

The ruling National Resistance Movement (NRM) has vowed to use its overwhelming majority to pass the Protection of Sovereignty Bill, which has been branded as a tool the Museveni regime intends to use to further curtail critical civil society, freedom of expression, and academia. **Derrick Kiyonga** interviewed NRM's head of legal, Enoch Barata, about the Bill. Excerpts:-

#### What is the spirit behind the Bill in question?

The spirit behind the National Sovereignty Bill is the protection of the sovereignty of Uganda against foreign influence. So, it has nothing to do against people inside [Uganda]. It is saying protect our policies, our processes, our State, and culture, and social wellbeing from undue or negative foreign influence. So that's the general basis. Now, I have seen people arguing about the word 'sovereignty', and I think they are taking it out of context. We know that the citizens of Uganda are sovereign in this country. So, the Bill is saying the people of Uganda must be allowed to exercise this sovereignty without negative foreign influence. They must be able to exercise their sovereignty without negative foreign influence.

#### What is negative foreign influence?

Negative foreign influence is that influence which seeks to usurp the sovereignty of Uganda, which seeks to take away the sovereign self-governance of the people of Uganda. When you look at the Bill, it talks about, for example, foreign policy and domestic policy. The idea is that the people exercising their sovereignty have elected a government, which government, including the three arms—the Judiciary, the Legislature and the Executive – formulate policy in the interest of the people who have elected them. However, when you have negative influence, it can tilt this influence and instead replace it with foreign influence. In this case, I can give you an example: if the government policy is to say let us stay away from Genetically Modified Organisms, right? But we know there is foreign influence that says that, 'no, for us we must push Genetically Modified Organisms' because they know they generated these genetics and, therefore, they will control your food market, they will control your feeding and, therefore, in the long run subject you to food dependence. That's a negative foreign influence because it directly concerns the interest of the sovereignty of Uganda.

#### Economic sabotage is one of the key crimes that have been introduced in this Bill. What exactly is it?

At some point, when this government had come in[to] power, they had brokered a deal with Tanzania where Uganda was to supply Tanzania with beans in exchange for transformers.

# 'Gross misrepresentation of Sovereignty Bill not helpful'

And somebody came up and told Tanzania don't give them transformers, we shall give you beans for free. That's economic sabotage. If somebody says, 'I am going to create a situation where your currency loses so much value that you adopt my country's currency as your main currency,' that can be economic sabotage. But economic sabotage is not the same thing as somebody standing up to say this economy is performing badly or the economic priorities are wrong. That is allowed. I have seen many people arguing that Ugandans will no longer be able to express themselves. It's intellectual dishonesty.

#### The section on economic sabotage talks about publication, and it can be given several interpretations by the State or the prosecutors, such that they imprison opponents of this regime. What's your take on that?

Let us begin from the top: What does the Bill introduce? The Bill introduces mechanisms for transparency, specifically for two categories of people: foreign principals and the agents of those foreign principals. Does the Bill say that foreigners can't do activities in Uganda?

Does it say that foreigners can't participate in the economic, social or other activities in Uganda? No, that's not what it says. It says you can, but please register with us. First of all, it defines for you who the foreign principal is. Who the agent of a foreign principal is, and then it introduces a regulatory regime which requires you, as a foreigner or agent of a foreign principal, to register.

Why are you registering? For transparency so that we can put our cards on the table and say: 'Here I am, I'm a foreigner or I'm an agent of the foreigner. I'm here, I have registered. All my activities are transparent, and you can see that all of them are positive and they are in line with Uganda's interests. And they are not undermining the sovereignty of Uganda.' So, who is penalised in the law? One of those two people: a foreigner or agent of the foreigner who participates in certain disruptive activities in the interests of the foreigner. Even those interests of the foreigner, when you read them in the Bill and put them in context, they are interests that are either intended to divert foreign policy, to divert domestic policy or to interfere with domestic systems. Whether using funding, whether usage of tech-

nology, it must be read in the context. The idea that it is taking away the right to expression, the right to associate, is completely wrong. And those propagating it are being dishonest.

