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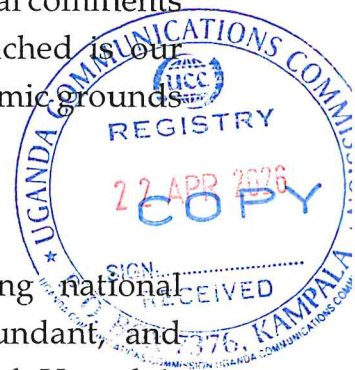
SUBMISSION BY THE NATIONAL ASSOCIATION OF BROADCASTERS (NAB) TO THE JOINT COMMITTEE OF PARLIAMENT ON THE PROTECTION OF SOVEREIGNTY BILL, 2026

The above captioned matter refers.

The National Association of Broadcasters (NAB) representing Uganda’s radio, television, and digital broadcasting platforms hereby submits its formal comments on the draft Protection of Sovereignty Bill, 2026 (the “Bill”). Attached is our detailed memorandum setting out the constitutional, legal, and economic grounds for our opposition.

Executive Summary of Our Position

While we recognise the State’s legitimate interest in protecting national sovereignty, the Bill in its current form is unconstitutional, redundant, and profoundly harmful to media freedom, the creative economy, and Uganda’s investment climate. The mischief it seeks to address of monitoring foreign funding and preventing undue external influence is already comprehensively covered by existing legislation, notably the Anti-Money Laundering Act, 2013 and the mandate of the Financial Intelligence Authority (FIA) and further the Public Finance Management Act, the Non-Governmental Organisations Act (NGO) and the Political Parties and Organisations Act



Primary Recommendation:



We recommend that Parliament/Government should reject the Bill in its entirety for being unconstitutional, redundant given existing laws, and fundamentally incompatible with a free press and democratic governance. However, should the government insist that the Bill must pass, at the very least, it should explicitly review;

1. **Clause 10:** which Criminalises Standard Media Practice should be deleted in its entirety, if deletion is not possible, an exception must be inserted. The “Promotion of Foreign Policy” is simply a Trap.
2. **Clause 13:** criminalizing legitimate **criticism** as “economic sabotage” is a direct assault on media freedom
3. **Personal liability for officials:** provides for criminal and civil liability of the Minister and any official who abuses the Bill’s powers for malicious, corrupt, or politically motivated ends.
4. **Exempt legitimate professional services:** these include but are not limited to; legal (including privileged communications), accounting, media, academic research, and licensed medical/engineering/architectural services.
5. **Align with existing frameworks:** Foreign funding oversight must flow through the FIA/AML framework, NGO Act, and Public Finance Management Act rather than creating a parallel regime.
6. **Establish a significantly higher foreign funding threshold;** or blanket exemption for transactions within the normal course of regulated sectors like media, finance/banking and professional services

NAB is ready to appear before the Committee at your earliest convenience to elaborate on these submissions.

Yours faithfully,



Joseph Beyanga

CEO, NAB Secretariate



Copy to: The Speaker of Parliament of the Republic of Uganda.
The Minister for Justice & Constitutional Affairs.
The Minister of ICT and National Guidance.
The Attorney General of Uganda.
The Parliamentary ICT Committee.
The PSST.
The Uganda Communication Commission (UCC).
Television Stations.
All Radio Stations.
All Digital Broadcasting Platforms.
Uganda Law Society.

