

**PARLIAMENT OF UGANDA**

**MINORITY REPORT OF THE PARLIAMENTARY JOINT COMMITTEE ON  
DEFENCE AND INTERNAL AFFAIRS AND LEGAL AND PARLIAMENTARY  
AFFAIRS ON THE CONSIDERATION OF THE PROTECTION OF  
SOVEREIGNTY BILL, 2026.**

**OFFICE OF THE CLERK TO PARLIAMENT  
PARLIAMENT BUILDINGS  
KAMPALA - UGANDA**

**MAY, 2026**

# **DISSENT FROM THE DECISIONS OF THE MAJORITY ON THE PROTECTION OF SOVEREIGNTY BILL, 2026**

## **1.0. INTRODUCTION**

On Wednesday 15<sup>th</sup> April, 2026, a Bill entitled “The Protection of Sovereignty Bill, 2026” was in accordance with Rule 134 of the Rules of Procedure of Parliament, read for a first time and referred for scrutiny to the joint Committees of Defense and Internal Affairs and the Committee on Legal and Parliamentary Affairs. The Committee of Defense and Internal Affairs was designated as the lead Committee.

The object of this Bill is to enact a law that seeks to provide for the protection of the sovereignty of the people of Uganda; to designate the department responsible for peace and security as the responsible entity for the registration and regulation of agents of foreigners; to provide for the protection of the sovereignty of Uganda; to provide for the registration of agents of foreigners; to regulate the funding and any other assistance to agents of foreigners and for related matters.

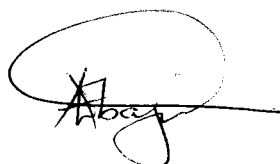

## **2.0. POINTS OF DISSENT**

The minority has considered the decision of the majority and in accordance with Rule 215 of the Rules of Procedures of Parliament dissent from that decision for the reasons stated below-

### **2.1. Residual Risks(in executive summary form)**

Despite significant improvements, four vulnerabilities remain that may attract constitutional challenge:

1. Freedom of expression. The new definition of "political activities" is exceptionally broad, capturing activities that "normalise ideologies" inconsistent with community customs, and is likely to engage Article 29 of the Constitution.
2. Inconsistent mens rea. Several offences of comparable severity (clauses 8, 10, 12, and 22) remain strict liability while others now require intention or knowledge, creating an internal inconsistency that may not survive scrutiny under Article 28(3)(a).
3. Circular definitions. The definitions of "foreigner" and "agent of a foreigner" each cross-refer to section 2, which itself refers back to both defined terms—a circularity that raises legal certainty concerns.
4. Criminalisation of free speech. The offence of economic sabotage seeks to punish publication of false information that weakens, undermines, or damages the economic system or viability of the country. This violates Article 29(1)(a) on freedom of speech and of expression. It also expressly contradicts the Supreme Court’s decision in **Charles Onyango-Obbo v AG**, which struck down the offence of false news, and the Constitutional Court decision in **Alternative Digitalk v AG**, which sets a new



international standard for freedom of speech in Uganda based on international conventions.

5. Extreme penalty regime. The high penalties and harsh custodial sentences applied uniformly to a wide range of vaguely defined offences, as well as forfeiture, remain. The twenty-year maximum custodial sentence, applied indiscriminately across offences ranging from "promoting the interests of a foreigner" to failing to submit returns, is grossly disproportionate by any recognised standard of international or comparative law.

#### Other concerns

1. Invalid certificate of financial implications. The certificate of financial implications on the Bill, issued by Minister Amos Lugolobi on 15 April 2026, did not comply with the Public Finance Management Act. It did not fully state the cost of implementation, nor did it give the economic impact of the Bill. The invalid certificate voids the Bill.

2. Substantial amendments require withdrawal of the Bill. Where a Bill is substantially amended such Bill must be withdrawn and reintroduced at first reading. This is to maintain the principle of public participation in the legislative process.

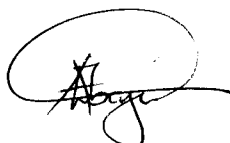
#### **2.2. The Bill inverts the constitutional concept of sovereignty in favour of the State in contravention of Article 1 of the Constitution**

The minority have examined the Bill and find that the Bill inverts the constitutional concept of sovereignty in favour of the State in contravention of Article 1 of the Constitution

The minority note that the Constitution designates the people of Uganda as the sovereign and empowers the people to express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda.