#### Just a few weeks ago, Justice Irene Mulyagonja annulled both the amendments in the Computer Misuse Act and also criminal defamation. She emphasised that any law that introduces a prison sentence as punishment to a person who is enjoying freedom of expression and speech is unconstitutional. But the regime, in disregard of that judgment, is introducing a penalty of about 20 years for people who express themselves, saying it is economic sabotage. Your take?

I don't think that is necessarily what that ruling is about. The ruling criticised the law mainly in the method that judgement is about. Let us not misrepresent that ruling. You are talking about the ruling on the Computer Misuse Act. That one was about the lack of establishment of quorum in passing the Act, so we must be very clear. Yes, there are many other principles that should be discussed, but let us be very clear. What I have seen here is that everybody is misrepresenting this mostly on political lines. Let's assume for a moment these provisions are overbroad, this is a Bill of Parliament, and the appropriate thing is to say this is overbroad and this is a job of Parliament. Can we refine it and restrict it and bring it within reasonable means and align it with the constitutional framework of this country? And this is what has to be done.

#### People are saying of all the issues currently bedevilling Uganda, like the crumbling economy, the high unemployment rates among the young people, would this sovereignty legislation be the most critical legislation that the regime can come up with?

There are over 10 Bills being discussed in Parliament alone. So many of them. The idea that Parliament is discussing one Bill is a fallacy. Again, it is a misrepresentation, and I don't know to what end. Number two, are you saying everything should end until one thing is done? There is what we call prioritisation, and things must move. This is legislation; it must move and progress. And then, at the implementation [stage], it can be dealt with. So, we can't conflate many things and bundle [them] into one. I have seen people saying, 'Oh no, even our Judiciary is weak.' Even our institutions need to be strengthened, but how are you strengthening them with attendant legislation?

#### People in civil society insist that this law is meant to further curtail their funding...

No. This law is meant to have very clear visibility of their funding lines. This law is meant to enhance transparency. I have argued that transparency and accountability are a two-way street: The work of civil society organisations in demanding accountability of government institutions is very im-

portant and very much appreciated. So, it is good that they must demand and seek that accountability, but equally, they must be open to scrutiny. They must also be transparent in their activities. And that's the most important thing. Nobody is saying civil society organisations should no longer get funding or do x, y, z. We are saying if you are acting for a foreign agent, if you are acting for a foreign principal, then you are acting for a foreign principal. But then, register here so that we know what we are dealing with.

#### What does the concept 'acting for a foreign principal' mean?

If, for instance, you are a lobbyist and your job is to lobby foreign governments [...] The other day, we had the Anti-Homosexuality Act, and we saw what was happening. We saw how foreign entities were directly funding the promotion of homosexual activity and LGBTQ activities. In fact, up to now, they are still probably trying to fund it, and we are saying this is not who we are. This is not what we want, and we are a sovereign State. So, that's one of those areas where you are directly funding some people, and the people of Uganda are saying, 'This is not our priority.' You are directly acting against the sovereignty of the people of Uganda.

#### In academia, there are worries that the regime is going to use this law to arm-twist them to do the kind of research that favours them. How do you respond to this?

They fear that this law can be abused. [That] possibility exists in any other law, but do you say that because there is a possibility that the law barring theft will be misused, then we shouldn't legislate against theft? No, you legislate against theft, and then you provide a mechanism to address any excesses or any abuses. For example, you could have regulations, and the law provides for the making of the regulations. You could have regulations that the minister's decision or any other body would be appealable, for example, to a tribunal or to a High Court. These are mechanisms that can be put in place.

#### ABOUT THE BILL

Steps toward enacting a law that criminalises any Ugandan or legal entity dealing with foreigners without Cabinet approval were set in motion last week in Parliament with the tabling of the Protection of Sovereignty Bill, 2026.

For individuals, any Ugandan found guilty of engaging in activities such as soliciting, receiving, or obtaining assistance from a foreigner to sponsor or organise a meeting or function that promotes foreign policy not adopted by Cabinet will face 20 years in prison and a fine of Shs2b.



Mr Enoch Barata, the NRM director of legal services. PHOTO/COURTESY