

STATE CAPACITY AND COUNTER-TERRORISM MEASURES IN UGANDA

KATEETE JAMES

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DECLARATION

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DECLARATION

I KATEETE JAMES, hereby declare that this research report entitled "State Capacity and Counterterrorism Measures in Uganda" is my original work and has not been presented by anyone for the award of a degree in any other university or institution of higher learning.

SIGNATURE.....


DATE.....


APPROVAL

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APPROVAL

This Research Paper is submitted for the award of the Degree of Master of Arts in International Relations and Diplomatic Studies of Makerere University with my approval as University Academic Supervisor.

NAME: Associate Professor Kasaija Phillip Apuuli

SIGNATURE: 

DATE: 

DEDICATION

In Memory of my late Father Paul K Mukasa of Nantabulirwa, Goma Mukono District my
Wife and Children.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACP-Assistant Commissioner of Police

ACSRT- African Centre for the Study and Research on Terrorism

ADF – Allied Democratic Forces

AliR- Armee pour la Liberation du Rwanda (Army for the Liberation of Rwanda)

AMISOM- The African Union Mission in Somalia

AMLA- Anti-Money Laundering Act

APCOF- African Policing Civilian Oversight Forum

ASF- African Standby Force

AU-African Union

AU-RTF- Africa Union-Regional Task Force

CAR- Central African Republic

CBRN – Chemical, Biological, Radiological and Nuclear Regiment

CI- Crime Intelligence

CIID - Criminal Investigations and Intelligence Directorate

CMI- Chieftaincy of Military Intelligence

CP- Community Policing

CTC- Counter Terrorism Committee

CTIFT- Counter Terrorism Implementation Task Force

CWHRI- Common Wealth Human Rights Initiative

DRC – Democratic Republic of Congo

EAC- East African Community

EAPCCO- East African Police Chiefs Cooperation Organization

ESO - External Intelligence Organization

EUTM- European Union Training Mission

FATF- Financial Action Task Force

FDC- Forum for Democratic Change

GCTF- Global Counter-terrorism Task force

IGAD- Inter-Government Authority on Development

ICC-International Criminal Court

ICPAT- IGAD Capacity Building Programme Against Terrorism

IGP- Inspector General of Police

ICGLR- International Conference on the Great Lakes Region

ISO- Internal Security Organization

JATT- Joint Anti-Terrorism Task Force

JIC- Joint Information Centre

LRA- Lord's Resistance Army

MI- Military Intelligence

MIA - Ministry of Internal Affairs

MLA- Mutual Legal Assistance

MODVA- Ministry of Defence and Veteran Affairs

MONUSCO- United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

NALU- National Army for the Liberation of Uganda

NCTC- National Counter Terrorism Centre

NGOs- Non Government Organizations

NRM- National Resistance Movement

NURA- Northern Uganda Recovery Act

NSC- National Security Council

OAU- Organization of African Unity

OSBP- One Stop Border Point

PISCES- Personal Identification Secure Comparison System

SFP- Security Focal Points

SNA- Somali National Army

SWIFT- Special Wildlife Tourism Intervention Force

TCC- Training Centre in Communication

UPF- Uganda Police Force

UPDF- Uganda People's Defense Forces

UPDFA- Uganda Peoples' Defense Forces Act

UNLA- Uganda National Liberation Army

UN-United Nations

UN-DPA- United Nations Department on Political Affairs

UNSC- United Nations Security Council

CHAPTER ONE

1.0 Introduction

According to Whitaker, countries that experience international or domestic terrorism are more likely to comply with the UN international counterterrorism regime than those that are less threatened.¹ Given the history of violence and unrest in Uganda, this observation holds true. The United Nations Security Council (UNSC) Resolution 1373 (2001) requires member states to uphold international conventions on terrorism and put in place relevant domestic legislation to implement the agreements.² The Security Council has recognized the ratification and effective implementation of the universal anti-terrorism instruments as a top priority. On 28 September 2001, acting under Chapter VII of the Charter of the United Nations, it adopted resolution 1373 (2001), stating explicitly that every act of terrorism constitutes a “threat to international peace and security” and that the “acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations.” The resolution also requires all States to criminalize terrorist acts; to penalize acts of support for or in preparation of terrorist offences; to criminalize the financing of terrorism; to depoliticize terrorist offences; to freeze funds of persons who commit or attempt to commit terrorist acts; and to strengthen international cooperation in criminal matters. By 2002, Uganda had ratified a few of the international conventions on terrorism and enacted the Anti-Terrorism Act.³ The intention for ratification was to ensure that Uganda meets its international obligations (i.e. in pursuit of the objectives of the UN counter-terrorism regime) as well as to suppress acts of terrorism and provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism. Whitaker further notes that after the September 11th 2001 terrorist attacks, the more powerful states,

¹ B. Elise Whitaker, (July 2010), “Compliance Among Weak States: Africa and the Counter-Terrorism Regime,” *Review of International Studies* 36, no. 3 (2010): 639

² Ibid.

³ Peter Kagwanja (2006), “Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies,” *African Security Studies* 15, no. 3, p.78,

particularly United States, pressured weaker states to adopt the international counter-terrorism regime, pass domestic laws, share intelligence, and track individuals and groups involved in terrorism.⁴ Uganda complied with the international conventions on terrorism mainly because of its own terrorism threat posed by the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF), which had transnational links.⁵ The requirements of the international counterterrorism regime congregated with Uganda's interest to establish partnerships in the fight against terrorism. Uganda's counterterrorism measures comprise a combination of law enforcement (police, immigration, and customs), intelligence, military and, diplomatic approaches among others.

The arguments that realists put forth in their attempt to counter terrorism, recognize that realism is a theoretically broad category with numerous distinctions and variations. Michael Doyle, for example, describes realists as “the theorists of the ‘state of war’” who adopt three core assumptions: first, international politics takes place in a condition of anarchy; second, the main actors are independent sovereign states that recognize no higher power; and third, that “the lack of a legitimate international source of controlling authority means no restraint whether moral, social, cultural, economic, or political is sufficiently strong or general either to eliminate completely or to manage reliably conflicts of interest, prestige, or value.”⁶ The realists, are opposed to Liberal approaches and the theory is often depicted as presenting a deeply pessimistic account of international politics in which all actors are compelled to seek power in order to ensure their own survival and security.

⁴ B. Elise Whitaker, (2010), Compliance among weak states “Africa and the Counter-Terrorism Regime”, vol.36. No.3. p.639-662.

⁵ Ibid, p. 652.

⁶ Michael W. Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism* (New York: W. W. Norton, 1997), 45. In Brian C. Schmidt & Michael C. Williams (2008) The Bush Doctrine and the Iraq War: Neoconservatives Versus Realists, *Security Studies*, 17:2, 191-220, DOI: 10.1080/09636410802098990 <https://doi.org/10.1080/09636410802098990>, accessed 3rd March 2022

In all violent situations is the question of leadership, whereby the fact is that history relates all these acts to a lack of qualitative governance. Leadership is about influencing people so that they can accept one's ideas as their leader. Influence can be positive or negative, depending on the personality and capability of a given leader. As such the influence of most post-colonial leaders in Uganda has been negative and divisive, leading to the unending conflicts and the resort to use of violence to suppress some sections of community. Odhiambo, Ryan and Wilson defines leadership as an organizing element for the survival of any human community⁷. Their argument is that the existence of a society is immediately in jeopardy if there is no qualitative leadership. Certainly, the lack of qualitative leadership appears to be the main problem faced by Uganda since independence in 1962.

This is how post-colonial Ugandan leaders have conducted themselves. Uganda's political leaders have, since independence failed to build a consensus on which political institutions can be built to resolve political conflicts, short of physical force. However, the current regime headed by President Museveni remains a strong advocate of cross-border solutions to regional security issues, commendably sustained U.S counterterrorism struggles and revealed robust administrative will to apprehend alleged terrorists and disrupt terrorism activity along its borders.

Odoi contends that such strength is not a state monopoly entirely, but a means by which political groups seek to establish their supremacy over other competing political groups.⁸ This implies that when a group or groups is or are denied access to political and economic resources,

⁷ Odhiambo, G. Ryan, P., & Wilson, R. (2019) Destructive leadership in education: a transdisciplinary critical analysis of contemporary literature, *International Journal of Leadership in Education*, 24:1, 57-83, DOI: [10.1080/13603124.2019.1640892](https://doi.org/10.1080/13603124.2019.1640892)

⁸ Odoi T.F. (2009), *Politics, Ethnicity and Conflict in post-independent Acholi land, Uganda 1962-2006*, p.332

they resort to violent options, leading to upheavals and conflicts that have come to define the Ugandan state.

This study briefly explains the meaning of terrorism and counter-terrorism, and discusses the relationship between state capacity and counter-terrorism measures in Uganda since 1962. In terms of the capacity of the state, it analyses the opportunities, abilities / inability of the state to detect, protect, prevent and prosecute the individuals involved in terror attacks. The study looks at the opportunity and ability of non-state actors to rise up against the state itself, and the state's capacity to maintain its influence throughout the entirety of its territory, through military, administrative, bureaucratic and technological resources controlled by the government. It also explains the notion of state capacity focusing majorly on militaristic and bureaucratic approaches. Additionally, it assesses other push factors like economic conditions, poverty, marginalized groups that influence terrorism and violent activities. The study also assesses the technological abilities of state institutions in countering terrorism, advancing the argument that technologically Uganda needs to increase drastically in her technological capacity so as to manage, detect and counter terrorist threats especially those emanating from cyber involvement from both internal and external organizations.

Furthermore, the study argues that in contemporary times, unlike the past, Uganda ought to improve the social-economic welfare of its multi-ethnic population which if not handled carefully may lead to heightened tensions emanating from high poverty levels which may consequently breed violent criminal acts perpetrated by creation of class inequalities, ethnic differences, radical political groups and terrorist agents. It further argues that it is high time the government started to provide basic necessities/welfare for the populace especially the educated unemployed youth who are most highly targeted by these external terrorist groups' agents and other political forces, to join partisan politics because they have been frustrated by

the political system and so they are anxious to venture into new avenues of either revenge or personal aspirations. The study discusses the existing counter terrorism institutional framework at international/regional levels briefly and domestic institutional frameworks to unpack how terrorist threats are countered at all layers in relation to state capacity.

CHAPTER TWO

Historical Roots of Violence and Terror in Uganda

2.1 Uganda's Political History-Violence and Terrorism since 1962.

Sandler, while explaining the phenomena of terrorism as a political tool observes that political terrorism is “the premeditated use or threat to use violence by individuals or subnational groups to obtain a political or social objective through the intimidation of a large audience beyond that of the immediate victims”⁹ and at times, civilians are manipulated by either military, corporate or political components to play their prejudice and provoke hostility against each other.

Terrorism is commonly understood in the UN context to refer to acts of violence that target civilians in the pursuit of political or ideological aims¹⁰. In legal terms, though the UN has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal “sectoral” treaties relating to specific aspects of it define certain acts and core elements. In 1994, the General Assembly’s Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60, stated that terrorism includes “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes” and that such acts “are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them”.¹¹

⁹ Sandler, T. (2010), “New frontiers of Terrorism Research: An Introduction.” In the Journal of Peace Research. 54 (2): p. 203-213

¹⁰ Naureen, F. (2012) Meeting the Challenge: A guide to United Nations Counterterrorism Activities.

¹¹ The United Nations High Commissioner for Human Rights; Human Rights, Terrorism and Counter-terrorism, fact sheet No.32, p.5

In comparison, Parker and Sitter posit that violent terrorist situations occur around the world not so much in waves, but because terrorist actors are motivated differentially through four goal-oriented strains: socialism, nationalism, religious extremism or exclusionism. These underlying motivators are not chronologically sequential, i.e., one strain dies and a new one arises. Instead, they can work in parallel, and can occasionally overlap, to motivate different terrorist movements according to their needs¹².

