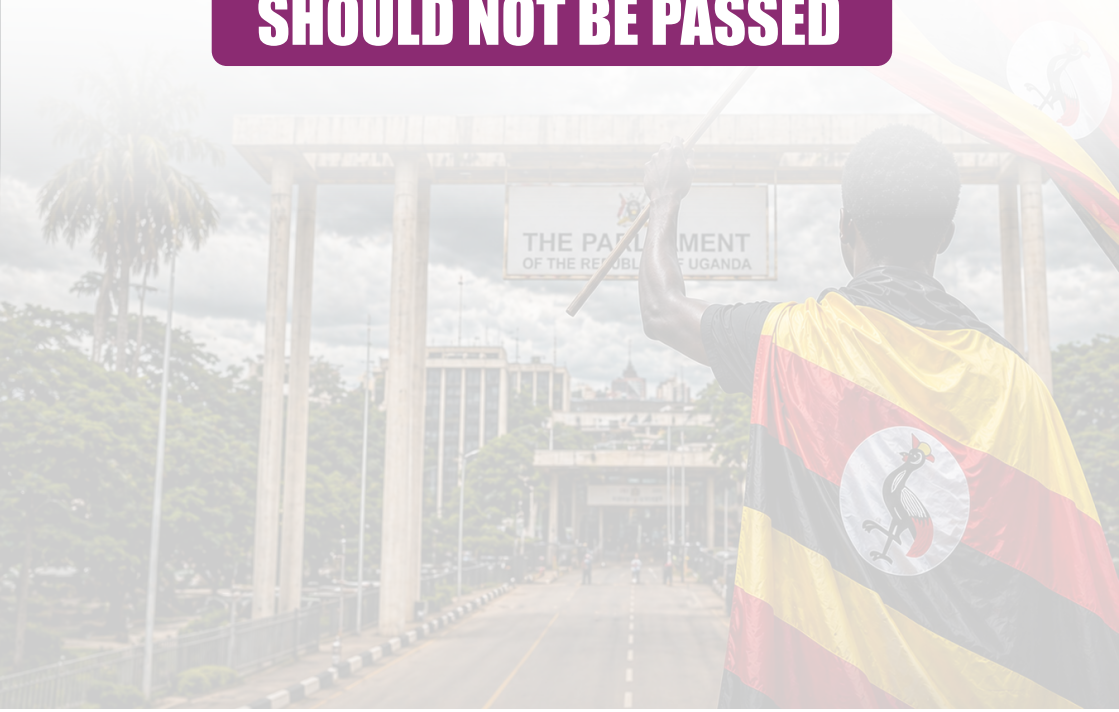




THE 12 REASONS WHY THE PROTECTION OF THE SOVEREIGNTY BILL 2026 SHOULD NOT BE PASSED



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Foreword

This document, *“12 Reasons Why the Protection of the Sovereignty Bill 2026 Shouldn’t Be Passed in Uganda,”* is offered in a spirit of patriotism and constructive engagement. Our aim is not to oppose sovereignty, but to ensure that any law made in its name strengthens, rather than weaken it.

Introduction: The Sovereignty–Development Paradox

The Protection of Sovereignty Bill, 2026 is presented as a measure to protect Uganda’s independence from “external interference”. However, a synthesized audit of its legal and economic impacts reveals a hidden danger: while the government gains more control on paper, it becomes less able to provide for its citizens in reality. We refer to this as a condition of “Hollow Sovereignty” where power is centralized at the top, but the foundations of national welfare are weakened.

To help navigate these complex issues, the following 12 reasons against the enactment of the Bill are presented. These arguments are grounded in a comprehensive legal and human rights audit, alongside a detailed socio-economic and political analysis of the systemic risks posed by this legislation. These findings are grouped into three Risk Areas to highlight the potential impact on Uganda’s constitutional order and developmental stability.

RISK AREA 1: THE LEGAL AND HUMAN RIGHTS BREACH TRAP

1. The “Principle of Legality” Violation (Definitional Vagueness)

Criminal laws must be clear so citizens can regulate their conduct. The Bill fails this by using terms that collapse the boundary between lawful civic activity and criminal conduct.