**SUBMISSION BY THE NATIONAL ASSOCIATION OF BROADCASTERS
TO THE JOINT COMMITTEE OF PARLIAMENT ON THE PROTECTION OF
SOVEREIGNTY BILL, 2026**

1. PREAMBLE AND EXECUTIVE SUMMARY

- a. The National Association of Broadcasters (NAB) appreciates the opportunity to submit its views on the Protection of Sovereignty Bill, 2026. NAB recognises the legitimate objective of safeguarding Uganda's sovereignty, particularly in the face of evolving global dynamics that increasingly blur the lines between domestic and external influence. However, while the intent of the Bill is valid, its current structure and drafting raise significant concerns for the broadcasting sector both as a constitutionally protected democratic institution and as an industry that operates within an interconnected global ecosystem.
- b. NAB submits this memorandum to the Joint Committee of Parliament to register its strongest opposition to the Protection of Sovereignty Bill, 2026 (hereinafter "the Bill"). It is our position that the Bill in its current form is a draconian, unconstitutional, and economically suicidal piece of legislation.
- c. Our primary recommendation is that the Bill be disregarded in its entirety. The mischief it purports to address specifically the monitoring of illicit financial flows and the regulation of foreign influence on the basis of sovereignty is already covered by existing Ugandan law. Furthermore, the Bill creates a parallel, opaque bureaucratic regime that conflicts with the operational independence of established regulators like the Bank of Uganda and the Financial Intelligence Authority (FIA) among other statutory bodies.

2. THE MEDIA SECTOR: A SPECIFIC CONSTITUTIONAL CONCERN

- a. The Bill poses an existential threat to media freedom and journalism in Uganda;

- i. By defining an “agent of a foreigner” to include any person whose activities are “directly or indirectly supervised, directed, controlled, financed, or subsidized by a foreigner,” the Bill captures routine, lawful activities of our members.
 - ii. **Content Production:** A member broadcaster shooting a documentary with a foreign partner such as Netflix or National Geographic is at risk of being labeled a “foreign agent.”
 - iii. **Academic & Policy Partnerships:** Partnering on research or authoring a policy brief or coming up with academic or policy related media content with a foreign university or international organization triggers the onerous registration and reporting requirements of the Bill.
 - iv. **Commercial Services:** Providing market entry or business intelligence services to a legitimate foreign company would be criminalized without ministerial approval.
- b. These provisions violate Article 29(1)(a) of the Constitution, which guarantees the right to freedom of the press. The vague drafting creates a “chilling effect,” forcing media houses to self-censor legitimate content for fear of criminal prosecution.
 - c. The Bill fails the *R v Oakes* proportionality test, as its means are arbitrary, unfair, and grossly disproportionate to any legitimate security objective.

3. THE MEDIA IS DIRECTLY THREATENED BY CLAUSE 10 AND THE “FOREIGN AGENT” DEFINITION

3.1 Clause 10 Criminalises Standard Media Practice: The “Promotion of Foreign Policy” Trap

- a. **Clause 10 of the Bill states:**
 - i. A person shall not engage in any activity, solicit, receive or obtain any assistance from a foreigner to sponsor or organize a meeting or any function with the aim of promoting foreign policy in Uganda that has not been adopted by Cabinet as Government policy.

- ii. **Penalty:** Fine up to 100,000 currency points (approx. UGX 2 billion) or imprisonment up to twenty years.

b. The Media's Dilemma:

By its very nature, the media business involves promoting the activities, events, and viewpoints of its clients and sponsors—including foreign embassies, international government agencies, and multilateral organizations. This is lawful, legitimate commercial activity.

- i. **Example A – Diplomatic Days:** The European Union, Swedish Embassy, British High Commission, US Mission, and other diplomatic missions regularly host “National Days,” cultural festivals, trade delegations, and press conferences. They routinely pay for media coverage, advertising space, or sponsored content to promote these events.
- ii. **Example B – Policy Launches:** An embassy launches a report on climate change, governance, or trade. The media is hired to publicize it. If that report contains policy recommendations not yet “adopted by Cabinet” (which is nearly all of them), the media outlet has technically “promoted foreign policy” without Cabinet approval.
- iii. **Example C – Development Partners:** The EU or Swedish International Development Cooperation Agency (Sida) funds a workshop on anti-corruption or gender equality. A media house is contracted to organise or cover it. The moment that topic touches on a policy area where Uganda’s Cabinet position differs (or is silent), the media house commits a crime punishable by 20 years in prison.

c. Why Clause 10 is Void for Vagueness:

- i. **No Definition of “Foreign Policy”:** The Bill does not define what constitutes “foreign policy.” Is a statement by an ambassador on trade relations “foreign policy”? Is a cultural event promoting tourism “foreign policy”? The term is infinitely elastic, giving the Minister unfettered discretion to criminalise any event involving a foreign mission.