The Security Council, in its resolution 1566 (2004), referred to “criminal acts, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act”.¹³ Similarly, terrorism, though a criminal act, entails the use of indiscriminate violence as a weapon of political expression, the motive or intention of the perpetrator of terrorism stands then apart from the ordinary criminal as they are driven by what they consider a higher goal and often acts against society as a whole and seldom against an individual¹⁴. In many jurisdictions, definitions of terrorism refer to the purpose for the threat or act, invoking a desire by the suspect to provoke ‘a state of terror in the general public, as a motivation for the act.

Former UN Secretary-General, Kofi Annan, defined terrorism as an act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organisation to do

¹² Tom P. & Nick S. (2016) The Four Horsemen of Terrorism: It's Not Waves, It's Strains, *Terrorism and Political Violence*, 28:2, 197-216

¹³ Security Council resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts - United Nations and the Rule of Law. Available at: <https://www.un.org/ruleoflaw/blog/document/security-council-resolution-1566-2004-on-threats-to-international-peace-and-security-caused-by-terrorist-acts/> . Accessed October 20, 2021.

¹⁴ Nyaundi M.K. (2014) How does the Implementation of Counter Terrorism Measures Impact on Human Rights in Kenya and Uganda? Doctor of Philosophy Thesis, University of Cape Town.

or abstain from doing any act".¹⁵ Annan further described terrorism as a deliberate use of weapons to kill innocent people, and which must be condemned and eradicated".¹⁶ Despite the differing positions as to what the fundamental definition of terrorism is at international community, there have been various attempts to define the concept further.

From the continental perspective, the OAU defined Terrorist 'acts' in its Article 1 (3) of OAU Convention on The Prevention and Combating of Terrorism, 1999 as:

"(a): any act which is a violation of criminal laws of a State Party and which may endanger the life, physical integrity or freedom of or cause serious injury or death to, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

(i): intimidate, put fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

(ii): Disrupt any public service, the delivery of any essential service to the public or create a public emergency; or

(iii): create general insurrection in a State.

*(b): any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) to (iii)".*¹⁷

These definitions are applied to understand terrorism and counter-terrorism measures as applied in the African context, and more specifically in a view that, during political crisis's or periods of instability or even in political contestations in Uganda, both the government and its agencies as well as non-governmental groups and individuals, may from time to time resort to terror tactics to coerce the population into supporting their causes and even create fear among them.

In international relations, the above definitions certainly bring out a realist perspective where the state is motivated by national interests and thus any threat to peace cannot be

¹⁵ Botha, A. (2008) Challenges in understanding terrorism in Africa: A human security perspective. African Security Review, 17 (2), p. 28–41.

¹⁶ Ibid

¹⁷ Article 1 of the OAU Convention on the Prevention and Combating of Terrorism; supra note 26.

tolerated, in such circumstances the government of Uganda has not been nice to purported terrorist groups wherever they have been identified. Terrorism has been observed as an existential threat. The study thus discusses Uganda's counter terrorism frame work from a realist perspective and concludes that this ought to be revised and diversified to be a more holistic approach. Realists view all human beings as inherently seeking to increase their power regardless of the associated harm to human dignity as the view that world politics is driven by competitive self-interest.

Nevertheless, many terrorist activities that have occurred in the 20th century have not been associated with self-determination debates at all. Identified causes of terrorism have instead ranged from the entire spectrum of human discontent, including the economic, political, social, psychological, ideological, etc., with short or long-term goals, both objective and subjective, becoming the object of violence¹⁸.

The prevention or deterrence of terrorist acts committed by individuals, groups, or nations against other nations.¹⁹ Omelicheva, defines it as a blend of external and domestic strategies, which are intended to curtail activities of terrorists while protecting citizens from injury culminating in their actions.²⁰ Counter-terrorism therefore prevents and responds to any terrorist threats aimed at the state, its citizens and resources.

One of the post-independence political concerns in Uganda has been conflict and violence which have been very detrimental to national peace, stability and national unity. Despite her geographical size with little strategic or economic value in the context of global

¹⁸ Whittaker, D.J. (2004) Terrorists and Terrorism in the Contemporary World. Pg.33 Available at: https://books.google.co.ug/books/about/Terrorists_and_Terrorism_in_the_Contempo.html?id=SO2bSQ-ODIoC&redir_esc=y

¹⁹ Michael P. Scharf, (2004), Defining Terrorism as the Peacetime Equivalent of War Crimes: Problems and Prospects, 36 Case W. Res. J. Int'l L. 359 Available at: <https://scholarlycommons.law.case.edu/jil/vol36/iss2/7>

²⁰ Omelicheva. M., (2007) Counter Terrorism: The State Scholarship, Directions for Future Data Collection an Analysis', Perspectives on Terrorism vol. 1, No.2.

politics, Uganda has attracted considerable scholarly interest over the years because of her extraordinarily high level of political and civil violence which has marked the country's post-colonial history, particularly since 1971,²¹ estimates of deaths due to deliberate killings or factors related to violence range between several hundreds of thousands to one million.²²

Similarly, the Human Rights Watch annual report of 2012 observed that Uganda's move to offer military support in neighboring countries such as South Sudan and the Horn-of-Africa give Uganda long standing rivals a pretext in intervening militarily in other country's political affairs to protect their economic and security interests too.²³

Kannyo observes that, "persistent large-scale violence in any society inevitably raises questions about the nature and viability of the state, the character of political and social cleavages and conflict, and the coherence of the civil society".²⁴ This is evident with reference to the political and socio-economic implications of the violence which wracked Uganda for some decades. More so, acts of terrorism send mixed signals to the government with cumulative criminal acts that endanger human rights and with such acts like murder of prominent persons in the country, one may pose a question: How effective is the state interventions towards such cruel acts and what or where did we go wrong in ensuring national security?

First, by the 1950s the British colonial regime had become a lame duck²⁵ because as Uganda accelerated towards independence, the British lost effective power with their colonial

²¹ Amnesty International, (1983), *Political Killings by Government* (London: Amnesty International Publications, p. 44-49; Minority Rights Group, *Uganda and Sudan* (London: The Minority Rights Group.), Report No. 66; U.S. Committee for Refugees, *Hwanan Rig Ills in Uganda, the Reasons for Refugees* (Washington, D.C.: American Council for Nationalities Service,), in Kannyo. Edward, *Journal of Democracy*: Volume 15, No. 2, April 2004, p. 125-129

²² International Commission of Jurists, *Uganda and Human Rights* (Geneva: International Commission of Jurists, 1917): Jan J. Jorgensen. *Uganda, A Modern History* (London: Croom Helm Ltd., 1981) p. 315.

²³ Human Rights Watch (2012), "Curtailling Criticism: Intimidation and Obstruction of Civil Society in Uganda

²⁴ Kannyo, E. (2004), "Change in Uganda: A New Opening". *Journal of Democracy*: Volume 15, No. 2, p. 125-129

²⁵ Ibid

state having failed to serve as a factor of cohesion, despite its administrative judicial and coercive power.²⁶ While colonial rule bequeathed to Uganda the essential apparatuses needed to define a modern nation-state, it failed to reconcile the competing expectations of the different feudal and tribal societies that made up the territory of Uganda.

Generally, the people of the central region, Buganda, were viewed as collaborators,²⁷ in the colonization of Uganda. They made tremendous strides in developing their infrastructure, educational and other social services. This became a basis for other groups to resent and malign Buganda as a basis for failure of their political advancement. Buganda's demands for a special position in the post-independence period were seen as manifestations of a bogus superiority, which had to be subdued by the so-called republicans. To this day it has been difficult to sustain effective civilian administration in Uganda because of the problems in reconciling the interests of different regions and peoples. Even rational political demands such as creating a federation of autonomous regions were viewed as suspect because they were spearheaded by Buganda. Ugandan remains fragile, with tensions seething below the surface.

First, the origin of domestic terrorism can be traced to the precolonial period when different territories such as Bunyoro-Kitala Kingdom and Buganda Kingdom used terror tactics to conquer and subjugate each other. However, for the purpose of this discussion we will trace the origins of the current terrorism in Uganda to the 1960s when Milton Obote started consolidating his power at the expense of other ethnic groups, particularly those in the south.

The first major conflict happened after Uganda's independence in 1962 when Sir Frederick Mutesa II, the Kabaka of Buganda was elected (in 1963) as the first President of Uganda but the country was effectively run by the then Prime Minister Milton Obote since he

²⁶ Thompson, G. (2003) *Governing Uganda: British Colonial Rule and Its Legacy* (Kampala: Fountain Publishers), in Samuel Sejjaaka, *A Political and Economic History of Uganda, 1962-2002*. P. 98-100

²⁷ Turyahikayo Rugyema (1976), *The British Imposition of Colonial Rule on Uganda: The Buganda Agents in Kigezi (1908-1930)* in *Trans African Journal of History*, Vol.5, No.1, p. 111-133, Gideon Were Publications.

had all the executive powers. The Kabaka remained just ceremonial which prompted some of his royalists to start plotting how to dislodge Obote's leadership. In 1964 there was a referendum to decide whether the two counties of Buyaga and Bugangaizi (The Lost Counties) which Buganda had annexed should be returned to Bunyoro. The referendum was won by Bunyoro but Mutesa refused to sign the transfer instrument, thereby creating a crisis for the government. From that point onwards matters deteriorated rapidly. In 1966 the conflict between Obote and Mutesa reached a head. Obote sent troops led by Idi Amin to attack Mutesa's palace eventually Mutesa was forced to leave the palace and fled to Great Britain. This 'Uganda Crisis of 1966', as it came to be known, had an immediate and enduring political impact. Obote also used state security institutions to scare his political opponents; these included members of his cabinet, four of whom were arrested during a cabinet meeting. His new constitution, ratified in 1967, concentrated power in the Presidency and the National Assembly. This was quite an extreme political move as the new constitution was Obote's effort to solidify his rule, where he abolished all the kingdoms and other remnants of federalism in the country. It gave him powers of overreliance on military and police to terrorize his political opponents which later provoked hatred from southern Ugandans and it allowed Amin to build a following based on recruits from among his own Kakwa people. Early in 1971 Obote was overthrown in a coup led by Amin.²⁸

As earlier noted, Obote strengthened the military and state security apparatuses to enhance regime security at the expense of human security. While this enhanced his powers and promoted the interests of his Lango ethnic group, it alienated and marginalized other ethnic groups, even the neighboring Acholi. One of the key players in this quest for unbridled power was Idi Amin Dada, the army commander Obote used in the brutal clampdown of his

²⁸ Britannica T. (2021) "Milton Obote" Editors of Encyclopedia. Available at: <https://www.britannica.com/biography/milton-Obote>. Accessed 23rd August.

opponents. However, it was not long before Amin ousted Obote from power in 1971 and launched a reign of terror that claimed more than 300 000 lives.²⁹

Socially, the people were significantly devastated: the rate of official murders, torture and abductions became the order of the day for all types of crimes.³⁰ Amin's rule was characterised by rampant human rights abuses, including political repression, ethnic persecution and extrajudicial killings, as well as nepotism, corruption, and gross economic mismanagement. International observers and human rights groups estimate that between 100,000 and 500,000 people were killed under his regime.³¹

As Amin's rule progressed into the late 1970s, there was increased unrest against his persecution of certain ethnic groups and political dissidents, along with Uganda's very poor international standing due to Amin's support for the terrorist hijackers in Operation Entebbe.³² He then attempted to annex Tanzania's Kagera Region in 1978, so Tanzanian then President Julius Nyerere had his troops invade Uganda; they captured Kampala on 11 April 1979 and exiled Amin from power. Amin went into exile, first in Libya, then Iraq, and finally in Saudi Arabia, where he lived until his death on 16 August 2003.

After a series of transitional governments, an election was held in 1980. The elections brought Obote back to power.³³ Obote's second regime was no better than the first and was, in fact, said to have been as brutal as Amin's.³⁴ Obote is held responsible for much of the political and military terrorism, which characterized Uganda in the early years after

²⁹ Jonathan C. R and Alnar (1979) *The Washington Post*, , Democracy Dies in Darkness: Ugandans Wrestle with Complicity in Amin's Reign of Terror, <https://www.washingtonpost.com>, Accessed April 5 2021

³⁰ World Bank (1993a) *Uganda: Growing Out of Poverty* (Washington).