- a. **“Disruptive Activities” and the Assembly Trap (Clause 4):** This clause includes “interfering with human rights” a phrase with no legal definition and, most alarmingly, “participating in an assembly” as a disruptive activity. Since peaceful assembly is a protected

right under Article 29 of the Constitution of the Republic of Uganda, the Bill creates a direct constitutional paradox by defining the exercise of a fundamental freedom as a basis for criminal liability.

- b. Status-Based Criminalization:** The Bill establishes a “rights inversion” where a person’s legal status not their conduct determines criminality. Clause 4(f), identical conduct such as participating in an assembly is lawful for ordinary citizens under Article 29 but becomes a “disruptive activity” if performed by someone designated as an “agent”. This “agent” status is triggered broadly by being “subsidized” or acting at the “request” of a foreigner. To manage this risk, individuals face intrusive vetting into their “mental and physical health” to determine “suitability”, with violations carrying up to 20 years’ imprisonment. This violates the principle of equality before the law and treats Universal rights as government-controlled privileges
- c. “Economic Sabotage” (Clause 13):** This criminalizes “publishing information” that “weakens the economic system”. It lacks an objective threshold or a requirement for proven intent, potentially criminalizing journalists or researchers reporting on inflation or public debt.
- d. “Agent of a Foreigner” (Clauses 1 & 2):** This captures any entity acting “at the request” of a foreigner or being “subsidized” by one. This creates a regime of “guilt by association” for academics, journalists, and lawyers involved in legitimate international cooperation.

Table 1: Designation of “Foreigners” and “Agents” under the Bill

Legal Designation	Category of Person or Entity	Criteria for Designation under the Bill
Foreigner	Non-Citizens	Any individual who is not a citizen of Uganda.
	Foreign Governments	Any foreign government or foreign political party.
	Foreign Entities	Anybody or organization established or incorporated outside of Uganda.
Agent of a Foreigner	Funded Individuals/ Groups	Any person or entity that is “financed or subsidized” by a foreigner, even partially.
	Directed or Supervised Actors	Anyone acting “at the request,” “under the direction,” or “supervised” by a foreigner.
	Controlled Entities	Organizations or bodies “controlled” by a foreign principal.
	NGOs & Civil Society	Civil society organizations, community-based organizations, and humanitarian actors relying on international partnerships.
	Academics & Researchers	Individuals participating in internationally funded research or academic collaborations.

Legal Designation	Category of Person or Entity	Criteria for Designation under the Bill
	Journalists & Media Actors	Journalists collaborating with international media or receiving foreign grants for reporting.
	Legal Professionals	Lawyers representing foreign clients or working with international legal entities.

Key Legislative “Red Flags” Regarding These Categories

- a. **Guilt by Association:** This occurs when you are labeled an “agent” based on who you work with rather than what you do. The Bill lacks criteria for intent or material benefit, meaning legitimate professional cooperation is treated the same as covert interference.
- b. **Over breadth:** By using the term “subsidised,” the Bill captures almost any local organization that receives a grant, software, or partnership support. This brings small, local charities under strict security regulation meant for foreign threats.
- c. **Status-Based Criminalization:** This creates a double standard where an act is legal for one person but a crime for another. For example, peaceful assembly is a right, but under Clause 4, it becomes a “disruptive activity” carrying 20 years in prison if performed by someone labeled an “agent”.
- d. **Vague Thresholds:** The Bill uses terms like “weakening the economic system” without clear legal definitions. This allows the Executive to subjectively decide who is a criminal based on political convenience rather than objective evidence.

2. The Right to Privacy Breach (Article 27 of the Constitution of the Republic of Uganda)

The Bill grants the state intrusive oversight powers that bypass judicial safeguards.

- **Warrantless Access:** Clause 28 allows inspectors to enter any premises and demand “any information” without requiring a judicial warrant.
- **Financial Surveillance:** Clause 21 requires agents to submit funding source declarations that are made “publicly available for inspection,” creating a regime of permanent and intrusive financial surveillance.