- ii. **“Not Adopted by Cabinet” is an Impossible Standard:** Cabinet does not issue a public register of “adopted policies.” A media house cannot reasonably know, before accepting a sponsorship, whether every nuance of an event aligns with Cabinet’s current, unpublished position. This violates the constitutional principle that a penal law must be sufficiently certain (*nullum crimen sine lege certa*).
- iii. **Conflict with Diplomatic Practice:** Uganda maintains normal diplomatic relations with dozens of countries. Those countries routinely promote their policies through public diplomacy. By criminalising media engagement with such legitimate activities, the Bill effectively nullifies the benefits of bilateral engagement.

d. Constitutional and Human Rights Violations:

- i. **Freedom of Expression (Article 29):** Paid advertising and sponsored content are protected commercial speech. A blanket ban on promoting events by foreign missions is a prior restraint on expression.
- ii. **Freedom of Association (Article 29):** Media houses have the right to contract with international partners for lawful business.
- iii. **Economic Sabotage (Clause 13) by Stealth:** A media house that unknowingly runs an ad for an embassy event could be prosecuted under Clause 10, and then also charged under Clause 13 (economic sabotage) for “weakening the economic system” by allegedly undermining government policy.

e. Specific Recommendation on Clause 10:

- i. The NAB submits that Clause 10 be deleted in its entirety. If deletion is not possible, a narrow exception must be inserted:
- ii. *“Nothing in this section shall apply to media houses, broadcasters, publishers, or advertising agencies engaged in the ordinary course of their business, including the publication of news, advertisements, sponsored content, or coverage of events organised by diplomatic missions or international development partners, provided such content does not explicitly incite violence or insurrection.”*

4. **Clause 13: CRIMINALISING LEGITIMATE CRITICISM AS “ECONOMIC SABOTAGE” – A DIRECT ASSAULT ON MEDIA FREEDOM**

a. **Clause 13 states:**

“A person who publishes information or participates in any act or activity that weakens or damages the economic system or viability of the country, causing economic disruption, insecurity or instability, commits an offence of economic sabotage and is liable, on conviction — (a) in the case of a legal entity, to a fine not exceeding two hundred thousand currency points (approx. UGX 4 billion); and (b) in the case of an individual, to a fine not exceeding one hundred thousand currency points (approx. UGX 2 billion) or to imprisonment for a term not exceeding twenty years, or both.”

b. **Why this clause is fatal to media freedom:**

In any democratic society, the media has a constitutionally protected duty to criticise government policy, scrutinise economic management, and hold public officials accountable. This is not sabotage; it is the lifeblood of democracy. Clause 13, however, is so vaguely worded that any critical reporting could be twisted into an offence.

c. **Legitimate Media Activity How Clause 13 Could Criminalises It**

- i. **Reporting that the national debt is unsustainable**, or that currency depreciation is hurting businesses. The Government could argue that such reporting “weakens the economic system” by reducing investor confidence or causing “instability.”
- ii. **Investigating corruption in a state-owned enterprise**, revealing that millions of shillings were embezzled. The investigation could be framed as “damaging the viability of the country” or causing “economic disruption.”
- iii. **Broadcasting a debate where an opposition politician argues that government policy has failed**. The media house “published information” that could be deemed to cause “insecurity or instability.”

