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# Resolving Competition Jurisdiction in Uganda's Communications Sector

The Jurisdictional Interface Between  
the Uganda Communications  
Commission and the Ministry of Trade

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Uganda’s communications sector, one of the fastest-growing industries in the country, **currently** operates under a dual competition framework: the sector-specific Uganda Communications (Competition) Regulations, 2019, and the general Competition Act, Cap. 66. This duality raises questions about jurisdiction, particularly when competition complaints involve licensed communications operators.

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## Background:

Uganda’s communications industry is one of the fastest-growing sectors of the economy. Under the regulatory oversight of the Uganda Communications Commission, and in line with the statutory definition of “communications” in the Uganda Communications Act, the sector covers telecommunications, data communications, radio communications, postal services, and broadcasting.

Notably, the communications sector has long operated under a sector-specific competition regime and arguably hosts Uganda’s oldest functional competition law instrument, the **Uganda Communications Act Cap. 106** and the **Uganda Communications (Competition) Regulations, 2019**. Since their enactment, these laws have played a significant role in shaping market conduct within the sector. The Commission has been commended for their enforcement in notable matters such as *Ubuntu Towers Uganda v. American Towers Corporation & Airtel Uganda* and *Vas Garage Limited v. MTN Uganda*, where competition principles were tested within the communications landscape.

For many years, competition regulation in Uganda relied largely on sector-specific frameworks. This changed in 2023 with the enactment of Uganda’s first cross-sector market competition statute, the **Competition Act Cap.66**, followed in 2025 by the **Competition Regulations, 2025**. This new legal regime ushered in a broader era of economy-wide market regulation, while sector-specific competition frameworks such as those governing communications remained in force.

The coexistence of sector-specific competition rules and a general competition law framework raises important regulatory and institutional questions. In a jurisdiction where competition law is still relatively novel, can regulators clearly define and respect their jurisdictional boundaries? Are they adequately empowered both legally and institutionally to cooperate and coordinate in matters that require concurrent oversight?

This article interrogates these questions, examining the interaction between sector regulators and the general competition authority, and proposes a forward-looking framework for regulatory clarity, institutional cooperation, and coherent competition enforcement in Uganda’s evolving market landscape.



## Jurisdictional Conflict:

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While **Sections 5 and 6** of the **Competition Act, Cap. 66** are non-obstante provisions establishing the supremacy of the Act in matters of competition enforcement, **Section 8(c)** expressly envisages that the Act should operate harmoniously with other enactments.

Further, **Section 7** places the mandate upon the Technical Committee on Competition and Consumer Protection to eliminate practices that have adverse effects on competition and to promote and sustain competition in the market in order to protect consumer interests. Undoubtedly, the Act confers an exceptionally wide mandate upon the Ministry of Trade.

However, although Uganda has a designated market regulator under the *Competition Act* namely, the Ministry of Trade the Communications sector is also governed by the *Uganda Communications Act* and the *Uganda Communications (Competition) Regulations, 2019*, both of which are expressly designed to promote and enhance competition within the communications sector.

The underlying tension between the two regulatory regimes stems from **Section 52** of the **Uganda Communications Act** and **Regulation 3** of the **Communications (Competition) Regulations, 2019**, which vest in the Uganda Communications Commission the responsibility “to promote, develop and enforce fair competition in the communications industry.”

Moreover, a reading of **Section 53** of the *Uganda Communications Act* together with **Regulation 6** of the *Communications (Competition) Regulations* makes it clear that matters relating to “*monopolistic, restrictive or unfair trade practices*” within the communications sector fall within the jurisdiction of the Uganda Communications Commission.

The ultimate question, therefore, is whether this sector-specific statutory mandate conferred upon the Uganda Communications Commission can override the broader, economy-wide jurisdiction granted to the Ministry of Trade under the *Competition Act*.