3. The Right to Fair Administrative Treatment (Article 42 of the Constitution of the Republic of Uganda)

The Bill reconfigures governance into a system of discretionary executive whim, stripping away procedural fairness.

- **Denial of Reasons:** The Minister may refuse registration or deny funding without a “duty to give reasons,” making it impossible for affected parties to understand or challenge the decision.
- **Ouster of Appeal:** The Bill fails to establish a structured system for internal review or independent administrative appeal, leaving judicial review as the only available remedy.

4. Violation of Human Dignity and Non-Derogable Rights (Article 44 of the Constitution of the Republic of Uganda)

Certain provisions touch upon rights that the Constitution says can never be limited.

- **Intrusive Vetting:** Clauses 14–17 require applicants to undergo suitability inquiries into their mental and physical health, which constitutes an intrusive and degrading vetting process.
- **Right to a Fair Hearing:** By providing for warrantless searches and stripping away administrative appeal rights, the Bill undermines the right to a fair hearing guaranteed under Article 44(c).

5. Excessive and Disproportionate Punishment (Article 43 of the Constitution of the Republic of Uganda)

The Bill's punitive framework ignores the constitutional requirement that penalties must be reasonable and justifiable in a democratic society.

- **20-Year Sentences:** Imposing 20 years' imprisonment for vague offenses like "developing a policy" (Clause 7) exceeds penalties typically reserved for the most serious criminal conduct.
- **UGX 4 Billion Fines:** These massive fines appear designed to deter legitimate civic activity and bankrupt organizations rather than protect public order.

RISK AREA 2: THE ECONOMIC & SERVICE CRISIS

Genuine sovereignty is the ability of a state to deliver essential services. By introducing massive friction into the economy, the Bill triggers a “Triple Shock” to Uganda’s development.

6. The Triple Shock

The Bill creates a cascading collapse: first, international money for health and schools is blocked (Financing Shock); second, banks freeze accounts to avoid UGX 4 billion fines (Operational Shock); and third, experts and institutional networks are lost (Capacity Shock).

7. The Unfunded Mandate

NGOs currently act as “off-budget fiscal agents,” funding HIV/TB care and refugee services. If these organizations contract, the state inherits a massive service delivery gap it lacks the revenue to fill, harming rural and vulnerable populations most.

8. Extreme Penalties

The sanctions are neither reasonable nor proportionate, violating Article 43 of the Constitution of the Republic of Uganda. It imposes up to 20 years’ imprisonment for vaguely defined offenses such as “developing a policy” (Clause 7). Fines up to UGX 4 billion exceed standard regulatory penalties and appear designed to deter legitimate civic participation rather than protect public order.

Table 2: The “Triple Shock” to Uganda’s Development Ecosystem

Shock Type	Mechanism in the Bill	Adverse Outcome
Financing Shock	UGX 400M threshold (Cl. 22)	Liquidity crisis & funding cuts
Operational Shock	UGX 4B bank penalties (Cl. 25)	Banking de-risking & program disruption
Capacity Shock	20-year prison threats (Cl. 7, 23)	NGO closures & loss of human capital

RISK AREA 3: THE POWER SHIFT (A RETREAT FROM ACCOUNTABILITY)

The Bill moves power away from the people and the law, placing it almost entirely in the hands of the Executive branch.

9. Silencing the People

While the Constitution says power belongs to the People (Article 1), the Bill criminalizes “influencing public policy” without prior Cabinet approval (Clause 7). This treats citizen participation the heartbeat of sovereignty—as a criminal threat.

10. The Monopoly on Truth

By stopping independent policy work (Clause 7), the government creates “Epistemic Closure,” where policy ideas are only filtered through executive authority. The state loses its “early warning system” the independent voices that spot corruption or governance failures early.

11. The Westphalian Retreat

The Bill retreats to an outdated model of absolute non-interference. Modern sovereignty is defined as “Responsibility” the duty of a state to protect its people and allow them to participate in governance. This includes the R2P Doctrine and the African Union’s shift toward “non-indifference”.