³¹ Collier, P. and Pradham, S. (1998) 'Economic Aspects of the Transition from Civil War', in H. B. Hansen and M. Twaddle (eds), *Developing Uganda* (London/Ohio University Press, James Curry). Cited in, Samuel Sejjaaka; *A Political and Economic History of Uganda, 1962-2002*, p. 5

³² Operation Entebbe was a successful counter-terrorist hostage-rescue mission carried out by commandos of the Israel Defense Forces (IDF) at Entebbe Airport in Uganda on 4 July 1976

³³ Akena Adoko (1994), *From Obote to Obote*. New Delhi: Vikas Publishing House, 1986; and Kenneth Ingham, *Obote: A Political Biography*. London: Routledge.

³⁴ Phares Mutibwa (1992), *Uganda since independence: A story of unfulfilled hopes*. Trenton, NJ: Africa World Press.

independence and did not rule peacefully as he was immediately confronted by dissatisfied political factions including a guerilla group led by the former Minister of Defence, Yoweri Museveni, who had lost the elections and protested that they had been rigged in favor of Obote. Similarly, due to high levels of brutality Obote had generated in his first term, many neutrals continued to oppose his second term. In February 1981, a rebel group, the National Resistance Army (NRA) led by Yoweri Museveni launched a people's protracted war in Luwero. There was also a rebellion in West Nile - identified as West-Nile Bank Front (WNBF) by Amin's remnants and another by Andrew Kayiira's Uganda Freedom Movement (UFM). It was Obote's reaction to the attacks by these groups that however made him more unpopular, and by 1985 his hold on power had been severely weakened to the point where he was easily overthrown by an Acholi military head, General Tito Okello.

However, Okello's rule was short-lived as Museveni's NRA took over the capital city Kampala in January 1986 and proclaimed him the new leader of Uganda. However, many more anti-Museveni groups emerged, among them the Uganda People Defence Army/Movement (UPDA/M) led by Odong Latek; the Citizens Army for Multiparty Politics (CAMP) led by Brigadier Smith Opon Acak; the Holy Spirit Mobile Forces (HSMF) led by Alice 'Lakwena' Auma; the West Nile Bank Front (WNBF) led by Juma Oris; the Uganda Salvation Front/Army (USF/A); the Uganda People's Army (UPA) headed by Peter Otai; the Uganda National Rescue Front II led by Colonel Ali Bamuze; the Allied Democratic Forces (ADF) led by Jamil Mukulu and Taban Amin, and the National Army for the Liberation of Uganda (NALU) led by Jafari Salimu.³⁵

³⁵ Wafula Okumu,(2007), Terrorism Studies and Research Program; Domestic Terrorism in Uganda, In Domestic Terrorism in Africa: Defining, Addressing and Understanding its Impact on Human Security. p 77-84

All these groups developed the same modus operandi of terrorism, kidnapping and murdering civilians to create fear in the local population and to undermine confidence in the government.

Furthermore, the origins of the LRA can be traced to these groups. Another factor that could explain the source of domestic terrorism in northern Uganda is ethno phobia and marginalization of the region from the rest of the country. The divide between northern and southern Uganda was glaring: southerners have iron-roofed homes, northerners lived in grass-thatched huts with no electricity or running water; the southern part of the country has fairly well-developed infrastructure, while the north has no tarmac roads.³⁶ During the colonial period northerners were treated as a source of cheap labour and recruits for the military, thus were denied the same access to education, government jobs and infrastructure as their southern counterparts enjoyed everything. The people of the two regions also belong to two distinct lingual-cultural groups of Bantus and Nilotics. The Bantus of western Uganda refer to the people from the north as *abanyamahanga* (foreigners) or *abadokori* (speaker of unintelligible language).

It has been the tragedy of Ugandan politics that violence became a solution of first rather than last resort, in which every violence has been justified since it is always embedded in a history of attacks and counterattacks, of suffering and vengeance. Odoi, rightly observes that,

“For twenty (20) years – (1986-2006) the Lord’s Resistance Army (LRA) under Joseph Kony and its predecessors like the Uganda Peoples Democratic Army under Odong Latek, the Holy Spirit Movement forces of Alice Auma Lakwena and the Holy Spirit Movement of Severino Lukoya waged a civil war against the government of Uganda and terrorized the civilian population of Guru, Pader and Kitgum. Neighbouring districts of Arua, Lira, Adjumani, Moyo, Yumbe in West Nile and Teso sub-region in eastern Uganda have also been affected”.³⁷

³⁶ Ibid

³⁷ T.F. Odoi. (2009), Politics, Ethnicity and Conflict in post-independent Acholi land, Uganda 1962-2006, p.332.

The northern part of Uganda remained in a state of political military strife and turmoil between 1986 and 2006, as one insurgent group or another (most vibrant being the LRA) rose to challenge the ruling NRM government in Kampala. The LRA is known for its brutality, routinely maiming and killing civilians, and abducting children for use as child soldiers, sex slaves and domestic workers³⁸. It is important to note that the LRA war against the Ugandan government can be seen as a proxy war by the government of Sudan to perpetuate insecurity in northern Uganda; the government of Uganda can also be observed as reciprocating by supporting the Sudan People's Liberation Army war against the government of Sudan.

Nankoma³⁹ highlighted that non-state actors, like the LRA in the northern part of Uganda and the ADF operating from the Uganda/Congo borders have also spread considerable measures of terror in Uganda since 1987. Besides its violent opposition to Museveni's government, the LRA led by Joseph Kony also categorized as 'a militant religious-cult rebel group', slowly turned Northern Uganda into a scene of violent conflict and terrorist activities in a war that spanned over two decades.

Since 1994, the LRA drove its war towards the civilian population in northern and eastern Uganda and, in the process, terrorizing the people as they destroyed lives and livelihoods in their path. The activities of the LRA also spilled over into parts of neighboring countries like the Democratic Republic of the Congo (DRC) and Sudan.⁴⁰

2.2 The Changing Nature of Terrorism in Uganda (New Age of Terrorism)

Many terrorist groups have been formed in Uganda since independence, some with clear objective and others without clear goals and objectives. According to the new terrorism

³⁸ Ibid

³⁹ Nankoma Phillis (2018) The Impact of Counter Terrorism On Human Security In Uganda, 2010-2015. Master's Thesis. School of Social Sciences, Nkumba University. Available at: [Nankoma-SOSS-MSS_2018.pdf \(nkumbauniversity.ac.ug\)](#) accessed: September, 2021.

⁴⁰ Ibid

model, “terror groups seek to kill and inflict pain on as many people as possible, whereas the old terrorism approach assumed that these groups were limited in their means as well as goals”.⁴¹ Terrorism today plays a vital role in social change and in order to protect the status quo, society uses terrorism as a way to reassert the importance of social norms in the lives of individuals, thus individuals see terrorism as a threat to the social equilibrium and their life in a functioning society.

In the current century, Uganda faces an unprecedented and increasingly dangerous threat from asymmetrical organizations. These groups have the potential to inflict unprecedented damage to Ugandan citizens, their property, and vital interests. The threat of terrorist violence is not a new phenomenon as earlier discussed, however, the threat from this enemy is significantly gaining momentum, with the global strategic environment changing so rapidly. Since the end of the Cold War, the nature of asymmetrical threats, terrorism in particular, has changed just as dramatically. Uganda’s history provides a foundation to examine this change, predict future trends, and identify the new breed of terrorism and the terrorists that will threaten Uganda’s security and interests.

The mid-and late 1990s have seen a rise in terrorism activities alongside those that predominately happened in northern Uganda. For instance, between 1997 and 2001 the ADF, a rebel group based in DRC also considered a terrorist group by the Uganda government, have allegedly been responsible for the bomb blasts in taxis and public buildings in urban areas of Uganda particularly, Kampala in which more than people were killed and more than 130 injured. Some suspects were held in safe houses.⁴² However, the Uganda Human Rights

⁴¹ Jeffery F. Johns, (1999), *The Changing Face of Terrorism*. Available at: https://ia903108.us.archive.org/13/items/DTIC_ADA364113/DTIC_ADA364113_text.pdf Accessed, March 10, 2021, p 9

⁴² Ibid

Commission (UHRC) and other non-governmental organizations criticized this process⁴³ because suspects were allegedly held for more than the constitutional 48 hours before being charged with a crime and were tortured. In 1998, the Uganda Salvation Front (USF) attacked Tororo prison and abducted several inmates. USF was a terrorist group that operated in Eastern Uganda but failed to garner popular support and most likely rejected by the population and local leaders.

However, due to their terrorist activities civilians suffered from abuses and the effects rendered communities vulnerable. Apart from its internal history of state-led violence and conflict with non-state actors, Uganda also shares borders with countries such as Sudan and the DRC which have suffered very prolonged conflicts. This has always had a spill-over effect, coupled with poor and inadequate border control, Uganda's vulnerabilities to terrorist intrusions are increased. For example, the terrorists' attacks that were carried out in Kampala on 11th July, 2010 at Kyadondo Rugby grounds and Ethiopian Village in Kabalagala created lasting pain and fear in the hearts of many Ugandans. Somalia's Al-Qaeda linked terror group Al-Shabaab claimed credit for the near simultaneous twin bombings that ripped through the Ugandan capital killing 76 and injuring at least another 85.⁴⁴ In fact, Uganda was the first country to deploy troops in Somalia under the African Union Mission in Somalia (AMISOM)⁴⁵ whose mandate is to support transitional governmental structures, implement a national security plan, train the Somali security forces, and to assist in creating a secure environment, however this mandate has been changing and Somalia no longer has transitional government

⁴³ Uganda Human rights commission monthly magazine Vol. VI No.2 June 2003

⁴⁴ Busher Joel (2014), Terrorism and Counter-terrorism in Sub-Saharan Africa. Journal of Terrorism Research, Pages 884-905

⁴⁵ (AMISOM) is an active, regional peacekeeping mission operated by the African Union with the approval of the United Nations Security Council.

for the delivery of humanitarian aid. Al-Shabaab, claimed responsibility for the blasts as retaliation for Ugandan support for AMISOM.⁴⁶

The Al-Shabaab, originally known as a clan-based insurgent in Somali was labelled as a foreign terrorist organization by the United States in March 2008⁴⁷. Its objective is to turn Somalia into a fundamentalist Islamic state, according to the Council on Foreign Relations. Al-Shabaab terrorists have their grievances with the government of Uganda because of her involvement in AMISOM in Somalia since 2007 which the terrorists believe is an interference with their cause of establishing the Islamic state in Somali ruled by strict laws of sharia⁴⁸. However, the international community applauded the UPDF for committing its forces to restore peace and stability in Somalia and the region at large. Nevertheless, terrorists threat levels in Uganda keep on changing from time to time, from low to high and vice-versa and this truly poses reasons for concern as to how prepared is the country in dealing with such potential threats as well as allaying the fears of the population that a repeat of the attacks will not re-occur. Both the ADF and the LRA are still alive and active though with less strength as before, the country cannot still ignore the potential of these insurgent groups to build more capacity and re-launch their terrorist activities in Uganda if adequate measures are not put in place to counter them.⁴⁹

2.2 Terrorism in Uganda and the role of counterterrorism forces at national level

Much as Uganda is not located at the risky and absorbent (porous) spot where terrorists such as the Al-Shabaab can easily enter and go out easily, several attacks including the twin

⁴⁶ Uganda Blasts: American Killed, Missionaries Hurt". AOL News. 12 July 2010. Archived from the original on 13 July 2010. Available at: https://en.wikipedia.org/wiki/2010_Kampala_bombings.

