

Sovereignty resides with the people

It is a buzzword, sounds intimidating, but sovereignty basically refers to the ultimate power over territory and the people inhabiting it. It refers to the exclusive authority of governing a nation that is not exercised by any external entity or actor.

In traditional societies, especially those under a monarchy as the system of government, the sovereign or the holder of final governing authority is the monarch – a king or queen, chief or some absolute ruler.

In modern societies, particularly those that espouse democratic governance and the tenets of the rule of law, rather than a powerful figure, the sovereign is the people who delegate their power to their chosen representatives.

Uganda's 1995 Constitution starts, in the first line of the very first Article, with an emphatic claim that could not have been clearer: "Power belongs to the people..." Critics have cast doubt on this provision, calling it a lie and insisting that power hardly belongs to the people, instead that it is the powerful, the rulers and other political and economic actors who wield the wherewithal necessary to influence the governmental landscape.

Since getting hold of the levers of State power in 1986, our current rulers have consistently argued that theirs is a government for and in accordance with the will of the people. That is, they govern through the popular mandate of the people. In a word, democracy.

Under this system, there are two sets of people – the principals and agents, the former are the bosses (the people), and the latter are members of government, representatives of the people, elected and unelected leaders holding offices at the different levels of government. Sovereignty belongs to the people; they are the sovereigns whose interests and aspirations find voice and articulation in their representatives and the agents who ex-

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Majority Report



ercise authority on their behalf.

Whatever these agents do, it must be for the good of the principals – the people. They choose who leads them. Laws, decisions and policies are made on their behalf. This all sounds great on paper, and in theory, the practice is a different ballgame.

There is a debate raging on the Ugandan political and civic circuit regarding something called 'Sovereignty Bill'. It is a proposed law now before a lame duck Parliament that is at the tail end of its tenure, yet poised to pass a most serious piece of legislation with grave implications for the rights and liberties of the people, the sovereigns.

The reality is that the sovereigns of Uganda are the ones rummaging through the law; it is not the people who initiated or were consulted and approved of a law that is against their interests and is instead intended to puddle the power calculations of the rulers.

The better brains on matters of law and governance have dispensed a great deal of ink in stripping bare the draconian thrust of the proposed legislation, so your columnist has nothing particularly useful to add more over on a subject of law over which I know close to nothing.

Over the years, MPs have become awfully slavish and pliant to the Executive, well, more specifically, the President. Thus, it is nearly a foregone conclusion that MPs will rubber-stamp yet another regressive piece of legislation that will add to a long list, which, taken together, is setting Uganda apart on a path of a truly repressive system of rule.

Arguably, the most egregious provision, which many commentators have singled out, is the attempt to declare as 'foreigners' Ugandans abroad whose financial remittances back to the country are a lifeline for individuals, families and whole communities, indeed critical to Uganda's overall macroeconomic wellbeing.

A Ugandan resident in Kampala is as bona fide a citizen as one based in Kigali. While the government may have a legitimate basis for seeking to regulate the flow of funds from abroad that may undermine national security or unduly interfere with the political processes, there is no sound ground for summarily and collectively criminalising citizens abroad and at home for sending and receiving money, even if the funds go to activities of legally established political groups.

There is a sense of shock and disbelief when the NRM government comes up with draconian draft legislation, quickly taken on by a rudderless Legislature. Yet, to be sure, it is all increasingly predictable and underscores the psychology of our rulers, the paranoia of ruling over a restless population and dealing with the fear of the possibility of a trigger point that could set in motion an unstoppable chain of change.

Unfortunately for our rulers, it is hard to sustain a system of repression, and they resort to draconian laws to beat down dissent and political disagreement.

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