Put differently: **where a holder of a licence issued by the Uganda Communications Commission raises a competition-related complaint, should such a matter be filed before the Ministry of Trade as the general market regulator, or before the Uganda Communications Commission as the sector-specific regulator? And which of the two properly exercises first-instance jurisdiction?**

## **Approach to the Jurisdictional Conflict: Judicial Approach**

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The question of jurisdiction between sector-specific regulators and general competition authorities in the communications and telecommunications sectors is not unique to Uganda. Several jurisdictions have grappled with determining which regulator takes jurisprudential precedence where statutory mandates appear to overlap. In some instances, this uncertainty has triggered protracted litigation, with courts compelled to delineate the contours of regulatory authority.

A benchmark example is the approach adopted in India. In the landmark decision of ***Competition Commission of India v. Bharti Airtel Limited & Others [Civil Appeals No(s) 11843 of 2018]***, the Supreme Court of India addressed the jurisdictional interface between the Competition Commission of India (CCI) and the Telecom Regulatory Authority of India (TRAI). The Court crafted a demarcation of roles. It held that where issues are primarily technical and sector-specific the sector regulator must first examine and determine those matters within its statutory mandate. Only after such determination, and where findings disclose potential anti-competitive conduct, may the jurisdiction of the general competition authority be invoked.

In effect, the Court maintained regulatory equilibrium. It neither ousted the jurisdiction of the competition authority nor subordinated it entirely to the sector regulator. Instead, it established a sequential approach: sectoral determination first; competition assessment thereafter, where warranted.

The background of the Indian Supreme Court decision in the Bharti Airtel case was that one of the parties to the suit, Jio in 2019 filed a complaint with the India Competition Commission (CCI) against against Bharti Airtel, Vodafone, and Idea under the Indian Competition Act, alleging cartel formation by these three telecom operators and claiming that they were involved in anti-competitive practices.

Further, Jio filed an application before the Telecom regulator to monitor the conduct of Incumbent Dominant Operators (IDOs) and Cellular Operators Association of India. While CCI in the above matter ordered an investigation, the same was challenged before the Bombay High Court. The Bombay High Court held that CCI had no jurisdiction in the matter and that the matter should be referred to the Telecommunications regulator, which is technically equipped to deal with the telecom sector.

Being dissatisfied with the decision of the High Court, CCI challenged the impugned order before the Supreme Court by way of a Special Leave Petition. In a pathbreaking judgement, the Supreme Court in the matter dismissed the appeals filed by CCI and Jio and upheld the decision by the Bombay High Court, resolving the long-existing turf for predominance between the cross-regulator, CCI, and the sector-specific telecommunications regulator.

Court noted that;



*We are of the opinion that as the TRAI (Telecom Regulator) is constituted as an expert regulatory body which specifically governs the telecom sector, the aforesaid aspects of the disputes are to be decided by the TRAI in the first instance. These are jurisdictional aspects. Unless the TRAI finds fault with the IDOs on the aforesaid aspects, the matter cannot be taken further even if we proceed on the assumption that the CCI has the jurisdiction to deal with the complaints/information filed before it.*

*We, therefore, are of the opinion that the High Court is right in concluding that till the jurisdictional issues are straightened and answered by the TRAI which would bring on record findings on the aforesaid aspects, the CCI is ill-equipped to proceed in the matter..... If the CCI is allowed to intervene at this juncture..... there may be a possibility that the two authorities, namely, TRAI on the one hand and the CCI on the other, arrive at a conflicting views. Such a situation needs to be avoided.*



Bringing the analysis back to Uganda, and drawing from the reasoning in the Bharti Airtel Case, a compelling jurisdictional argument can be advanced in favour of sectoral primacy.

The Uganda Communications Act, as a sector-specific law establishes the Uganda Communications Commission (UCC) empowered to retain primary and potentially exclusive jurisdiction over the telecommunications sector including matters touching on competition within that sector.

The Ministry of Trade's mandate under the Competition Act, being of general application across markets, would not displace the sector-specific authority granted to the UCC in the first instance. Rather, issues concerning anti-competitive conduct by telecommunications licensees would properly fall within the technical and regulatory competence of the UCC before any broader competition considerations arise.