The minority find that the Bill has inverted this by making the State sovereign over the people of Uganda as follows-

- (a) The explanatory memorandum and the long title of the Bill provides, as one of the object of the Bill, the object of "provide for the protection of the sovereignty of Uganda". This means that the Bill indirectly amended article 1 of the Constitution by expanding the Sovereignty provided therein to include the state;
- (b) the Bill subjects the exercise of the civic, political and association rights of citizens abroad to registration requirements and Ministerial discretion through obtaining of certificates and imposition of restrictions on funds transfer to Uganda from abroad as provided clauses 7, 8, 14, 15,16,17,18,19 and 20.
- (c) The Bill, by elevating "the interests of Uganda" (a phrase nowhere defined) above the political, civic, associational rights and interests the of citizens, and by lodging the



determination of those interests in Cabinet and the Minister under clause 5 (2), (3) and (4);

- (d) By granting the Minister responsible for Internal Affairs, the discretion under clause 1 of the Bill to declare any person, institution or body that the Minister may by statutory instrument, declare to be a foreigner and to extend the application of the Bill to any person as determined by the Minister under clause 2 (2).
- (e) The centralization of all powers to prescribe the procedures for prescribing all government policies in the hands of the Minister responsible for Internal affairs, in total disregard and without the involvement of the people of Uganda as provided in clause 7 (5).

### **Recommendations**

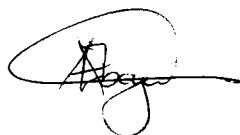
- ***In light of the above, the Minority recommend that the Bill is amended to remove all provisions that have a direct or indirect effect of inverting the constitutional concept of sovereignty in favour of the State in contravention of Article 1 of the Constitution.***
- ***Specifically, the minority recommend that clause 2 (2) (e), 5 (2), (3) and (4) and 7 (5) of the Bill be amended to replace any reference to Uganda, to a reference to Ugandans. This will align the Bill to the Constitutional concept of Souvergnity as guaranteed under article 1.***

### **2.3. Definition of disruptive activities**

Clause 1 of the Bill contains a definition of the phrase disruptive activities and defines it in the following terms-

“disruptive activities” include –

- (a) any act or conduct that is prejudicial to or threatens the security of Uganda;
  - (b) an act or conduct threatening violence against any person;
  - (c) threatening to cause bodily harm, whether to the person to whom the threat is made, or to any other person;
  - (d) threatening destruction of property;
  - (e) employing, recruiting, engaging, sponsoring or contracting any person to promote the interests of foreigners;
  - (f) engaging or participating in a riot or unlawful demonstration or assembly;
- or



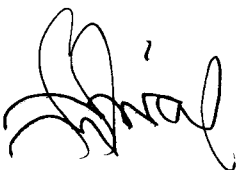
- (g) disrupting or interfering with the lawful activities, business operations, peace or human rights of any person;

This phrase is used in clause 23 in the offence of obtaining funds to engage in disruptive activities, which provides that

- (1) *A person or an agent of foreigner who –*
- (a) *obtains, solicits, receives, demands, requests or accepts directly or indirectly, funds, financial support or other assistance from a foreign government, institution, body or person which or who has demonstrated an intention to overthrow the established Government of Uganda or to endanger the security of Uganda; or*
- (b) *obtains, solicits, receives, demands, requests or accepts directly or indirectly, funds, financial support or other assistance from a foreign government, institution, body or person to participate or recruit any person to participate in disruptive activities, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand currency points or to imprisonment for a term not exceeding twenty years, or both.*
- (2) *In addition to the penalty prescribed in subsection (1), any money, funds or other assistance received contrary to this section shall be forfeited to the State by Order of the court convicting the person of the contravention of this section.*
- (3) *Where an offence under this section is committed by a legal entity, any director or the executive head of the legal entity is deemed to have committed the offence.”*

The Minority have had the opportunity to review the majority report and finds that the amendments proposed in the definition does not go far enough in addressing the challenges posed by the provision as currently provided.

The Minority find that the definition of “disruptive activities” in clause 1 directly criminalize expressive and associational conduct - including “influencing the public to oppose the policy of Government” (clause 2(2)(g)), “engaging or participating in a riot or unlawful demonstration or assembly” (definition of “disruptive activities”), and publishing information said to weaken the economic system (clause 13).