⁴⁷ Holly, Yan. (2015) What is Al-Shabaab, and what does it want? Available at: <https://edition.cnn.com/2015/04/02/world/africa/al-shabaab-explainer/index.html>

⁴⁸ Afriyie, F. A (2019) Terrorism and its Negative Effects on Sub-Saharan Africa: The Case of Al-Shabaab. European Scientific Journal ESJ. Vol. 15. 10.19044/esj. 2019.v15n11p63.

⁴⁹ Nwagu, C.Y. Master's Thesis (October, 2009). Counter-Terrorism and Human Rights Protection in Uganda: Preventing Wrongs without Violating Rights. Human Rights and Democratization in Africa Pretoria, South Africa.

bombing in Kampala in July 2010 are a clear testament that terrorists can attack Uganda with surprise and without discrimination as long as an opportunity is available to them. The East African Weekly (June 3rd 2016) reported how the Kampala twin bombings were successful through syndicate arrangements between the Somali based Al-Shabaab and some indigenous indoctrinated Ugandans.⁵⁰

According to the Guardian Paper of 12 July 2010, the local intelligence officials would have been less surprised because a few months earlier the government had distributed posters in Kampala warning people in Kampala to be aware that a terrorist attack was imminent but it appeared that the security and the public in general somehow relaxed their vigilance leading to the terrorists exploitation of the security gaps to accomplish their mission.⁵¹ These attacks confirm that terrorism activities have become part of the transnational crimes owing to globalization trends.

Details of how the July 11, 2010 attacks were planned and executed according the security officials who participated in the post blast investigation were as follows;

“Suicide bombers allied to Al-Shabaab/Al Qaeda with direct links to Somalia blew themselves among crowds of soccer fans watching the world cup finals between Spain and the Netherlands in South Africa. According to security sources who visited the scene, a cell phone fitted and connected to explosives was recovered at the crime scene (Nokia 105) which was used as a trigger device to set off the explosives which killed 76 people and left scores injured”.⁵²

Uganda, Kenya and the Federal Bureau of Investigation (FBI) agency were involved in the post blast investigations where 13 suspects were arrested and charged before counts of law and five of them were successfully convicted and sentenced to serve long prison jail terms. Earlier on before the attacks, Al-Shabaab top leader had warned in an audio message that Uganda

⁵⁰ The East African, (2016).Somalia, AMISOM to rely more on air strikes As EU Reduces Funding Fain JA, (2004).Understanding and Applying Nursing Research: 2nd Edition. F.A Davis, Philadelphia.

⁵¹ The Guardian (2010), Uganda bomb blasts kill at least 74 Somali Islamist militants claim responsibility for worst attack in east Africa since US embassy bombings in 1998, Monday 12 July.

⁵² Godfrey Olukya (11 July 2010)."2 bomb attacks in Uganda; 20 feared dead". The Associated Press (via the Atlanta Journal-Constitution). Retrieved 12 July 2010.

would face retaliation for its role in supporting the western backed Somalia transitional government where Uganda contributed by taking a lead role in providing troops to Somalia in 2007 under AMISOM⁵³. This should have called for more heightened security measures especially during the time of the world cup which in my opinion was ignored.

Analysis of the events leading to the attacks revealed the following information: Telephone print outs from the recovered phones assisted the investigators to identify the main planners of the attacks, further information was also obtained by the investigators that bombs were kept at a safe house in Namasuba where the suicide bombers had rented accommodation⁵⁴.

According to the investigations, terrorist money was being wired from the U.K to Kenya from a known terrorist financier (OMAR AZIZ AL SAADI) which was then used for funding the Kampala bombings. Investigations further revealed that ISSA AHMED LUYIMA (A Ugandan) with a previous criminal record was reported to have planned the Kampala attacks together with other terrorists from Kenya, Tanzania, Somalia, U.K. Information obtained by security revealed that the planners of the attacks relocated to Kampala from rented houses in Nairobi as early as June 2010.⁵⁵

According to the cell phones communication obtained, the final planning was later done at Namasuba in Kampala. Suicide vests were transported from Nairobi to Kampala by one Hijar Seleman Nyamadondo (Tanzanian) in the company of one Mohamed Mugisha (Ugandan).⁵⁶ This combination serves to show that terrorism is one of the transnational organized crimes which do not know boundaries, religion or ethnicity.

⁵³ Somalia's Al Shabaab claim responsibility for Kampala bombings (france24.com) available at: <https://www.france24.com/en/20100712-somalia-al-shabaab-uganda-kampala-bombings-world-cup>

⁵⁴ Maunganidze, Otilia Anna (2016). "Kampala bombings: justice at last?". Institute for Security Services. Retrieved 17 May 2019

⁵⁵ Gaffey, Conor (2016). "Uganda: 7 Convicted of 2010 Al-Shabab World Cup Bombing". Newsweek. Retrieved 17 May 2017

⁵⁶ Ibid

Terrorists are so good at exploiting weaknesses within any security apparatus. The case of Kampala twin bombings was unique in such a manner that both suicide bombing and the use of improvised explosive devices were used as was evidenced by the discovery of a human head, suicide vest and undetonated homemade bomb at the scene. This implies that combinations of several tactics were used by the terrorists to execute their mission.

This incidence caught the security agencies off guard as the terrorists were able to enter both premises without being noticed and were even able to plant the bombs unchallenged. This is because information gathered the police⁵⁷ indicated that three men, disguised as customers, visited the restaurants placed a polythene bag under a big table and left moments before the explosion in Kabalagala.⁵⁸ Had the security experts and stakeholders played their roles effectively prior to the attacks, the country would not have witnessed a tragedy of such a magnitude.

As a result of the above, some security measures were put in place to enhance counter terrorism measures. Security was restructured by creating different squadrons to handle different aspects of security. For example, the Joint Anti-terrorism task force (JATT) has been strengthened by creating units such as the bomb squad, sniffer dogs, marine units to patrol waters, community policing units of the police, compulsory registration of SIM cards, crime intelligence units, Joint intelligence committees, introduction of surveillance drones, training of specialized units in fighting urban terrorism among others. However, in spite of these reforms, there remain a number of challenges to be addressed, for example the challenge of the porous borders. There is also a challenge of some Islamic religious groups which come into the country disguised as charity organizations setting mosques, schools which in turn are used as recruitment and training grounds for innocent and vulnerable youth for terrorist activities, a

⁵⁷ : Seven convicted, five acquitted in the July 2010 bomb case - Daily Monitor available at: <https://www.monitor.co.ug/News/National/Power-blackout-at-high-court-ahead-of-July-2010-bombings-verdict/688334-3219374-d7uupk/index.html>

⁵⁸ Ibid

case in point are the Madarasa schools which were discovered in Ssesse Islands in 2014 and were being used to recruit for ADF in the DRC and the recent discovery at Usafi mosque where security officers arrested some suspects who were believed to be involved in some criminality.⁵⁹

Nevertheless Nankoma⁶⁰ argued that the challenges faced by government in implementing counterterrorism are many among which are inadequate funding for security agencies to train, purchase equipment for detection of terrorist crime in the country, challenge of many unemployed youths who can easily be lured to get involved in terrorist activities for economic survival among many others. It is also important to note that before the July, 11 incident; Uganda had earlier on experienced terrorist activities as early as the 1990s up to 2000s by the ADF and the LRA insurgents.

Since mid-1990s, the ADF has operated in the DRC's North Kivu Province near the border with Uganda up-to-date. The ADF was formed by puritanical Muslim Ugandans of the Tablighi-Jamaat group who merged with a remnant of another rebel group identified as "the National Army for the Liberation of Uganda," (NALU). The main figure of the group was Jamil Mukulu, a former Christian who converted into Islam, was arrested in Tanzania in 2015 and is now held in Luzira prison as a terrorism suspect undergoing trial in the courts of Law. The ADF members are largely drawn from central Uganda, in particular, Iganga, Masaka and Kampala and portray themselves as religious crusaders.⁶¹ While repeated military offensives against the ADF have severely affected it, the ADF has been able to regenerate its recruitment and its financial networks have remained intact probably due to support from Islamic terrorist

⁵⁹ Alumu T., (2018). The Effectiveness of Security Agencies in Countering Threats of Terrorism in Uganda. Master's Thesis. School of Social Sciences, Nkumba University, available at [Alomu-SOSS-MEMP_2018.pdf \(nkumbauniversity.ac.ug\)](#), Accessed: September, 2021.

⁶⁰ Nankoma Phillis (2018). The Impact of Counter Terrorism On Human Security In Uganda, 2010-2015. Master's Thesis. School of Social Sciences, Nkumba University. Available at: [Nankoma-SOSS-MSS_2018.pdf \(nkumbauniversity.ac.ug\)](#) accessed: September, 2021.

⁶¹ United Nations (2012). A report presented to the UN Security Council. Submitted report to the Security Council detailing the LRA's crimes against children. York: Random House.

groups and some countries opposed to the Ugandan government. From 1997-2002, the ADF were responsible for Kichwamba Technical School students massacre, bomb blasts in Kampala city where bombs were thrown into drinking places, taxis and public places such as Nankulabye, Kabalagala, Wandegeya and the city center among others. During the height of the ADF rebellion in Uganda, Henry Tumukunde by then the chief of military intelligence suggested the need to coordinate all security agencies such as Internal Security Organization, External Security Organization, Chieftaincy of Military Intelligence, the Uganda Peoples' Defence Forces and Uganda Police Force in order to deal with ADF. They came up with a joint operations unit which later came to be known as JATT which comprised all the above mentioned units.

The JATT is on record to have ended the regular blasts that had rocked Kampala city and its suburbs. This later gave birth to the Anti-Terrorism Act 2002 which is meant to suppress acts of terrorism and to provide for punishment of persons who plan, instigate, support, finance, or execute acts of terrorism. The Anti-Terrorism Act also allows for the interception of communication and conduct surveillance of persons suspected of committing any offence under the act for purpose of safeguarding the public interest, safeguarding the national economy from terrorism, prevention of the violation of the fundamental and other human rights and freedoms of any person from terrorism, prevention and detecting the commission of any offence under the Act.

Bomb blasts in Kampala led to some arrest of suspects who were held in safe houses for interrogation before being charged with different crimes. This later raised an alarm from the Uganda human rights commission and other non-governmental organizations criticizing the process where suspects were allegedly tortured and kept for more than 48 legal hours before being charged in Court. This is one of the challenges faced by security agencies in their fight against terrorism in Uganda. Terrorism investigations are more complicated than other crimes

where by “within 48 hours” stipulated by the 1995 constitution of the Republic of Uganda, it is not easy to complete investigations before suspects are arraigned in court.

The World Bank Detailed Assessment Report on Anti-Money Laundering and Combating the Financing of Terrorism highlighted the changing nature, character of terrorism and noted that;

“Change in nature and character of terrorism means that efforts should be enhanced to prevent attacks, disrupt criminal’ networks and cut off avenues of financing to those sophisticated terrorist groups and individuals”.⁶²

Perhaps the most dramatic component of the newly evolved terrorist threat, is the vast increase in his capabilities. These enhancements are primarily found in the tremendous improvements manifested in communications and media technologies, and in the destructive effects of modern weaponry. Because of these improved capabilities, even small-scale terrorist operations are now capable of having spectacular and far-reaching effects both in terms of violence and in media reach due to satellite communication.⁶³

Today’s terrorist groups have the ability to adapt to counterterrorism measures, the government should be concerned with the increasing connection between terrorism and organized crime. Relatedly terrorists are closely exploiting the new information and communication technology, especially the internet, for purposes of recruitment, mobilization and incitement and execution of their missions, as well as the financing, planning and preparation of their activities focusing on minority groups in communities. The Ugandan government however needs to check on its locally-based security programs. For example, investing in community policing particularly in consideration of ethnic minority forces as well

⁶² The World Bank (2009) Report on Anti-Money Laundering and Combating the Financing of Terrorism: The Arab Republic of Egypt. Compiled by the Middle East and North Africa Financial Action Task Force.

