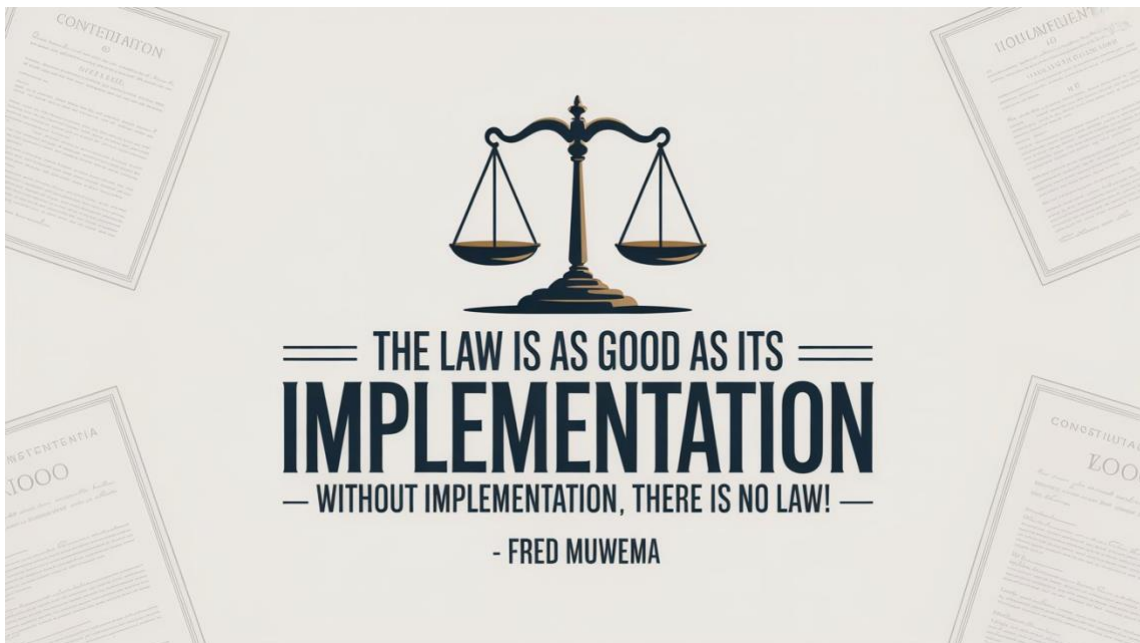


Legal Watch

Written: 28th April 2026

THE PROTECTION OF SOVEREIGNTY BILL: THE FIRST AGENT OF A FOREIGNER



The title, “Regulating Foreign Influence Without Stifling Growth” which captioned the article of the learned Attorney General, published in the New Vision Newspaper on 21st April 2026, correctly captures the assumed legislative intent of the Ugandan Protection of Sovereignty Bill 2026. The article does better than the explanatory memorandum of the Bill by acknowledging that foreign influence is inevitable, adding that it cuts both ways and that it can be good or bad.

Unfortunately, the flavor of the article is stymied by the fact that the Bill is overly broad in its configuration, to the extent that even if it had defined foreign influence (which it doesn't), it would still be difficult to distinguish the good, the bad and the ugly. This often-familiar pattern in our law making process should not surprise as we are yet again faced with another Government Bill contorted by obliqueness and inconsistency.

Due to its latent vagueness, one can argue that the Bill has already succumbed to the very mischief of foreign influence which it seeks to prevent. Because of its mosaic plagiarism of key aspects from a foreign law, the Bill can be cited for being under the direction and control of foreign influence in the development of a Government policy.

A careful scrutiny of the Bill, reveals that the fundamental definition of "agent of a foreigner", was copied from the **Georgian Foreign Agent Registration Act 2025**. This law defines an "agent of a foreign principal" as;

"A person acting as an agent, representative, employee or servant of a foreign principal, or any other person acting at the direction, request, instruction or control of a foreign principal, or an agent, representative, employee or servant of such person, or any other person acting at the direction, request, instruction or control of a foreign principal, and whose activities are wholly or substantially supervised, managed, controlled, financed or subsidized by the foreign principal, directly or indirectly..."

In Clause 1 of the Ugandan Bill, an "agent of a foreigner" which is essentially the same nomenclature as an "agent of a foreign principal", is defined as;

"a person who acts as an agent, representative, employee, or servant of a foreigner, 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."

From the above comparison, it is clear that our Bill has a past tense intonation making a synonym displacement of the adjective "principal" to try and give an "original look" to the noun phrase "agent of a foreigner". But in actual fact, the definition of an "agent of a foreigner" is a copy of the phrases and sentence structure of the Georgian law, making any omissions or rearrangements, insignificant.