These restrictions are neither demonstrably justifiable in a free and democratic society as provided for under Article 43(2)(c) which provides that public interest shall not permit any limitation of the enjoyment of the rights and freedoms prescribed under the Constitution beyond what is acceptable and demonstrably justifiable in a free and democratic society. This contravenes Article 29(1) (a) and (b) which provides that every person shall have the right to freedom of speech and expression, freedom of thought, conscience and belief.

### **Recommendation**

*The minority recommend that clause 1 is amended by deleting the definition of the disruptive activities under clause 1 and clause 23 with the justification that it contravenes article 29 of the Constitution. In case the definition is retained in the Bill, it should be confined to conduct that is already criminal under the general law.*

### **2.4. Definition of a foreigner**

Clause 1 of the Bill contains a definition of an “agent of a foreigner” and defines it to mean a person who acts as an agent, representative, employee or servant, or any person who acts in any other capacity at the order, request, or under the direction or control of a foreigner or of a person, any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidised by a foreigner.

The Minority has had the opportunity of perusing the amendments proposed by the Majority and find that the amendments do not go far enough since the definition over stretches the law of agency to employees. Since an employee is under a contract of employment, that relationship cannot be deemed to result or create an agency.

### **Recommendation**

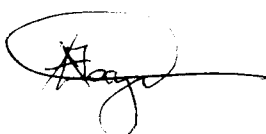
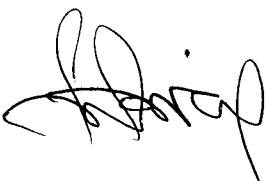
***The Minority recommend that the definition of agent of a foreigner is amended by deleting the word “employee”.***

### **Definition of Government Policy**

The Minority note that whereas the phrase “policy of Government” is used in the Bill, it is not defined. The failure to define this word makes all the provisions where it is used contravene article 28 (12) of the Constitution.

The Minority note that the majority proposed a definition of the phrase as follows-

**Government policy” means a statement, decision or actions of government on how a sector is regulated or governed, issued in accordance with the Constitution and laws of Uganda.**



The minority propose an additional amendment to the above definition to ensure that policies of Government must be published in the gazette since the Bill imposes legal liability for non-compliance with the Bill.

### **Recommendation**

*The definition of the phrase "Government policy" as proposed by the Committee be further amended, as follows-*

**"Government policy" means a written statement, formal decision, plans, strategies or actions of government on how a sector is regulated or governed, issued in accordance with the Constitution and laws of Uganda and published in the gazette;"**

### **Interests of Uganda**

The Minority note that whereas the Bill makes reference and indeed create offence against a person who breaches the interests of Uganda, the phrase "interest of Uganda" is not defined.

The Minority note that the majority have proposed a definition of the phrase interest of Uganda as follows-

**"Interests of Uganda" means the national interests of Uganda based on the principles of national interest and common good enshrined in the national objectives and directive principles of state policy as provided for in the Constitution, laws of Uganda and Government policy;"**

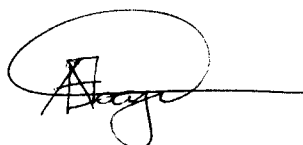
The Minority disagree with this definition since it has the effect of expanding the interests of Uganda beyond those matters provided the principles of national interest and common good enshrined in the national objectives and directive principles of state policy as provided for in the Constitution and article 8A of the Constitution. This will have the effect of amending the Constitution by infection.

### **Recommendation**

The Minority recommend that the definition of the phrase "Interests of Uganda" as proposed by the majority be amended by deleting the words "laws of Uganda and Government policy;" the definition should therefore read-

***"Interests of Uganda" means the national interests of Uganda based on the principles of national interest and common good enshrined in the national objectives and directive principles of state policy as provided for in the Constitution."***

### **Definition of political activities**



The Phrase Political activity is proposed as an addition to clause 1 by the majority.

The majority propose that political activities includes, in paragraph (f) any activities aimed at influencing, imposing or normalizing ideologies which are inconsistent with the Constitution or which conflict with any culture, customs or norms of any of the communities listed in the third schedule to the Constitution.

The minority propose that this should be deleted with the Justification that invoking culture and customs which vary in Uganda from tribe to tribe will be expanding the arena of the ordinary meaning of political activities.