⁶³ William L. Waugh, Jr., Terrorism and Emergency Management (New York: Marcel Dekker, Inc., 1990, p.1., in The Changing Face of Terrorism Lieutenant Colonel Jeffrey F. Johns, United States Army, 10 March 1999. P. 17

as promoting and strengthening social capital within minority groups of people, so they are in position to address both perceived and real grievances.

Golooba in a Working Paper titled “Collapse, War and Reconstruction in Uganda”⁶⁴ reflects on Uganda’s turbulent political history as characterized by putsches, dictatorship, contested electoral outcomes, civil wars and a military invasion. For instance, there were eight changes of government within a period of twenty-four years (from 1962-1986), five of which were violent and unconstitutional. While colonialism bequeathed the country a negative legacy including a weak state apparatus, ethnic division, skewed development, elite polarization and a narrow economic base, post-colonial leaders have on the whole exacerbated rather than reversed these trends.⁶⁵

President Museveni in his Fundamental Change Speech on 29 January 1986, pointed out that his seizure of government was not a mere change of guards, but a fundamental change. He undertook to make a clean break with the past:

...according to the NRM philosophy, strategy and tactics in conflict resolution and management, we always believe that all conflicts must be followed by a principled and rational reconciliation in order to heal them completely.... We should take it as a patriotic duty not to squander opportunities for reconciliation.⁶⁶

Museveni’s leadership can be recognized for promoting peace, an early sign of departure from past practice was the decision by the NRM to set up an inclusive, broad-based government in which even elements of the government and military Junta whose collapse they had brought about could, if they wished, participate. The new government suspended political parties and established a ‘no-party system’ bringing together people broadly reflective of the country’s ethnic diversity and the various political and ideological tendencies therein. This was

⁶⁴ Golooba-Mutebi, F. (2008) Collapse, War and Reconstruction in Uganda: An Analytical Narrative on State-Making: Crisis States Research Centre, Working Paper No. 27. Houghton Street, London WC2A 2AE. Abstract

⁶⁵ Ibid

⁶⁶ Ibid

a major shift from the retributive and murderous politics of the past when changes in government were followed by massacres of political rivals and opponents.⁶⁷ In essence the new government had realized that acts of terrorism cause a ripple effect through the economy that have negative impacts. The most obvious being the direct economic destruction of property and lives. Terrorism indirectly affects the economy when market uncertainty, xenophobia and loss of tourism increases.

The NRA/M's historical vision was to empower citizens in the provision of their own and public security during and after the bush war so as to overcome the negative relations between the security forces and citizens, a legacy of previous Ugandan governments. Thereby, the NRM government offered citizens new rights, especially through the democratization of the gun in *chaka mchaka* courses, but also imposed responsibilities for public and national security upon them. However effective mechanisms of curbing crime and violent acts which are often times called terror attacks remains debatable especially on which the most appropriate approaches are, in these contemporary times; diplomacy or constructive engagements, isolating extremism, creating and strengthening existing legal frame works, controlling borders through biometrics registration related to passports, visa, ID cards, driving licenses, military force and human rights cooperation,⁶⁸ or improving the social –economic welfare using economic incentives and eliminating conditions of poverty through a soft power approach.

⁶⁷ Alumu T., (2018) The Effectiveness of Security Agencies in Countering Threats of Terrorism in Uganda. Master's Thesis. School of Social Sciences, Nkumba University, available at [Alomu-SOSS-MEMP_2018.pdf \(nkumbauniversity.ac.ug\)](#), Accessed: September, 2021.

⁶⁸ Daniel, Byman (2018). Terrorism-the threat to democracy. Peace and security Policy Brief. Available at: https://www.brookings.edu/wp-content/uploads/2018/12/FP_20190226_terrorism_democracy_byman.pdf

Similarly, the Government of Uganda is increasingly concerned with security threats (terrorists and criminal) along Uganda's western border with the DRC, particularly from the ADF which has been a long history of terrorizing civilians and planning attacks against Uganda's interests. Unfortunately, despite the fact that Ugandan Parliament adopted the Anti-Terrorism Act 2015 which aimed at revising parts of the Anti-Terrorism Act of 2002; there are no significant legislations or law enforcement developments specific to counterterrorism. This is why Duncan Muhumuza the Legal Adviser on Peace and Security at the African Union Permanent Observer Mission at The United Nations New York during the UN 68th General Assembly⁶⁹ held on 8th October 2012 emphasized that;

“...we must be prepared to take the hard decisions including assigning a comprehensive definition to terrorism and address the conditions under which terrorism thrive...”⁷⁰

As an elucidation on the challenges of terrorism, Nwagu⁷¹ highlighted that although the threats of terrorism are very real and potent in Uganda, Africa and the rest of the world, we cannot continue to ignore the significance of human rights both as a cause and a victim of terrorism and counter terrorism. He continues to argue that a society where human dignity is respected, where people can openly express their views within the reasonable limits of the law, where the government is transparent and accountable to the people, where political dissent does not spell doom, where the wheels of justice grind efficiently and without discrimination is a society where terrorism will hardly find a foothold.

In fact, some political analysts suggest that inequality in Uganda may be fuelling the violent crime wave. According to Sabiti, "There will always be bad guys in the society but the role of the government and everyone else is to ensure that you stop those bad guys from

⁶⁹ UN sixty-eight General Assembly (October, 2013) Debate on Measures to Eliminate Terrorism. New York Sixth Committee Told during Second Day of Debate

⁷⁰ Ibid

⁷¹ Nwagu, C.Y. (2009). Counter-Terrorism and Human Rights Protection in Uganda: Preventing Wrongs without Violating Rights. Human Rights and Democratisation in Africa Pritoria, South Africa.

committing crimes. But when you look at the structures of our economy, this is a very unequal society and that in itself can cause insecurity,"⁷² Sabiti continues thus: "We have a very small elite group in this country that owns almost everything. We have a group of people that have grown very wealthy over the last 20 to 30 years. At the same time this wealth has been thriving alongside unbelievable desperation in terms of economics".⁷³ "The crime wave is similar to that experienced in other countries where inequality is a major problem", he said.

In 2016, a report on Public Debate on Development and Humanitarian Policy Issues by Oxfam International,⁷⁴ showed that income inequality in Uganda was on the rise, with national wealth in the hands of just 10 per cent of the population of 37 million Ugandans. The aid organization said the country was one of the most corrupt and estimated it loses 500 million dollars (424 euros) a year as a result.⁷⁵ As a matter of fact, former Minister of Relief Disaster Preparedness and Refugees, Musa Ecweru, spoke out about the need to curb inequality and corruption, he warned thus:-

there are many of us in the NRM who have accumulated unnecessary wealth because we think we are entitled. We need to humble ourselves as NRM. If we keep this sense of entitlement we will ruin this country..."⁷⁶

Despite the initiatives, Uganda remains prone to internal terror threats mostly in the offing being created by the widened gap between the Haves' and Have nots' such deprived groups include; the educated unemployed youth, the uneducated youth most especially from the north and northeastern Uganda and in the recent days from the central Uganda regions of Mukono, Kampala and Wakiso and Busoga area (these form the biggest notorious groups

⁷² Sabiti, B. (2018), Uganda in the grip of violent Crime wave: <https://www.dw.com/en/uganda-in-the-grip-of-violent-crime-wave/a-44227640>

⁷³ Ibid

⁷⁴ D. Hardoon, R. Fuentes-Nieva and S. Ayele (2016) 'An Economy for the 1%: How privilege and power in the economy drive extreme inequality and how this can be stopped', Oxfam, <http://oxf.am/ZniS>. Accessed March, 10, 2021.

⁷⁵ Ibid

⁷⁶ Observer June 10 2018, NRM People Corrupt Feel Entitled, <https://www.Observer.org>

around various urban slum areas of Kampala commonly known as “Kifeesi”⁷⁷ with “recognized leadership”, these groups have become notorious to Ugandans and have spread around the neighboring district of Wakiso with a massive network of mobilization, they have massively influenced the young people to join political groups and to participate in violent acts upon the citizens and work force during day and night); trained individual who defect from the armed forces with military training, these include veterans /retired soldiers. All groups are being perpetrated by Uganda’s historic divisions along ethnic, religious, economic inequality and corruption. In 2014, a number of Muslim clerics were assassinated in Kampala; senior security officials linked these targeted killings to the ADF terrorists, who were still operating across borders.⁷⁸ In this perspective, Shinn et.al shares this view and says that, the environment created by poverty, social injustice and political alienation enhances the ability of religious extremists to export their philosophy and of terrorists to find local support for their nefarious acts⁷⁹

To counter, combat and prevent violent and radicalized criminal acts and joining insurgent groups, which consequently widens the economic gap between the “Haves” and “Have nots” where the later groups feel that they have been marginalized (for example the “Rwenzururu community”) and deprived of economic welfare and progress. They have been joined by many other groups from the central region of the country for example ‘Kifeesi’, ‘poor youth’, ‘Kawempe Republic’, among others. In an endeavour to have themselves recognized or felt by the government they have escalated these seemingly violent criminal acts into conflicts, even when taken to court and convicted they still manage to coordinate these violent

⁷⁷ Kifeesi literally refers to one or a group of educated-unemployed youth living within the suburbs of Kampala and other big towns but their lifestyles is characterized by an array of anti-social behaviors.

⁷⁸ “Kaihura Links Killing of Muslim Clerics to ADF Rebels,” Radio One, December 30, 2014. <http://radioonefm90.com/kaihura-links-killing-of-muslim-clerics-to-adf-rebels/>.

⁷⁹ Shinn, E. Bolz, Jr.F; Dudonis, K.J and Schulz, D.P. (2002). The Counter Terrorism Handbook. Second edition. London: CRC Press LLC

actions with in various urban areas. These crimes have been escalated further to a level of cyber-harassment, bullying where high profile government officers, politicians, social figures are attacked on social media through anonymous accounts by the groups that regard themselves as aggrieved, and others being hired by 'tormenters' and opposition forces. According to Uganda Police Force Annual Crime Report (UPFACR) of 2019 a total of 248 cybercrime cases were reported compared to 198 cases reported in 2018, leading to a loss of UGX. 11,446,603,500 in 2019.⁸⁰ There was an increase in cases of personation where perpetrators created Facebook accounts in the names of high-profile personalities and obtained money fraudulently. The report further alleges some of these funds are used in financing terrorist activities.

In addition, some thousands of young people who were trained as "crime preventers" to work alongside police in communities have themselves been accused of crime, including brutal assaults and extortion.⁸¹ Kampala-based security analyst, Egesa⁸² on DW live TV channel while analysing the use of "crime preventers", concluded that most of them aligned to the ruling party - were bound to lead to security problems. "It seems like we took up security politically and we thought that by employing NRM cadres in security, they can deliver well in security. I think this was a mistake," Egesa noted. "There was no way you could sustain such a big force on a voluntary basis. Some of those young men have resorted to crime for survival."⁸³

The government needs to address social-economic welfare, pressing issues but also invest highly in technological innovation to counter such activity on the web that might spread

⁸⁰ Uganda Police Force, (2019) Annual Crimes Report: Published April 28 2020, p 88

⁸¹ <https://www.dw.com/en/uganda-in-the-grip-of-violent-crime-wave/a-44227640>

⁸² DW TV Talk Show on addressing crime in Uganda. Hosted by Wambi Micheal on 14.06.2018

(<https://p.dw.com/p/2zZd2>)

⁸³ Ibid

to other opportunistic external groups and sympathizers who consequently gather momentum to become cyber threats.

2.3 Analysis of the Ugandan Anti-Terrorism Act

The Anti-Terrorism Act (2002) (*hereinafter* Act) aims at suppressing acts of terrorism and generally to provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism; to prescribe terrorist organizations and to provide for the punishment of persons who are members of, or who profess in public to be members of, or who convene or associate with or facilitate the activities of terrorist organizations. The Act gives the Executive arm of government a wide margin of discretion in deciding ‘who is suspected of terrorism and how to act on that suspicion.’ It empowers the Minister of Internal Affairs (Minister) to amend, by a statutory instrument and with the approval of the cabinet, the list of terrorist Organizations specified in the second schedule of the Act. The Minister shall within two weeks present the instrument to parliament which can annul the instrument within three weeks after receiving it but the annulment does not ‘affect the previous operation of the instrument.’ This provision however, creates ample space for abuse by the executive, which has a five-weeks window of unfettered powers to take any measures it deems fit against any Organization it disapproves of. Thus, after an Organization has been declared to be a terrorist Organization, Section 10(5) of the Act empowers the Minister to dissolve, wind up and provide for the forfeiture of the Organization to the state.