- iv. **Reporting on a World Bank or IMF report that criticises Uganda's fiscal management.** The media is "participating in an act" that "weakens the economic system" by amplifying foreign criticism.

d. The Vagueness Problem (Void for Uncertainty):

- i. **No definition of what constitutes "weakens or damages the economic system."** Is any negative economic report sabotage? If a journalist accurately states that the shilling has fallen against the dollar, is that "damaging viability"?
- ii. **No requirement of intent or malice.** The clause does not require that the publisher intended to cause economic harm. A well-researched, factual report that inadvertently causes a dip in the stock market could lead to a 20-year prison sentence.
- iii. **Overbreadth:** The clause chills all economic reporting. Media houses will avoid any critical coverage of fiscal or monetary policy for fear of prosecution, leaving citizens uninformed and unaccountable governance unchecked.

e. Constitutional and Human Rights Violations:

- i. **Article 29(1)(a) – Freedom of the Press:** The media's right to publish information "without interference" is absolute, subject only to restrictions that are "reasonably justifiable in a democratic society." Criminalising criticism of economic policy fails that test entirely (see R v Oakes proportionality analysis, cited by the Uganda Law Society).
- ii. **Article 41 – Right to Information:** Citizens have a right to access information held by the State. Clause 13 punishes the dissemination of that information if it is deemed "damaging."
- iii. **African Commission on Human and Peoples' Rights – Declaration of Principles on Freedom of Expression:** Principle IV states that "criticism of government, including criticism of government policies and actions, shall not be punished as an offence." Clause 13 does exactly that.

- iv. Any limitation on this right as rightly asserted by the **Supreme Court in the case of Charles Onyango Obbo & Andrew Mwenda V Attorney General Constitutional Appeal No. 2 of 2002** should satisfy the tests of legality, necessity and proportionality, which in its current form Clause 13 is unlikely to meet. It is therefore essential that this provision be revised to define “economic sabotage” narrowly and Comparative Perspective

f. Comparative Perspective

- i. The United States, EU, Canada, and Australia have no equivalent “economic sabotage” clause targeting media criticism. In those democracies, even harsh, inaccurate economic commentary is protected speech. The only jurisdictions with similar vague “economic sabotage” laws are authoritarian states, exactly the company Uganda should not keep.
- ii. Specific Recommendation on Clause 13:
 - Clause 13 must be deleted in its entirety. There is no legitimate democratic purpose served by imprisoning journalists for criticising the economy. If the Government wishes to protect against actual economic crimes (e.g., market manipulation, insider trading), those offences are already covered by the Penal Code Act (Cap 120) and the Capital Markets Authority Act.

5. THE LAW ALREADY EXISTS: WHY THE BILL IS REDUNDANT

- a. The Bill’s entire premise that Uganda lacks tools to monitor foreign funding is false.
- b. The fundamental flaw of the Bill is its redundancy. The Government asserts it needs the Bill to;
 - i. provide for the protection of the sovereignty of the people of Uganda;
 - ii. to designate the department responsible for peace and security as the responsible entity for the registration and regulation of agents of foreigners;
 - iii. to provide for the protection of the sovereignty of Uganda;

- iv. 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

However, Parliament of Uganda has already enacted robust legislation administered by the Financial Intelligence Authority (FIA) and a robust, internationally recognised legal framework to achieve these exact ends and is further protected under international principle of sovereignty of nationa

5.1 **The Financial Intelligence Authority (FIA), the Anti-Money Laundering Act, Public Finance Management Act, the Non-Governmental Organisations Act (NGO) and the Political Parties and Organisations Act**

- a. The Financial Intelligence Authority (FIA) is the designated government agency established specifically to “monitor, investigate, and prevent money laundering” and to enforce Uganda’s anti-money laundering laws by monitoring all financial transactions inside the country’s borders.
- b. **The Core Mandate:** Under the Anti-Money Laundering Act, 2013 (Cap 118), the FIA already oversees compliance programs, receives Suspicious Transaction Reports (STRs), and enforces penalties for illicit financial flows.
- c. **Source of Funds:** Section 27 of the AMLA already requires accountable persons to determine the source of funds and beneficial ownership—rendering Clause 21 of the Bill (Declaration of Sources) duplicative and unnecessary.
- d. **International Cooperation:** The FIA already exchanges information with foreign financial intelligence units, putting Uganda in harmony with EAC partners like Kenya and Rwanda.
- e. **Specific Section for Citation:** Anti-Money Laundering Act, 2013: Sections 1 (Interpretation), 17A (Freezing Orders), and 136 (Penalties)

already provide the legal arsenal to track “foreign funding” without the draconian registry proposed by the Bill.

