete in its entirety.

Justification: This clause contradicts **Article 38**, which guarantees the right of citizens to participate in their governance. In a multi-party system, requiring government approval to propose an alternative policy effectively nullifies the constitutional role of the Opposition and violates **Article 29(1)(a)** regarding freedom of speech and academic inquiry.

Clause 13: Offence of "Economic Sabotage"

Recommendation: Delete and rely on existing provisions in the **Penal Code Act (Cap. 120)**.

Justification: The clause creates a disproportionate penalty of **20 years imprisonment** for undefined conduct, such as publishing financial research that may cause a market shift. This undermines **Article 40** (Right to a lawful trade) and market confidence, as it targets legitimate journalists, analysts, and researchers.

Clause 22: Prior Ministerial Approval for Foreign Funding over UGX 400M

Recommendation: Replace with a disclosure system under the **Financial Intelligence Authority (FIA)**.

Justification: This creates an administrative bottleneck that violates **Article 40** regarding the right to business. The threshold is "very low" for commercial transactions, and the requirement for prior approval—rather than simple transparency—transforms a regulatory measure into a restrictive licensing system with no equivalent in modern democratic law.

SAMPLE [COVER PAGE]

**SUBMISSION TO THE JOINT COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS
AND LEGAL AND PARLIAMENTARY AFFAIRS
MEMORANDUM ON THE PROTECTION OF SOVEREIGNTY BILL, 2026
PRESENTED BY:**

[Insert Name of Lead Organization/Coalition]
In collaboration with [Insert Names of Partner Organizations]

DATE OF SUBMISSION:
[Insert Date, e.g., 22 April 2026]

CONTACT PERSON:
[Name of Representative]
[Title]
[Phone Number]
[Email Address]
[Physical Address/Office Location]

[FINAL SIGNATURE BLOCK]
This Memorandum is respectfully submitted to the Clerk to Parliament on this [Insert Day] day of April 2026.

Signed for and on behalf of the Stakeholders:

| Name | Title/Organization | Signature |
|-------------|---------------------------|------------------|
| 1. [Name] | [Title], [Organization A] | _____ |
| 2. [Name] | [Title], [Organization B] | _____ |
| 3. [Name] | [Title], [Organization C] | _____ |

Official Stamp:

[Place Lead Organization Stamp Here]

Submission Checklist for the Clerk's Office:

- **Copies:** Provide at least **three (3) physical copies** (one for the Committee Chairperson, one for the Clerk, and one to be stamped as your "Received" copy).
- **Digital Copy:** It is often helpful to have a PDF version ready on a flash drive or to email it to the Committee Clerk immediately after physical delivery.
- **Accompanying Letter:** Ensure the cover letter we drafted earlier is stapled to the **top** of the memorandum.

SAMPLE EXECUTIVE SUMMARY: MEMORANDUM ON THE PROTECTION OF SOVEREIGNTY BILL, 2026

Overview

This memorandum presents a collective position on the Protection of Sovereignty Bill, 2026. While safeguarding national sovereignty is a legitimate objective, we contend that this Bill is fundamentally unconstitutional, redundant, and poses a grave risk to Uganda's economy, citizenship, and democratic standing.

Key Concerns

1. **Redundancy & Over-regulation:** Uganda already possesses a robust legal framework—including the *NGO Act (2016)*, *Anti-Money Laundering Act (2013)*, *Political Parties and Organisations Act (2005)*, and the *Penal Code Act*—which already provides the state with comprehensive tools to monitor foreign influence and national security. The Bill addresses no genuine legal lacuna.
2. **Unconstitutional Assault on Citizenship:** Clause 1 reclassifies Ugandan citizens residing abroad as "foreigners." This is a direct violation of Articles 9 and 14 of the Constitution, which protect birthright citizenship. It effectively disenfranchises the diaspora and threatens the flow of remittances.
3. **Vague and Broad Definitions:** The definition of an "agent of a foreigner" is so expansive that it targets ordinary employees of foreign companies (like New Vision or Aga Khan staff), legal practitioners, and relatives of Ugandans abroad. This creates a "guilt by association" regime that violates the right to a fair hearing (Article 28).
4. **Criminalisation of Democratic Roles:** Clause 7 (requiring Cabinet approval for alternative policies) and Clause 11 (disenfranchising "agents") effectively ban the constitutional role of the Opposition and Civil Society, violating Articles 1, 38, and 59.
5. **Economic Sabotage & Disproportionate Penalties:** The Bill introduces undefined offences like "economic sabotage" with draconian penalties of 20 years imprisonment and fines up to UGX 4 billion. This creates a hostile investment climate and threatens media and academic freedoms.

Primary Recommendations

- **Withdrawal of the Bill:** We strongly recommend that the Bill be withdrawn as it is unconstitutional and redundant.
- **Strengthen Existing Institutions:** Instead of creating a new "Department of Peace," the government should bolster the capacity of existing entities like the FIA, NGO Bureau, and URA.
- **Deletion of Offensive Clauses:** Should the Bill proceed, all clauses reclassifying citizens as foreigners (Clause 1), criminalizing alternative policy (Clause 7), and imposing prior clearance on funding (Clause 22) must be deleted.
- **Nationwide Consultations:** Given the Bill's impact on all Ugandans (including MPs and their families), Parliament must conduct extensive, transparent countryside consultations before further scrutiny.

Conclusion

The Protection of Sovereignty Bill, 2026, in its current form, does not protect the people's sovereignty—it undermines it. It risks isolating Uganda from the global economy and stripping citizens of their fundamental birthrights.