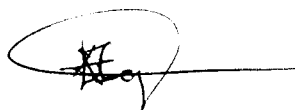
### **Recommendation**

*The Minority recommend that in the proposed definition of the phrase "political activity", paragraph (f) be deleted.*

### **Application of the Bill**

Clause 2 (2) of the Bill makes provision for the activities which are regulated under the Bill. The majority have refined this application by providing that the Bill applies to the following activities-

- (a) engage in political activities in Uganda to further the interests of a foreigner;**
- (b) solicit, collect, disburse or dispense contributions, loans, money or other things of value for the purpose of financing or sponsoring political activities to further the interest of a foreigner;**
- (c) represent the interest of a foreigner before any agency or official of the Government of Uganda for the purpose of engaging in political activities in Uganda;**
- (d) recruit, contract, engage, enter into a partnership or sponsor any person in Uganda to promote the interest of a foreigner for the purpose of engaging in political activities in Uganda;**
- (e) agree, consent, assume or purport to act as, or who is or holds himself or herself out to promote the interest of a foreigner against the interests of Ugandans;**
- (f) without the approval of Cabinet, influences the development of a policy of Government or implements a policy of Government; and**
- (g) influence the public to oppose the policy of Government;"**



The minority finds that paragraphs (a), (c) and (d) are similar, with paragraph (a) being broad and covers all the activities envisaged in paragraphs (c) and (d). In order to remove this duplication, there is need to delete paragraphs (c) and (d).

In addition, the minority find that paragraphs (f), (g) and (h) should be deleted since these are too general and have nothing to do with foreign interests and may be used to stifle public debate and criticism of government.

### **Recommendations**

***Clause 2 (2) of the Bill as proposed for amendment by the Committee should be amended to delete the proposed paragraphs (c), (d), (f), (g) and (h).***

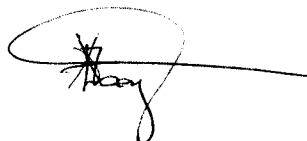
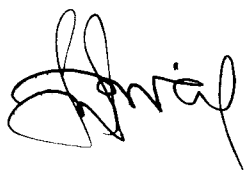
### **Development of policies by the Minister of Internal Affairs**

Clause 3 (3) of the Bill makes provision for the development of policies of Government and provides that the Department shall, in the implementation of this Act, consult other agencies of Government, including the ministry responsible for foreign affairs and the ministry responsible for development of Government policy. In addition, clause 7 (5) of the Bill provides that the Minister may, by regulations, prescribe the procedure and the requirements for formulating and implementing the policy of Government.

These two provision bestow onto the Department and the Minister of Internal Affairs the duty to develop regulations prescribing the procedure and the requirements for formulating and implementing the policy of Government.

The minority note that the development of policy is the preserve of cabinet under article 111 (2) which provides that the functions of the Cabinet shall be to determine, formulate and implement the policy of the Government and to perform such other functions as may be conferred by this Constitution or any other law. Bestowing the power to determine policy in clauses 3 (3) and 7 (5), will have the effect of delegating the duty of prescribing policy from Cabinet as provided for in article 111 (2) to the Department and the Minister of Internal Affairs. Since the powers to determine policy is bestowed on cabinet by the Constitution, Cabinet cannot delegate them to another person.

The Minority wish to draw the attention of the House to the decision of court in Constitutional **Petition No. 37 of 2010 (Kasozi Robinson v. A.G.** The gist of this petition is that whereas the Constitution requires Parliament to enact a law prescribing the procedure for elections of Parliamentary representatives for special interest groups, Parliament instead delegated this authority to the Minister. In turn, the Minister also either delegated this authority to “third parties” or did not make any procedure at all. The petitioners argued that Parliament did not have the authority to delegate its law-making powers to a Minister and that certainly the Minister was wrong to further delegate powers he did not have in the first- place. The Constitutional Court decided to look at each special interest group separately vis-à-vis the above contentions. Court



found that Parliament did not have this authority [to delegate its law-making powers]. Its duty under the Constitution was to enact the relevant law that would provide the procedure of election of the representatives of the army and other special interest groups... If Parliament did not have the authority to delegate its duty in this regard, then definitely the Minister did not have the authority to delegate a duty or powers he did not have. And even if the Minister had such powers, he or she would have no authority to further delegate the same.