However, the requirement of ‘reasonable suspicion’ which would probably create room for judicial oversight in this provision or any other criteria for determining who is declared a terrorist is conspicuously missing from the Ugandan Act. The Act permits police or public officers to use reasonable force in discharging their functions under the Act and also accords them immunity from civil proceedings for anything done ‘in good faith’ in the exercise of that function. It however holds authorized officers criminally liable for demanding or accepting a

bribe, recklessly releasing information prejudicial to investigations and engaging in torture, inhuman and degrading treatment, illegal detention or intentionally damaging property.

The Act also impacts the rights to property and privacy. Article 27(2) of the 1995 Constitution of the Republic of Uganda provides that “no person shall be subjected to interference with the privacy of that person’s home, correspondence, communication or other property.” This provision is greatly eroded by the counter terrorism provisions in the Ugandan Act. The Minister is allowed by the Act to designate a security officer as an ‘authorized officer’ with the right to intercept the communications and conduct a surveillance of a person under the Act. The scope of this interception and surveillance extends to letters, postal packages, telephone calls, faxes, emails, meeting, movements, and access to personal bank accounts.

The Act further makes it a crime, punishable with two years’ imprisonment or an option of fine, for anyone to obstruct an authorized officer carrying out this interception or surveillance operation. In addition, the Third Schedule to the Act provides that the court can order for a search and seizure of property and materials reasonably believed to be of substantial value to any investigation. However, these orders can be varied on an application by the investigating officer or revoked by the court or on the application of the person aggrieved by the order.

However, the Act also empowers an investigating officer to issue a ‘search and seizure’ warrant by himself where he ‘has reasonable grounds for believing that the case is one of great emergency and that in the interest of the state, immediate action is necessary.’ On the other hand, the police and the Minister must apply to the courts in Ghana for an order for seizure, detention, management, forfeiture and destruction of terrorism property. More so, Article 18 of the Ghanaian Constitution of 1992 provides that; only senior police officers can apply to the court for an order to conduct an interception operation. This procedure guarantees greater

respect for human rights unlike the Uganda procedure, where the executive can interfere with and undermine the rights to privacy in the name of ‘great emergency’ and ‘state interest’.

Another aspect of the Act that raises concern is the relaxation of the rules of evidence in favor of the state. For example, Section 14(2) provides that in proceedings against person for assisting in the retention or control of terrorism funds, the onus is on the person to prove that they did not know or have reasonable cause to suspect that their activities connected to terrorism funds. Furthermore, Section 22 of the Act makes materials obtained from interception or surveillance admissible in evidence against the person. In comparison, the Tanzanian Act and the Ghanaian Act also have similar provisions. Section 34(4) of the Ghanaian Act makes evidence obtained in similar circumstances admissible even when it contains hearsay, but requires the evidence to be corroborated.

2.4 A Discussion on Anti-Terrorism (amendment) Act 2017

The latest amendment expanded the definitions of criminalized acts and included provisions criminalizing interference with electronic systems and possession of materials deemed to promote terrorism. The amended Act further provides for authorization of interception of the correspondence of and the surveillance of persons suspected to be planning or to be involved in acts of terrorism.

Part III Section 2 (p) also criminalizes ‘any act prejudicial to national security or public safety’ as a terrorist offence. The failure to define national security and public safety makes such a provision unconstitutional since it would allow further crackdown on civil society, journalists and political dissidents in the name of “public interest”.

Section 11 of the Act criminalizes publication of news or other material likely to promote terrorism, prescribing imprisonment not exceeding 10years or a fine not exceeding five hundred and fifty currency points or both. This provision curtails free press as it cuts through

journalist's work and creates fear as to which stories may be interpreted to fall within the wide purview.

Part VII, Section 18 (1) mandates the internal affairs minister to appoint a 'security officer' without reference to rank but authorized to broadly conduct communication surveillance. There is no independent and judicial authorization process of interception of communication and surveillance.

Under Section 19 (4) and (5), the minister is given overly broad and unfettered discretion to order the interception of communications, without having to demonstrate the necessity or proportionality of such measures. The extension of minister's powers to detect the commission of any offence is of concern as a terrorist offence.⁸⁴ The failure to define national security and public safety makes such a provision unconstitutional since it would allow further crackdown on civil society, journalists and political dissidents in the name of "public interest".

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⁸⁴ Anti-Terrorism (amendment) Act 2017 of Uganda

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

CHAPTER THREE

The Meaning of State Capacity in the Context of Countering Terrorism in Uganda

3.1 The Notion of State Capacity (or Incapacity) imperative

In countering terrorism, the state has to have a clear distinction between terrorism and other forms of political violence in order to constitutionally offer an account of who counts as a terrorist, violent attacker or perpetrator of an injustice since all cannot be morally justified in different contexts. For example, a person could be attempting, jointly with others, to overthrow an authoritarian government by non-violent but unlawful and somewhat unjust means, e.g. boycotts, disruption of transport and communication systems, work stoppages, occupancy of government buildings etc. Such a person is not a terrorist although they can be charged in the required sense, since their actions are, let us assume, harmful to the economy and to law and order, but their actions may well be morally justified all things considered.⁸⁸

In terms of capacity, the state must be in position to manage internal entities that may rise up against the state itself. There is a plethora of definitions of state-capacity and what it should entail, the main aspects are the “scope” and “strength” of the government, others include; regime type and stability, population density, and territorial control. “Scope” refers to the range of functions and objectives of different activities which the state or government engages in, while “Strength” refers to the ability to plan, execute policies and enforce laws in a systematic and transparent manner,⁸⁹ the definitions of operationalization areas are viewed not as competing concepts but rather complementary. This is because the success of the state

⁸⁸ Igor Primoratz (2004) “What is terrorism?” in Igor Primoratz (ed.) *Terrorism: The Philosophical Issues*. New York: Palgrave Macmillan, p. 24. Available at: <http://counterterrorismethics.com/the-problem-of-defining-terrorism-part-1/>. Accessed on 29. Oct.2021

⁸⁹ Fukuyama, I. (2004), *The Imperative of State-Building*, outlines the distinction between “scope” and “strength” as variants of state-capacity. He notes that scope refers to the array of functions and objectives of the different activities which the state/government engages in, whereas strength refers to the ability to plan, execute policies and enforce laws in a systematic and transparent manner.

in one aspect of capacity requires the presence of the other. A state has to be able to maintain its influence throughout the entirety of its territory, by way of military and bureaucratic resources controlled by the governing body. Hendrix, identifies three practical aspects: military capacity, bureaucratic/administrative-capacity and coherence of political institutions.⁹⁰

3.1.1 The Military Capacity of the State

The state's monopoly over the use of violence to deter challenges to its authority is fundamentally challenged by terrorism.⁹¹ The state's national military has a direct impact on the dimensions of conflict within a state.⁹² Ethnic and religious divisions reflected in the state's military apparatus can exacerbate conflicts with terrorist movements.⁹³

Indiscriminate violence by the state has been found to increase terrorism violence by some, a reliance on superior military capability can drive terrorist groups toward alternative tactics including targeting civilians, carrying out suicide bombings.

The Taliban in Afghanistan for example demonstrated how a state responds to, and how a group adaptation to military pressure determines the life span and success of the attack. For example, The Taliban's structure is resilient and centralized enough to be efficient, but flexible and diverse enough to adapt to local contexts because they (Taliban) have been pragmatic in their use of criminal gang and opium resources. Maulani Haqqani enjoys great prestige due to his bravery during the jihad against the Soviets and some autonomy in the day-to-day management of the war in the eastern provinces. But Haqqani's network is not independent of

⁹⁰ Cullen S Hendrix (2010), in *Measuring State Capacity: In Edward S Kawesi, Ph.D. Thesis; Human-Security, State-capacity and Post-Conflict Reconstruction: an analysis of the question of development oriented governance in Post Genocide Rwanda 1994-2005*, p.49

⁹¹ Weber, M. W. (1994), *Political Writings*. Cambridge: Cambridge University Press,

⁹² Mason, Weingarten & Fett (1999); Derouen & Sobek (2004); Hendrix (2010); Shelton, Stojek & Sullivan (2013), In in Edward S Kawesi, PHD Thesis; *Human-Security, State-capacity and Post-Conflict Reconstruction: an analysis of the question of development oriented governance in Post Genocide Rwanda 1994-2005*, p.49

⁹³ Horowitz 2000; Blanton, Mason, Athow 2001, Op.cit

the larger Taliban network and does not have an autonomous strategy. He does not appoint cadres on his own authority or have an autonomous strategy. Haqqani obviously is not competing with Mullah Omar for the Taliban leadership. His biography indicates a strong commitment to the Taliban and he comes from the same madrasa network as the Taliban

In short, while there is a rational argument for the state being able to fight against terrorism militarily, at the same time repressive behavior has been found to also antagonize more violence as well. Therefore, groups seeking to build support for their cause are likely to benefit from repressive tactics by the state's military and domestic security forces but the capacity of the military in general shapes the behavior of terrorist groups within the state.

3.1.2 The Bureaucratic Capacity of the State

The ability of a state to govern and distribute the resources to its population is an imperative factor to consider as well. The establishment of well-run administrative structures at the local, regional, and national levels to extract revenue and support from the population, collect information on the masses, and provide for its citizens is also important to understanding the capacity of the state and the opportunities available to terrorist movements and has been found in some cases to be more effective than advanced military capabilities.

The quality of administrative capabilities of the state and knowing who may dissent can help deter terrorism and other belligerent groups before military might is needed and likely serves as a counter-propaganda tool when the state is in position to provide resources to citizens, a fledgling organization cannot. As with the military apparatus though, bureaucratic venality and mismanagement of resources, weak control of natural resources that can finance the opposition, and ethnic divisions in the civil service as well as unbalanced enforcement of rules and regulations or outright persecution or exclusion of certain sects of the population can all serve as spatial openings in the state for terrorism to take hold. When openings develop

bureaucratically, through the rule of law for example, groups can challenge the state's authority. While different authors focus on different components of capacity, there is no clear cut pecking order between scope and strength in the literature. Reasonably though, while military capacity may serve to immediately react to terrorist threats and as a symbol of deterrence, administrative capacity plays a longer game in terms of minimizing some of the grievances terrorist organizations rely upon for recruitment of the non-ideologues.

Though there is no agreement on which element matters most in the countering and deterrence of terrorism. It is advanced that terrorism, undermines the ability of the state, to provide public goods like education, health, keeping of law and order and transport infrastructure at all levels of government; local and national this implies that it is imperative that counterterrorism efforts aimed at detecting combating terror threats in Uganda focus on building viable government institutions for the effective provision of public goods especially peace and security. A capable government is said to be an incentive for a smooth counterterrorism practice and governance.

As earlier noted, it is contended that the challenges that terror situations pose to the state are huge especially in countries of the global south like Uganda which are grappling with the challenge of poor and weak institutions. It is closely suggested that these problems coupled with the risk of violent acts as a major challenge may not be ably addressed through democracy.⁹⁴ This is because whereas those who promote democracy assert that it lowers the incentives for agitation the reappearance of conflict, to the contrary, it is alleged that democracy constrains the technical possibilities of government repression; thus making the reoccurrence of agitation easier.⁹⁵ The argument herein is that to carry forward a functioning government,

⁹⁴ Paul Collier, *Post-Conflict Economic Recovery*, a paper presented for the International Peace Academy, Department of Economics, Oxford University Revised April, 2006.