12. Redundancy

The state has failed to prove that existing laws, such as the PFM Act, the NGO Act, and the Computer Misuse Act, AMLA are insufficient. The Bill duplicates these controls while ignoring genuine threats like foreign debt dependency.

Table 3: Existing Legislations

Aspect of the Sovereignty Bill	Existing Ugandan Legislation	Why it is Redundant
NGO Registration & Oversight (Clauses 14–20)	The NGO Act, 2016	The NGO Act already provides a comprehensive regime for the registration, licensing, and operational oversight of non-governmental organizations.
Monitoring Foreign Funding (Clauses 21–22)	Anti-Money Laundering Act & NGO Act, 2016	Existing frameworks already require NGOs to report funding sources and subject all large financial inflows to scrutiny by the Financial Intelligence Authority (FIA).

Aspect of the Sovereignty Bill	Existing Ugandan Legislation	Why it is Redundant
Economic Crimes & Sabotage (Clause 13)	The Penal Code Act	The Penal Code already contains provisions addressing crimes against the state, including sabotage and subversion, which cover “economic threats” with more precise legal standards.
National Debt & Economic Sovereignty (Bill’s Framing)	Public Finance Management Act (PFM), 2015	The PFM Act already governs state borrowing, fiscal responsibility, and the management of national economic resources.
Data Access & Inspections (Clause 28)	Data Protection and Privacy Act, 2019	Privacy and data access are already regulated by this Act, which includes the judicial safeguards (like warrants) that the Sovereignty Bill attempts to bypass.
Digital Speech & Information (Clause 13)	Computer Misuse (Amendment) Act	The publication of “damaging” or “misleading” information is already addressed under computer misuse laws, making the Bill’s new criminal categories unnecessary.

The provided table demonstrates that the Bill does not fill any “legal gaps”; instead, it duplicates laws like the NGO Act and Penal Code to centralize Executive power. This redundancy allows the government to bypass established court protections—such as requiring warrants for searches—by using the Bill’s administrative “shortcuts” for warrantless surveillance. Ultimately, this shifts Uganda from the “rule of law” to “rule by law,” enabling the state to silence critics through discretionary security measures rather than proven criminal conduct.

Enacting the Bill despite these existing laws creates five critical problems for Ugandan governance and civil society:

a. The “Forum Shopping” Trap

By creating a second, more restrictive layer of laws for activities already governed by the NGO Act or Penal Code, the government can choose the most punitive law to silence a specific critic. This allows the state to bypass the fairer administrative processes of existing laws in favor of the Bill’s 20-year prison sentences.

b. Institutional Conflict and Confusion

The Bill designates a department responsible for peace and security as the primary regulator. This creates a structural conflict with the National Bureau for NGOs, forcing civic actors—such as researchers and human rights defenders—to be assessed through a “security lens” rather than an objective regulatory framework.

c. Bypassing Judicial Safeguards

Existing laws, like the Data Protection and Privacy Act, require a court-issued warrant for inspections. The Sovereignty Bill creates a “short-cut” for the state, allowing warrantless access to private information under the guise of protecting sovereignty.

d. Normalization of Exceptional Power

By duplicating security-related powers in ordinary law without “sunset clauses,” the Bill allows extraordinary executive powers to become permanent. This creates a risk where measures that might be justified in a specific emergency become a “permanent regulatory regime” that shrinks civic space indefinitely.

e. Policy Blindness

While the Bill adds redundant controls on citizens, it ignores genuine threats to sovereignty, such as foreign debt dependency and the lack of transparency in government-to-government contracts. It focuses on the “foreigner” as the enemy while ignoring the “internal usurper” who restricts the people’s capacity to participate in governance.

Conclusion

True, the sovereignty is not found in isolation or the suppression of one’s own citizens. It is found in a government that is strong enough to be accountable, open enough to listen to its people, and resilient enough to work with the global community. By creating **a Legal Trap**, triggering **an Economic Crisis**, and forcing **a Power Shift**, this Bill risks making Uganda formally independent but materially fragile. Uganda’s sovereignty is strongest when it is exercised through empowered citizens, accountable institutions, and the rule of law.



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