The UCC's mandate extends beyond mere technical supervision; it encompasses market oversight, licensing control, tariff approval, interconnection regulation, and the prevention of anti-competitive practices within the communications industry. Where a complaint arises against a licensee concerning alleged abuse of dominance, discriminatory pricing, or exclusionary conduct, such matters are intrinsically linked to sector regulation. Consequently, it may be argued that the UCC exercises primary and in practical terms, exclusive jurisdiction at first instance.

This interpretation supports the view that, at least at the preliminary stage, jurisdiction vests exclusively in the UCC to interrogate market structure, interconnection disputes, dominance, pricing practices, and other sector-specific competition concerns. The Ministry's role would therefore be secondary or residual, and not immediate, where the dispute arises squarely within the regulated communications space.



## Looking at the future:

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Taking a futuristic view of Uganda's evolving competition landscape, it is inevitable that jurisdictional tensions may surface particularly where competition complaints involve entities licensed and supervised by the Uganda Communications Commission (UCC).

Given that Uganda's competition regulation framework is still relatively new, the contours of authority between sector regulators and the general competition regime are likely to be tested through practice, interpretation, and possibly litigation.

In sectors such as telecommunications and broadcasting, where technical regulation and market conduct oversight intersect, disputes may arise as to whether the UCC retains primary jurisdiction or whether the competition authority framework should take precedence. Without structured coordination, such overlaps risk creating regulatory uncertainty, forum shopping, and delays in enforcement.

A sustainable solution lies in institutional comity, structured referrals, and coordinated decision-making. Comparative jurisprudence offers guidance.

Uganda's Competition Act appears to anticipate potential overlap by the Ministry of Trade and Sector Specific regulators. The framework allows for concurrent consideration of matters and establishes a coordination mechanism under **Section 8(c)**, whereby the Ministry of Trade is mandated to revert on references made by regulators concerning competition issues arising within their domain. This statutory arrangement reflects a deliberate policy choice to prevent regulatory fragmentation.

By virtue of **Section 8(c)**, it is therefore safe to conclude that Uganda's regulatory architecture is deliberately structured to facilitate comity and functional coordination between the Ministry of Trade and the UCC in matters of competition enforcement. If operationalized in good faith, this framework can serve as a model for coherent multi-sector regulation, ensuring both effective market oversight and legal certainty for regulated entities.

## Conclusion:

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To strengthen competition in Uganda's communications market, it is imperative that the Ministry of Trade, Industry and Cooperatives and the Uganda Communications Commission (UCC) operate within a framework of structured cooperation and continuous consultation. This is particularly critical in light of the emerging statutory architecture, which presents potential overlaps and tensions in jurisdiction between the general competition regulator and sector-specific regulators.

In order to avoid protracted and costly litigation arising from jurisdictional conflicts, deliberate reliance should be placed on **Section 8(c)** of the **Competition Act**. This provision, though modest in appearance, can serve as a strategic mechanism for institutional coordination. It provides the Competition Authority with a legal basis to cooperate with other bodies responsible for promoting and regulating competition.

While the wording of **Section 8(c)** appears, at first glance, to contemplate cooperation primarily with regional competition regulators such as the East African Community Competition Authority and the COMESA Competition and Consumer Protection Commission, a closer and purposive reading reveals broader scope. The inclusion of the phrase “or any other law, to promote and regulate competition” expands its ambit beyond regional frameworks.

The expression **“any other law”** can reasonably be interpreted to include domestic legislation such as the Uganda Communications Act and its attendant Regulations, where such laws confer competition-related oversight powers on sector-specific regulators. In this sense, the provision creates room for harmonisation rather than rivalry, and coordination rather than conflict.

A purposive and harmonised interpretation of **Section 8(c)** therefore offers a pragmatic pathway for aligning the mandates of the Competition Authority and the UCC, ensuring regulatory coherence, strengthening enforcement efficiency, and ultimately fostering a more competitive and predictable communications market in Uganda.



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