⁹⁵ Paul Collier and Dominic Rohner. (2010). *Democracy, Development and Conflict*, (<http://www.users.ox.ac.uk/econpc/research/pdfs/democracydevelopmentconflict.pdf>): Accessed: July 24, 2021

institutions are central to streamlining the activities which take place in countering terrorism. Thus it is alleged that, once governments fail to maintain control on the instruments of physical violence as a mechanism of maintaining law and order, then, the probability of violent disorder which sometimes leads to civil-wars becomes manifest.⁹⁶

Accordingly, the relationship between state capacity and counterterrorism has been variously explored. Hendrix⁹⁷ in his analysis on the question of development oriented governance in Post-Genocide Rwanda 1994-2005 advances that a capable government is central to avoiding conflict and therefore the possible violent acts, and it is severally suggested that the fear for a strong repressive machinery of government usually keeps the intentions for violent conflicts within control. This should not be understood as making an argument for too much government-repression, but rather a situation where government institutions are built and empowered to combat terror acts as a result of too pintsize a government.

Additionally, in recent-times, where the government has the ability to streamline distribution and redistribution of political and economic benefits equitably, then, we can conclude that the motivation of individuals to participate in terror acts will be lessened. To Collier, et al the inability of governments to create effective institutions is an issue which undermines provision of public goods like education, health, law and order which inadvertently leads to conflict as the alternative to be forgone by joining an insurgence.⁹⁸ As such, legal capacity to enforce adherence to contracts and fiscal capacity for regulations of financial

⁹⁶ Matthew A. K. (2007), *State Capacity as a Conceptual Variable* (Yale Journal of International Affairs, Spring/Summer 2010), and Lisa Chauvet, Paul Collier, and Anke Hoeffler, *The Cost of Failing States and the Limits to Sovereignty* (Research Paper No.3).

⁹⁷ Cullen S Hendrix (2010), *Measuring State Capacity: (Journal of Peace Research: In Edward S Kawesi, Ph.D. Thesis; Human-Security, State-capacity and Post-Conflict Reconstruction: an analysis of the question of development oriented governance in Post Genocide Rwanda 1994-2005, p.49*

⁹⁸ Lisa Chauvet, Paul Collier & Anke Hoeffler, (2007) "The Cost of falling States and the Limits to Sovereignty", Wider working paper series RP2007-30, World Institute for Development Economics Research (UNU-WINDER), p 1-10

markets and effective tax collection are added onto the definition of state-capacity in the context of furthering development.⁹⁹

Thus, the ability of the state to provide for its people is vital and the inability of states to function effectively increases the vulnerability of people to poverty, diseases, domestic and international terrorism, ethnic cleansing, piracy, refugee flows, illicit economies, corruption, famine and underdevelopment; vulnerabilities that sometimes have a spill-over effect beyond the borders.¹⁰⁰

Accordingly, for the purpose of this study, the conceptualisation of state capacity in line with Fukuyama is that state capacity should be viewed in terms of institutional capabilities of the state, its: ...ability to enact statutes and to frame and execute policies; to administer the public business with relative efficiency; to control graft, corruption, and bribery; maintain high level of transparency and accountability in governmental institutions; and most importantly, to enforce laws.¹⁰¹

3.1.3 Coherence of Political Institutions

Coherence of political institutions means, the coming about of institutions or integrating a number of diverse and overlapping aspects, all of which work in concert to influence the design and working of the government. Formal institutions, according to North, are the laid down rules and procedures or the rules of the game,¹⁰² representing the nature of actual power distribution.¹⁰³ Formal rules are underpinned by informal norms and actual power, so they work

⁹⁹ Timothy S. Besley and Torsten Persson (2012), *State Capacity, Conflict and Development* (Working Paper 15088, National Bureau of Economic Research, Cambridge, <http://www.nber.org/papers/w15088,2009>). Also see, Mauricio Cardenas, Marcela Eslava and Santiago Ramirez, *External Wars, Internal Conflict and State Capacity: Panel Data Evidence* (Latin American Initiative at Brookings).

¹⁰⁰ Chauvet, Collier, and Hoeffler, *The Cost of Failing States*, 2007, 30- 2007:1-11.

¹⁰¹ Fukuyama, Francis. (2004), *The Imperative of State-Building*. *Journal of Democracy*, MUSE projects, <http://muse.jhu.edu>,

¹⁰² North, D., (1990), *Institutions, Institutional Change, and Economic Performance*, New York: Cambridge University Press, In Moses. Khisa, *Political Uncertainty and its Impact on Social Service Delivery in Uganda*, Source: *Africa Development*, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>, p.163

¹⁰³ Moe, T.M., (2005), 'Power and political institutions', *Perspectives on Politics* 3 (2): 215–33. Ibid

or fail depending on unwritten codes, but also on the underlying power structure. These views strengthen the ‘new institutionalist’ literature,¹⁰⁴ which led to more appreciation that institutions are sticky and enduring devices that shape long-term development.¹⁰⁵ In his argument for the creation of institutions for governance, Paris holds that political institutions curtail political and economic competition in the short-run, but creating a foundation for peace and democracy in the long-run.¹⁰⁶

Additionally, Kawesi, rightly observes that the need for a functioning regulator “government” and its institutions cannot be wished away.¹⁰⁷ Therefore, political settlement which is “the ‘social order’ based on political compromises between powerful groups in society that sets the context for institutions and other policies”¹⁰⁸ produces an environment that is reproducible and characterized by stability, viability and predictability.

In a study on the Political Uncertainty and its impact on social service delivery in Uganda, Khisa elucidates that, political settlement as an established and relatively stable socio-political order insures society against social violence and political uncertainty, but also

¹⁰⁴ Hall, P. and R. Taylor, 1996, ‘Political science and the three new institutionalisms’, *Political Studies* 44 (5): 936–57. p.163

¹⁰⁵ Khisa, M. (2015) Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>,

¹⁰⁶ Roland Paris. (2004), *At War’s End*, notes that peace building operations have been a fiasco in many countries (like in Rwanda and Angola), not because the goals were not clear, but rather because the means were not well-thought. He castigates the notion of quick liberalisation, a method adopted by the International donors and institutions for economic and political development in countries emerging from conflicts. Accordingly, he argues for the creation of institutions for governance, curtailing, in the short-run political and economic competition, to create foundations for peace and democracy in the long-run. To him liberalisation should be preceded by institutionalisation. Although he does not show direct subscription in the statist approach in his treatment, his conclusion seems to show his believe in the statist approach to peace building and reconstruction even at the level of international Organisations and donors. However, it is in, *Bringing the Leviathan Back in*, that Roland, shows clearly his believe in the Statist approach to post conflict reconstruction. He argues that modern liberal peace theorists, glorify liberal political and economic, without putting emphasis on functioning state institutions that guarantee order for such arrangements to work out. As a result, Paris observes that current academic research does not inform clearly post-conflict peace building in societies where the institutions for governance are weak, malfunctioning or completely missing.

¹⁰⁷ Op.cit.

¹⁰⁸ Moses. Khisa (2015), Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>

provides the requisite enabling environment for sustained growth and long-term socio-economic transformation.¹⁰⁹ It can therefore be correctly alleged that coherence of political institutions is a key element in attaining political settlement when political and economic leaders arrive at minimum consensus on the key political questions and collectively invest in a system strengthened by laws, rules and procedures. Furthermore, state institutions have been overpowered by political players and individuals who wish to push personal agendas.

In the context of Uganda, threats of terror can lead the government to overreact, generating distorted and unjust criminal laws, often punishing innocent activities under the guise of controlling terrorism or may altogether abandon any legal restraints for the quick gains of employing less restrictive methods like preventive detention or torture. This is not surprising. The anxiety generated by terrorist activities creates an environment of nervousness and anger within government. The pressure to punish the offenders and calm the population often results in an over-reaction that ignores the constraints of the rule of law. The frustration is palpable and the conduct understandable. This is not singly a Ugandan problem. The same has been seen in the USA, UK and many countries within the commonwealth.¹¹⁰ The dilemma for legislatures is how to secure their countries within the restraints of the law. This discussion shows that Uganda's Act limits procedural safeguards against arbitrary arrest and detention, placing civil liberties in a very precarious position. A broad definition of terrorism and sweeping investigative powers provide avenues for abuse. In fact, Ugandan counterterrorism responses have been undertaken with a sense of panic or emergency both in the political and legal arena. This has often had serious negative implications for international and human rights law.

¹⁰⁹ Ibid

¹¹⁰ Golder B & Williams G (2006) 'Balancing National Security and Human Rights: Assessing the Legal Response of Common Law Nations to the Threat of Terrorism'. *Journal of Comparative Policy Analysis* 43.

Yet, in many instances the parliament of Uganda has become a rubberstamp to many decisions which have not been endorsed by the citizenry in general, the judiciary on several occasions since 2005 elections has made judicial pronouncements which have left Ugandans doubting its credibility and competence to execute justice upon the population, the army and police force have been made to participate in partisan politics especially during the election period since 2001, the institution of the presidency presides over all issues as if there are no structured mechanisms of solving problems.

A key reason why the government and the state apparatus it presides over has failed to sometimes undertake fundamental transformation, is that government indecision in Uganda is apparent in debatable issues areas related to the consistent amendment of the constitution to meet individual goals, the unclear role of the military and the unsettled question of presidential succession. This view has been supported by Khisa who states thus: “in an environment of uncertainty, systematic and long-term planning is subordinated to short-term and ad hoc maneuvers, thus obstructing the building of a firm foundation for structural transformation.”¹¹¹

Golooba and Hickey further highlight four key characteristics as curtailing the proper functioning of political institutions namely; the deepening levels of competitive clientelism; highly personalized forms of public bureaucracy; collusive state–business relations; and a ruling coalition that is (expensively) inclusive at the lower levels while becoming narrower and more nepotistic at the pinnacle.¹¹² They further argue that owing to these characteristics, the Ugandan political settlement has failed to provide the basis for structural transformation and provision of high quality public services.¹¹³ Beyond modest economic growth, macroeconomic

¹¹¹ Moses, Khisa. (2015), Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4, pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>.

¹¹² Golooba-Mutebi, F. and S. Hickey, (2013), ESID Working Paper No. 20: ‘Investigating the Links between Political Settlements and Inclusive Development in Uganda: Towards a Research Agenda’ Manchester: University of Manchester.

¹¹³ Ibid

stability and what still Golooba and Hickey call ‘pockets of bureaucratic excellence’, Uganda’s political settlement has not delivered on the substantive needs of the country: provision of critical public goods and services, and overall structural transformation.¹¹⁴

The lack of coherence of political institutions in Uganda has already indicated a number of shortcomings in the approach government uses to settle her political problems. One of the outstanding features is the level of intolerance exhibited when dealing with the opposition politicians to narrow down their voices country wide and the exorbitant funding allocated to defense spending through use of confidential ‘classified expenditures’ budgets in the last fifteen years, while this discussion appreciates the building of institutions, the argument herein is whether they have been given room to freely and fully function to the satisfaction of the citizenry. The classified expenditure allocation under the Ministry of Defense budget doubled from UGX 122 billion (US\$ 48.9 million) in the 2012-2013 fiscal year to UGX 300 billion (US\$ 115.38 million) in 2013- 2014,¹¹⁵ despite protests from Members of Parliament who alleged that the use of classified budgets risked breeding corruption and diverting resources¹¹⁶ from priorities like soldier salaries and military hospitals.

The 2015-2016 defense budget was at its highest ever – UGX 1.4 trillion (US\$ 442 million). UGX 607 billion¹¹⁷ (US\$ 190.8 million) was designated as classified, prompting

¹¹⁴ Kjaer, A.M. and M. Katusiimeh, (2012), ‘Growing but not Transforming: Fragmented Ruling Coalitions and Economic Developments in Uganda’, Copenhagen: Danish Institute for International Studies, DIIS Working Paper 7.

