Sovereignty Confiscated

There is a proverb, often recited but rarely understood: what the eye sees can deceive the mind, but what the mind refuses to question will govern the future. It is an uncomfortable truth that nations, like individuals, are sometimes most vulnerable not when they are blind, but when they are convinced, they can see clearly.

The proposed Protection of Sovereignty Bill, 2026 arrives clothed in the language of patriotism; measured, deliberate, almost noble. Its stated intention is simple enough: to shield Uganda from undue foreign influence, to ensure that national decisions are not quietly engineered by external actors whose interests may not align with those of the Republic. On its face, this is not only legitimate; it is necessary. No serious state abdicates its sovereignty willingly. No prudent government ignores the subtle ways in which influence travels; through funding, through policy advocacy, through seemingly benign partnerships.

And so, the first question must be asked honestly: who does this Bill benefit? At its most charitable reading, it benefits the State; by strengthening its oversight, by centralizing its awareness of foreign influence, and by placing boundaries on financial flows that may distort national priorities. But the deeper question, the one that must not be avoided, is whether strengthening the State in this manner necessarily strengthens the people. For sovereignty, as enshrined in the Constitution, does not belong to the State as an abstract entity; it belongs to the people, from whom all authority is derived.

This is where the Bill begins to shift from intention to consequence.

The Constitution of the Republic of Uganda is explicit under Article 1: all power belongs to the people and shall be exercised in accordance with the Constitution. Any legislative framework that substantially alters the manner in which citizens engage with external actors, participate in national discourse, or interact with global institutional systems must therefore be evaluated not merely as a regulatory instrument, but as a restructuring of how sovereignty itself is exercised. Where regulation begins to shift decision-making authority from citizens toward administrative gatekeeping structures, the constitutional character of sovereignty risks quiet transformation.

Where legislation materially affects the architecture through which citizens exercise sovereignty; including participation in civic engagement structures involving international partnerships; there arises a legitimate constitutional question whether such reform falls within the category of structural constitutional change contemplated under Article 255, requiring direct popular approval.

A law that begins by protecting sovereignty but arrives by displacing it is not a shield; it is a substitution.

Yet it would be intellectually dishonest to dismiss the Bill entirely. That would be the easy path, and perhaps the most popular one. But good lawyering; and indeed good

nation-building; requires more than reaction; it demands discernment. The world has changed. Influence is no longer exerted through overt political control but through more sophisticated channels: development financing, policy advisory, civil society engagement, and economic leverage. In this sense, the instinct behind the Bill is not misplaced. The State is not wrong to seek visibility, to seek control, to seek assurance that its trajectory is not being quietly redirected.

But instinct is not architecture. And this Bill, in several respects, reveals the dangers of building a structure on instinct alone.

Consider, for instance, the seemingly precise but deeply problematic limitation imposed under Clause 22, which caps foreign funding at approximately UGX 400 million within a 12-month period. At first glance, this appears to be a rational control mechanism; a ceiling to prevent excessive dependency. But the modern economy does not operate within such neat numerical confines. A single infrastructure feasibility study, a modest tourism development project, or even a mid-level institutional grant can exceed this threshold several times over without constituting undue influence.

The problem here is not merely that the threshold is low; it is that it misunderstands scale. It assumes that influence is a function of volume alone, when in reality influence is often embedded in structure, in conditionality, in long-term engagement; not in the size of a single transaction. By reducing a complex phenomenon to a numerical cap, the law risks achieving the opposite of its intent: it will deter legitimate capital while failing to detect sophisticated influence.

In practice, this clause does not regulate influence; it fragments it. It encourages the structuring of funding into smaller, less visible streams, thereby pushing activity into less transparent channels. In attempting to control the visible, it may well incentivize the invisible.

Equally troubling is the Bill's expansive interpretation of who constitutes a "foreigner." In its current form, the term stretches beyond its ordinary meaning and begins to capture Ugandans in the diaspora; citizens whose only "foreignness" is their residence abroad. This raises a question both simple and profound: why are Ugandans residing in "outside countries" defined, even within a statutory scheme, as foreigners?

An argument may be advanced that definitions within an Act operate only for the purposes of that Act, and that such classification does not, in strict terms, deprive diasporans of their citizenship. That is legally correct, but constitutionally incomplete. Citizenship under Articles 9, 10, 12, 13, and 15 is a legal status, not a geographical condition. Ugandans residing abroad remain citizens unless citizenship is formally renounced in accordance with constitutional procedure. Dual citizenship is expressly recognized. A statutory framework that treats citizens abroad as foreigners solely by reason of residence risks introducing a classification inconsistent with the constitutional structure of citizenship itself.