Furthermore, the requirements for registration of an agent of a foreigner in Uganda, which include the details/status of the Applicant, nature and amount of income the Applicant has received in the past 60 days etc. are also adopted from and crafted in the same language, text and order of the Georgian law.

Plagiarism of any kind is unacceptable. In legislative drafting, it undermines legal authenticity and integrity. While drafting may often involve adopting “common pool language” from existing model Acts, directly copying unique, creative drafting from another Act without attribution, is wanting.

Whereas the Bill makes cross reference to the Constitution, **Anti-Money Laundering Act Cap 118**, **Diplomatic Privileges Act Cap 185** and the **Public Finance Management Act Cap 171**, it does not credit the **Georgian Foreign Agent Registration Act**.

Either way, the Bill has become the first agent of a foreigner proscribed under itself. If the Bill was made law today, its authors who are natural persons would be sanctioned for being agents of a foreigner, engaging in an activity influencing the development of Government policy. It should be noted that the definition of a person under the Bill, which includes a natural person, neither exempts nor excludes the Bill authors.

We are therefore disagreed with the learned Attorney General, that the scope of the Bill is clearly defined. In our considered view, the Bill is capable of having more than one interpretation in its scope of application, which speaks to the acute conceptual ambiguity it suffers. It is fundamentally lacking in the 3 Cardinal “Cs” of legislative drafting ie. clarity, conciseness and coherence.

We maintain that even if the Bill had borrowed the good parts of the Georgian law to provide for exemptions on registration of agents for persons engaging in private and non-political activities to develop bonafide trade with foreigners, it would still be caught in the web of foreign influence.

Foreign agent laws in all jurisdictions tend to have a chilling effect on civic rights. The more moderate and progressive foreign agent laws which have gained a level of acceptance, have been anchored on transparency, accountability and tangible redress mechanisms to safeguard civic rights. The Ugandan Bill is deficient in this critical element.

Apart from Uganda which recently tabled the Bill on 13th April 2026, the Czech Republic tabled its Foreign Agents Bill in March 2026 and it has faced a lot of strong public criticism. This has forced the Government to shelve it.

By last week, the Ugandan Bill had also generated a 47,000 strong but largely negative comment volume, across the three major social media platforms of Facebook, X and TikTok. This metric is expected to grow as the public debate rages on.

The Georgian law which we are borrowing from, was also greeted with wide spread agitation forcing its withdrawal in 2023. This led to its reintroduction and enactment in 2025. However the Venice Commission, the Council of Europe’s Advisory body on

Constitutional matters concluded that this law failed to meet the requirements of legality, legitimacy and necessity in a democratic society and strongly recommended its repeal.

As of early 2026, the Canadian law, the Foreign Influence Transparency and Accountability Act, which was assented to in June 2024, had still not been implemented due to several overlapping challenges. If a first-world country with strong institutional structures is facing challenges with the enforcement of its foreign agent law, is a developing country like ours poised to do better?

There is no doubt that we have created an unnecessary problem for ourselves by rushing this Bill. Picking a cue from Albert Einstein, we cannot solve this problem with the same thinking we used to create it. We therefore need a wider stakeholder consultation to come up with a law which meets our jurisdiction specific standards of legality, legitimacy and necessity.

A law is as good as its implementation, without implementation there is no law. Therefore, a good law must appeal to the felt needs of the society, otherwise its implementation will lay in jeopardy.

The learned Attorney General quoted from the 1624 prose work of John Donne, "Devotions Upon Emergent Occasions - Meditation XVII" for the proposition that no Nation is an island, entire of itself. We construe this to mean that it is undesirable, if not impossible to do away with foreign influence.

The legal test is whether we can achieve a public interest definition of bad foreign influence which undermines our sovereignty so that we can legislate to keep it out.

As a country, we are not an island, entire to ourself. We need devotion upon this emergent occasion to protect our sovereignty by ensuring that any new law we make in this regard, yields to the existing Constitutional order and legal regime. This should be our collective bond.

The reality is that foreign influence is the primary driver of globalization. It is increasing interconnectedness of economies, people and culture across the world while eroding the traditional state autonomy as we know it. So it can threaten the status quo and is not easy to legislate against, but the present Bill makes it harder.

In the meantime, we shall do well to consider tackling the mundane problems of public maladministration, corruption and the hegemony of an extractive international economic system which pose a greater threat to our sovereignty, than the primed agents of foreigners, the Bill is targeting.

This article was prepared by:



Fred Muwema

Founding Partner M&Co



Adiro Rachel Peace

Research Assistant



Maria Faith Aliba

Research Assistant

This publication has been prepared as general information on matters which it concerns, and does not constitute professional advice.

Contact Us: Muwema & Co Advocates | Plot 40 Nakasero Road | P.O. Box 6074 Kampala, Uganda | Website | www.madvocates.com | Email: info@madvocates.com