This decision is important today since cabinet, having been delegated the duty to formulate policy, is itself attempting in clause 3 (3) and 7 (5) to delegate these functions to the Minister and the Department. This is unconstitutional

### **Recommendation**

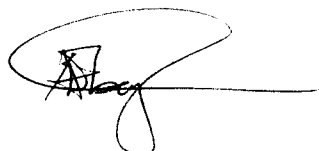
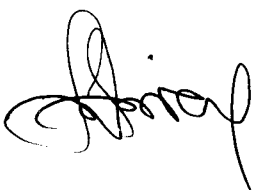
- *Delete clause 3 (3) and 5 (7) of the Bill with the justification that cabinet is mandated to develop policy in accordance with Article 111 (2) of the Constitution.*
- *Clause 7(2) be amended by inserting immediately after the word “agency of Government”, the words “through a formal, countrywide consultative processes”*

### **Excessive penalties**

The Bill in various clauses make provision for various offences and prescribe penalties as follows-

- (a) clauses 5(4), 6(4), 7(4), 10(2), 11(3), 12(2), 22(2), 23(1), 26(2): up to UGX 4 billion (legal entity) and UGX 2 billion plus 20 years’ imprisonment (individual);
- (b) clause 14(2): up to UGX 1 billion plus 10 years’ imprisonment;
- (c) clause 25(3): a civil penalty of UGX 4 billion on a supervised institution that pays out money to an agent of a foreigner without the prescribed declaration;
- (d) clause 28(2): up to UGX 40 million plus 7 years’ imprisonment for refusing access to an inspector;
- (e) regulations made by the Minister under clause 29(2) may themselves prescribe penalties of up to UGX 40 million plus 7 years’ imprisonment.

The minority find these penalties to be excessive and do not sit well with the framework of penalties for the most serious offences in the Penal Code, with the proportionality principle in Article 24 of the Constitution and Article 7 of the African Charter on Human and Peoples’ Rights, and with comparative practice in jurisdictions which maintain foreign-agent registration regimes (where the typical maximum is a custodial term in the order of five years and a fine commensurate with the gravity of the misrepresentation).



The minority note that the Majority have proposed amendments to the penalties, reducing them in half. The minority still find this to be high and excessive and runs the risk of fringing article 24 and 44 of the Constitution.

### **Recommendation**

*The Minority recommend that all penalties in the Bill be reduced to a maximum term of imprisonment of five years and a fine not exceeding 500 currency points.*

### **Commencement and Transition**

The Minority note that the Bill does not make provision for the commencement and transition provisions. The minority note that since the Bill makes provision for compliance matters, some of which are to be prescribed by regulations, there is need to stager the commencement of the Act until such a time when the Minister has prescribed the necessary statutory instruments to operationalise the provisions of the Bill. It is for that reason that the minority proposes a transitional period of three (3) years from the date of commencement to enable effective compliance as registration cannot be an overnight activity. The foreign agents will need time to explain to their principals and their clients and act in compliance with the law.

The Minority also note that the statutory instruments made under the Bill should be laid in Parliament for approval. This will grant Parliament veto powers over statutory instruments made under the Act.

### **Recommendations**

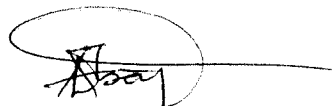
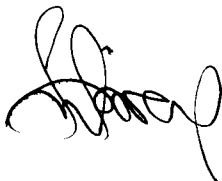
The Bill should be amended-

(a) by inserting a new clause 1 on commencement as follows-

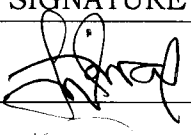
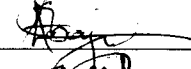
#### **Commencement**

“This Act shall come into force, three years from its publication in the gazette”

(b) clause 29 (3) be amended by substituting for the word information”, the word approval”.



**SIGNATURE SHEET FOR THE MINORITY REPORT OF THE MEMBERS ON THE  
JOINT COMMITTEE OF LEGAL AND PARLIAMENTARY AFFAIRS AND DEFENCE  
AND INTERNAL AFFAIRS ON CONSIDERATION OF THE PROTECTION OF  
SOVEREIGNTY BILL, 2026**

S/N	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. WILFRED NIWAGABA	NDORWA EAST CONSTITUENCY	INDEPENDENT	
2	Hon. ADEKE ANNA EBAJU	SOROTI DWR	FDC	
3	Hon. ASUMAN BASALIRWA	BUGIRI MUNICIPALITY	JEEMA	