Can statute, even indirectly, erode what the Constitution so deliberately defines?

Where two Ugandan citizens are treated differently purely on the basis that one resides within Uganda and the other outside it, there arises a legitimate constitutional concern under Article 21 on equality before and under the law. Regulatory distinctions based on residence must therefore meet the threshold of necessity, proportionality, and constitutional justification.

A nation that begins to treat its own people as external risks more than confusion; it risks alienation.

This concern is not merely theoretical. It manifests in practical, almost human terms. Consider the ordinary diasporan who remits funds to support family, to invest, or to contribute to community development. Where are the claimed exceptions for private and commercial remittances clearly provided for within the framework? Will the ailing mother of a diasporan not be required, under Clause 21, to declare the source of remitted funds to the Minister, and under Clause 25, to produce such declaration to her financial institution before accessing those funds?

At that point, regulation ceases to be abstract; it becomes personal. It moves from policy into lived experience. And when law begins to impose procedural burdens on the most ordinary expressions of familial support, it risks crossing the line from governance into intrusion.

There is also a deeper constitutional dimension. Freedom of expression and freedom of association, protected under Article 29, extend to participation in civic discourse, policy engagement, research collaboration, and institutional partnerships. Where external engagement by citizens becomes subject to prior regulatory suspicion rather than transparent, disclosure-based oversight, there is a risk that constitutional freedoms shift subtly; but significantly, from rights to permissions.

Similarly, Article 40 guarantees the right of persons to practice their profession and to carry on any lawful occupation, trade, or business. Diaspora participation in investment, enterprise formation, institutional support, research collaboration, and capital mobilization forms part of this economic agency. A framework that indirectly restricts such participation by reclassifying citizens as foreign actors risks constraining constitutionally protected economic activity.

There is also a quieter, less discussed dimension to this Bill; one that does not immediately reveal itself in the clauses but emerges upon closer reflection. It is the question of practicality. Laws do not operate in theory; they operate in systems, through institutions, administered by individuals, within existing constraints. The Bill assumes a level of administrative capacity, regulatory coherence, and inter-agency coordination that, if we are candid, does not yet exist in sufficient measure. Compliance regimes of this nature are complex, data-intensive, and resource-demanding. Without the necessary infrastructure, they do not produce order; they produce discretion. And discretion, when unbounded, is the most subtle form of uncertainty.

It is in this space that businesses hesitate, investors withdraw, and institutions become cautious; not because they are unwilling to comply, but because they cannot predict how compliance will be interpreted.

The timing of the Bill introduces an additional layer of concern. Legislative legitimacy is not only derived from content but from process. Where Parliament is not fully constituted or where its mandate is in transition, the passage of a law of this magnitude raises legitimate questions about representativeness and procedural integrity. Law, especially one that touches the core of national sovereignty, must not only be done; it must be seen to be done properly.

And yet, even in its most contested form, the Bill offers an opportunity; if only we are willing to see it. It forces a national conversation that has long been avoided: how does Uganda engage with the world on its own terms? How does it attract capital without surrendering control? How does it regulate influence without stifling participation? These are not easy questions, and they do not admit easy answers.

What is missing in the current formulation is not intention, but balance. Sovereignty and openness are not mutually exclusive; they are interdependent. A nation that closes itself in the name of protection may preserve its autonomy but lose its momentum. A nation that opens itself without guardrails may gain growth but forfeit direction. The art lies in calibrating both.

A constitutionally aligned path forward is neither rejection nor blind adoption, but refinement. It lies in distinguishing clearly between foreign actors and Ugandan citizens abroad; in adopting transparency-based disclosure thresholds rather than rigid participation ceilings; in safeguarding diaspora investment as an integral component of national economic sovereignty; and in ensuring that regulatory frameworks strengthen accountability without weakening constitutionally protected freedoms.

To declare this Bill entirely bad would be an overstatement. To pass it in its current form would be a miscalculation.

History offers quiet precedents. Laws passed in urgency often outlive the circumstances that created them, but their consequences endure. The most effective legal frameworks are not those that react to the present, but those that anticipate the future without constraining it.

If this Bill passes as it stands, its impact will not be immediate in its severity, but gradual in its reach. Investment will not collapse overnight, but it will hesitate. Partnerships will not disappear, but they will become cautious. Innovation will not cease, but it will relocate. And slowly, almost imperceptibly, the very sovereignty the law seeks to protect may be weakened; not by foreign actors, but by the unintended consequences of its own design.

In the end, sovereignty is not a possession to be guarded jealously; it is a responsibility to be exercised wisely. It resides not in the hands of the Executive, nor in the text of a statute, but in the collective agency of the people.

And any law that seeks to protect it must begin; and end, there.

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