- f. **The Non-Governmental Organisations Act**; further exercises supervisory and regulatory role over all NGOs with the intent of meeting the same obligation
- g. **The Political Parties and Organisations Act** an; clearly regulates Political Parties activities and funding

5.2 The Penal Code and Anti-Terrorism Legislation

- a. **Penal Code Act (Cap 120)**: This Act already defines and punishes crimes against the state, including sedition (although declared unconstitutional), economic crimes, and corruption. The vague “economic sabotage” clause in the Bill is unnecessary as existing laws on fraud, corruption, and terrorism financing are sufficient.
- b. **Anti-Terrorism Act, 2002**: This Act already criminalizes the financing of terrorism and grants the State broad powers to surveil and intercept communications of persons suspected of threatening national security, rendering the Bill’s “National Security” justification moot.

5.3 Data Protection and Media Regulation

- a. **Data Protection and Privacy Act, 2019 (Cap 97)**: The Bill’s requirement for public inspection of funding declarations (Clause 21(2)) violates the banking secrecy and data protection obligations imposed by this Act. The National Association of Broadcasters (NAB) specifically notes that the Data Protection and Privacy Act already governs the handling of personal data and financial privacy.
- b. **Key for the Media and Communications; Uganda Communications Act (Cap 106) & Computer Misuse Act**: The UCC already regulates broadcasting content to prevent hate speech and national security breaches. The Computer Misuse Act (sections remaining in force) criminalises cyber harassment and electronic fraud.

6. SUPPORT FOR THE UGANDA BANKERS ASSOCIATION (UBA) SUBMISSION

1. The NAB fully endorses the technical and economic analysis provided by the Uganda Bankers Association (UBA) in their letter to the Attorney General dated April 13, 2026. The Bill must be rejected or at the least be redrafted in its entirety because it conflicts with Uganda's liberalised economy.
 - a. **The "Existential" Threshold (Clause 22):** UBA correctly notes that the UGX 400 million threshold is far below the scale of typical financial transactions. Routine credit lines and correspondent banking relationships (e.g., with IFC or AfDB) would require prior ministerial approval, introducing "bureaucracy and uncertainty" that financial markets cannot tolerate.
 - b. **Clause 22 (UGX 400 million threshold)** is far too low and will choke legitimate credit lines, correspondent banking, and diaspora remittances.
 - c. **The forfeiture provision (Clause 22(3)) creates existential risk** for any financial institution that inadvertently violates the Bill, forcing banks to freeze all foreign-related transactions to avoid liability.
 - d. **Regulatory fragmentation conflicts with Bank of Uganda's primacy** as the prudential regulator, creating "conflicting instructions" for supervised institutions.
2. The Bill will shrink the tax base, deter foreign direct investment, and drive venture capital to Kenya and Rwanda. The NAB agrees entirely
 - a. **Regulatory Fragmentation:** The Bill vests oversight in the Ministry of Internal Affairs, creating "parallel oversight" that conflicts with the Bank of Uganda's role as the primary prudential supervisor. This "regulatory

fragmentation” will increase compliance costs and reduce investor confidence.

- b. **The Forfeiture Provision (Clause 22(3)):** UBA warns that the requirement to forfeit funds to the State for inadvertent violations creates an “existential risk” for banks, as it removes legal certainty from capital markets.

7. THE ECONOMIC AND CONSTITUTIONAL DANGER

The Bill is not merely redundant; it is destructive.

1. **Constitutional Overthrow:** By defining Ugandans residing abroad as “foreigners” and allowing the Minister to declare any person a foreigner, the Bill violates Article 1 of the 1995 Constitution, which states that all power belongs to the people and their will and consent is the basis of government. It alters the basic structure of the Constitution without a mandatory referendum (Article 260), rendering it null and void ab initio.
2. **Remittance Collapse:** As noted in the Citizens Coalition document, diaspora remittances reached \$2.5 Billion in 2025. By imposing “North Korean-style” restrictions, the Bill will choke this economic lifeline, affecting school fees, medical bills, and local construction jobs.
3. **Investment Climate:** Uganda is trying to reach middle-income status by 2030. This Bill signals to the world that Uganda is “closed for business,” chasing investors to Kenya and Rwanda who maintain “open, pro-growth policies.”

8. RECOMMENDATION

The NAB respectfully prays that the Committee:

1. Primary Recommendation:

- a. Reject the Bill in its entirety for being unconstitutional (lack of mandatory referendum under Article 260(2)(b)), redundant given existing laws, and fundamentally incompatible with a free press and democratic governance.

2. Alternative Recommendations (Should the Bill proceed despite its fatal flaws):

- a. The Bill must explicitly carve out the following professional activities from the definition of “agent of a foreigner” and from the registration, reporting, and funding restrictions:
 - i. Media and broadcasting services as defined under the Uganda Communications Act, including news gathering, documentary production, advertising, sponsored content, and coverage of events organised by foreign missions or international organisations.
 - ii. Research, academic collaboration, and policy analysis conducted by universities, think tanks, or individual researchers, even where funded in part by foreign grants or partnerships.
 - iii. Exempt legitimate professional services. The failure to exempt these services will criminalise ordinary professional work, trigger a mass exodus of skilled talent, and destroy Uganda’s services sector – which is a major employer of the middle class.
- b. **Provide for personal liability against the Minister and public officials who abuse the law for nefarious purposes.** The Bill currently vests sweeping discretionary powers in the Minister of Internal Affairs and the proposed Department of Peace and Security without any accountability mechanism. To deter abuse, the Bill must include a clause rendering the Minister and any authorised official personally liable and provide compensation for:
 - i. Wrongfully designating a person or institution as a “foreign agent” without reasonable grounds.
 - ii. Unlawfully denying, suspending, or revoking a registration certificate for corrupt, malicious, or politically motivated reasons.
 - iii. Using the Bill’s provisions to harass, intimidate, or silence legitimate media houses, civil society organisations, or opposition voices.
- c. Such personal liability (including criminal penalties and civil damages) is standard in democratic legal systems to prevent executive overreach and should be modeled on the Protection of Whistleblowers Act or the Leadership Code Act.

- d. Strengthen specific exemption clauses for Foreign Direct Investment (FDI). The Bill must expressly exempt from the definition of “agent of a foreigner” any transaction, investment, or financial flow that constitutes legitimate
- e. Review clauses in respect to;
 - i. Clause 10 which Criminalises Standard Media Practice: The “Promotion of Foreign Policy” Trap. It should be deleted in its entirety. If deletion is not possible, an exception must be inserted
 - ii. Clause 13: Criminalizing legitimate **criticism** as “economic sabotage” a direct assault on media freedom
- f. The Bill poses an existential threat to media freedom and journalism in Uganda and all legal and licensed entities including financial institutions, media houses, content creators, and civil society.
- g. Align foreign funding oversight with the existing Anti-Money Laundry /Financial Intelligence Authority, NGO and the Political Party and Organisations Act, and Public Finance Management legal framework rather than creating a parallel regime.
- h. Establish a significantly higher foreign funding threshold or blanket exemption for transactions within the normal course of regulated sectors like media, finance/banking and professional services

Uganda’s sovereignty belongs to the people. This Bill attempts to abolish it. We urge Parliament to listen to the people, the bankers, and the constitution.

NAB SECRETARIAT