¹¹⁵ “Report of the Committee on Defence and Internal Affairs on the Ministerial Policy Statements and Budget Estimates for the Fiscal Year 2013-2014-3, August 2013. Figures account for currency exchange rates. Classified expenditures represented 12.7% the 2012-2013 fiscal year Ministry of Defence budget (UGX 956.96 billion) and 29% of the 2013-2014 budget (UGX 1.016 trillion)

¹¹⁶ “MP Wants Classified Expenditure Off Budgeting System”, Red Pepper, 5 September 2013, <http://www.redpepper.co.ug/mp-wants-classified-expenditure-off-budgeting-system/>

¹¹⁷ Represents 43% of total budget. Ministry of Defence Vote 004 Policy Statement, FY 2015/2016, April 2015

concerns¹¹⁸ funds were being diverted to the President's election campaign.¹¹⁹ Privacy international, writing about the state of surveillance in Uganda indicated that whilst these budgets are audited by the Auditor General and reviewed by the Parliamentary Defense and Internal Affairs Committee, though members disclosed that they have never seen a detailed report on how the classified expenditures are spent. Hence it is suffice to conclude that even though there has been a successful establishment of political institutions to steer Uganda's development and settlement of political disputes, the same institutions have been influenced quite often to favor those in power other than the general public, consequently its breeding gaps which may easily be manipulated further by terror groups through agitated political parties.

¹¹⁸Hansard, Uganda Parliament, 26 May 2015.

<http://www.parliament.go.ug/cmisis/browser?id=workspace%3A//SpacesStore/b487b970-607a-493b-8ac0-4512a1033903>

¹¹⁹ Ugandan Defence Minister Crispus Kiyonga stated that “[t]he budgets for Defence cannot be used for elections. It's just a coincidence that our expenditures under classified have increased because we have critical needs.” “Tempers flare in House over Shs1.4 trillion Defence budget”, Daily Monitor, 27 April 2015, <http://mobile.monitor.co.ug/News/Tempers-flare-in-House-over-Shs1-4-trillion-Defence-budget/-/2466686/2698122/-/format/xhtml/-/137mfl8/-/index.html>

CHAPTER FOUR

Existing Counterterrorism Mechanisms at International, Regional and National Levels

4.0. Discussion of Domestically adopted Counterterrorism Arrangements

Threats posed by terrorism and violent insurgency have long been considered top security concerns in Uganda. Harsh memories of the two-decade-long struggle against the LRA re-echo with all Ugandans, especially in the north. The ADF, a violent insurgent group that terrorized central Uganda for more than a decade and seems to have resurged in the past 10 years as emphasized by President Museveni during State of the Nation Address on June 5, 2018 that the ADF is responsible for the murders of at least seven Muslim Clerics and other prominent persons in the country like Joan Kagezi, Andrew Felix Kaweesi, Ibrahim Abiriga, among others and these were murdered in Kampala District between 2012 and 2018.¹²⁰ It should however be noted that the ADF leader Jamil Mukulu was arrested by the Tanzanian authorities, handed him over to Ugandan authorities and his pre-trial at the international crimes division of the high court began in May 2018 after more than three years of detention without trial in Uganda.

Domestic counterterrorism measures in Uganda are coordinated through the JATT, whose membership includes officials from the police (antiterrorism unit), defense (Chieftaincy of Military Intelligence), and security agencies. This arrangement is security oriented and collects intelligence information that may be developed into evidence by the antiterrorism police unit. The unit then submits the evidence to the Director of Public Prosecution's antiterrorism unit for possible prosecution.

However, the focus on security at the expense of legal processes has eroded support for counterterrorism arrangements in Uganda. The task force heard concern from some members

¹²⁰ The East African News Paper; Understanding the resurgence of ADF rebel group in Uganda, 22 years on, June 18th 2018.

of the Ugandan parliament that opposition groups may be listed as illegal groups under the *Anti-Terrorism Act* (no. 14 of 2002). This Act gives the Minister of Internal Affairs power to list proscribed groups, and includes a very broad definition of terrorism. Groups currently listed under the Act include the ADF, *al-Qaida* and the LRA.

Currently, critics such as civil society organizations¹²¹ suggest that no legal instrument covers Mutual Legal Assistance (MLA) in Uganda with exception of being a member of IGAD and the EAC. Without such an act, there appears to be a lack of clarity regarding the relationship between the attorney general as the central authority and the Director of Public Prosecutions (DPP) when it comes to handling requests for assistance and evidence submitted by foreign actors and the ability to submit Uganda's own requests to those actors. The government has enacted a number of laws since 2000.

Externally, Uganda has ratified 11 of the UN conventions against terrorism.¹²² It is party to the 1999 OAU Convention on the Prevention and Combating of Terrorism in 1999 (the Algiers Convention). It has signed but not ratified the IGAD MLA and Extradition Conventions and is an active member of the East African Police Chiefs Cooperation Organization (EAPCCO) and Interpol, as party to the London and Harare Schemes and in the absence of formal MLA legislation at the domestic level, it relies on these agreements when dealing with

¹²¹ In Uganda civil society is made up of the media, local and foreign non-government organisations, community groups, faith-based organisations, professional associations, the lawyers and the people who work to support and achieve change within their own communities. (Daniell Woods, 2008)

¹²² Convention for the Suppression of Terrorist Bombings (1997), Convention on Laundering Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005), Convention for the Suppression of the Financing of Terrorism (1999), Convention on Cybercrime (2001), Convention Against Transnational Organised Crime (2000), Convention on the Extradition (2012), UNSCR 2341 on the Protection of Critical Infrastructure from Terrorist Attacks (2017), UNSCR 2396 on implementing resolution 2178 (2014) strengthening efforts to counter threats posed by returning foreign terrorist fighters through a range of measures including; improved boarder security, criminal justice, information sharing and counter extremism, Convention for the Suppression of Acts of Nuclear Terrorism (2005), Convention on Offences and Certain other Acts Committed on Board Aircraft (2014), Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005), Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)

Commonwealth countries. It's important to note that ratification to international and/or bilateral conventions against terrorism play a vital role in international and bilateral cooperation in various fields affecting the lives of people and particularly promoting peace and harmony.

However, on the one hand, the question is that who decides which treaty is good for the country and which authority is competent to decide on the same. In a Ugandan context, it's the Parliament with the supreme in deciding such matters. It is imperative to have a balanced view on the subject and have some kind of legislation empowering the cabinet to sign treaties subject to certain conditions. The Parliament may mandate certain kinds of treaties to be approved by it prior to its signing by the cabinet.

On the other hand, counter-terrorism activities like surveillance becomes ever more intrusive as the governments try to detect the early stages of planning for terrorist attacks. Governments collect more and more information on their citizens and on anyone who crosses their borders, whether immigrants or ordinary travelers. The information is gathered in centralized data banks and made available to a growing array of government institutions. Security and intelligence services are reformed to become more streamlined and efficient, with expanded powers of apprehension and arrest. The coercive capacity of states is strengthened at home and sometimes abroad. Domestic policing may be increasingly militarized.¹²³ In such perspectives, the expectation is to prevent terrorism well in advance of the execution of the act can also prompt democracies to proceed with trials of suspected terrorists with weak evidence that was gathered at early stages of a plot and does not always stand up well in court. At the other extreme, the complicated nature of contemporary terrorist conspiracies and the desire to secure convictions often push security services to seek lengthened periods of preventive

¹²³ Donohue, Laura K. (2008). *The Cost of Counterterrorism: Power, Politics, and Liberty*. Cambridge: Cambridge University Press

detention so that they have time to pursue investigations and bring charges that will in fact hold up in court.

Uganda relies on informal and formal bilateral security and legal cooperation as a basis for involvement in the fight against terrorism. The formal means include EAAPCO and the new system of security focal points being developed by the EAC. Whereas suspects from Kenya were moved informally to Uganda following the July 2010 terrorist bombings in Kampala, there was a formal extradition process for suspects that were moved from Tanzania. The manner by which the Kenyan suspects were moved has caused a number of legal complexities for prosecution of the case in Uganda.

Ugandans see effectiveness in complementing legal avenues with alternative dispute resolution mechanisms. From the experiences with the LRA, Ugandan security experts such as the UPDF and UPF also suggested that additional attention should be given by IGAD because their aim is to promote, achieve, and sustain good governance, peace, security and stability in the IGAD Region (IGAD is an regional framework comprising of 8 countries; Uganda, Kenya, South Sudan, Sudan, Djibouti, Eritrea, Somalia and Ethiopia); to alternative dispute resolution avenues in the counterterrorism context, such as amnesty and reconciliation, as a complement to prosecution. Again, however, such dual-track approaches have led to legal complexities in Uganda. One LRA commander, Thomas Kwoyelo, who was being tried in the International Crimes Division of the High Court, for example, sought to have his case struck out, having applied under the *Amnesty Act (2000)*. The constitutional court granted him amnesty in line with the other LRA rebels. However, Uganda's Amnesty Act provides that people who meet the amnesty requirements, including renouncing and abandoning involvement in the war or armed rebellion, cannot be prosecuted or punished for crimes covered by the Act in Uganda. After his arrest in 2005 by the UPDF in Garamba National Park in DRC, he was subsequently, brought back to Uganda and detained at Luzira Upper Prison. While at Luzira on January 12,

2010, Kwoyelo made a declaration before the officer in charge of the prison, renouncing rebellion and seeking amnesty. Amnesty Commission referred Kwoyelo's case to the directorate of public prosecution as required under the Act (Amnesty Act -2000) when individuals are in custody, for determination of eligibility. To-date the DPP has never responded to the Amnesty Commission's request for such a determination with considerations for determining whether victims and others affected by the violence have been given the opportunity to have a say in the formulation of the amnesty measures; this raises some questions about the arbitrariness of the process. Meanwhile, in October 2018, the African Court¹²⁴ (Basing on international standards) ordered the Uganda government to compensate the former rebel leader for violating his rights under the African Charter, including his right to a fair trial.¹²⁵ Kwoyelo is currently facing charges of war crimes, crimes against humanity, torture and abduction with intent to murder, among others, reportedly perpetrated in Gulu and Amuru districts during the LRA war. He is the first member of the LRA to face such a situation.¹²⁶

Apparently Ugandan security practitioners such as UPF and UPDF have since requested for more support from the sub region in their efforts to combat terrorism in Somalia and the central Africa through military deployments. One idea raised as a concrete step that could be useful to broaden the burden of counterterrorism was the development of an IGAD database or list of terrorism suspects, which would allow, it was argued, closer cooperation by IGAD member states in identifying, apprehending, and dealing with counterterrorism suspects. Other instruments internally have been put in place to ensure full compliance with international and regional arrangements.

¹²⁴ The African Court also known as the African Court on Human and Peoples' Rights, is an International Court established by member states of the African Union (AU) to implement provisions of the African Charter on Human and Peoples' Rights (also known as the Banjul Charter)

¹²⁵ Daily Monitor, Wednesday 26th August, 2020 - "Compensating Kwoyelo unrealistic, says judge Watungusi"

¹²⁶ Human Rights Watch, July 7 2011, Uganda Q & A on the Trail of Thomas Kwoyelo. ecoi.net/en/document/1062915.h Accessed April 19, 2021

4.1 The Regulation on Interception of Communications Act, 2010

The Regulation of Interception of Communications Act first proposed in 2007, attempted to regulate communications surveillance. The Act of parliament would allow for lawful interception and monitoring of communications across Uganda's telecoms networks.¹²⁷

In September 2010, after the July 11, 2010 terrorist attack in Kampala, Uganda passed the Regulation of Interception of Communications Act.¹²⁸ The act provides for security agencies to apply for a warrant to a designated judge to surveil or intercept any person's electronic communication, meeting, postal package, mail, or fax suspected to be linked with terrorism. In addition, it authorizes, among others, the searching of any premise, and access to any one's bank account suspected to be associated with any terrorist activities.¹²⁹ Despite the fact that this law seems very useful in security circles as the security structure uses it to work ahead of planned attacks and therefore successfully diffuse the threats, the law has been partly illegally used by the intelligence agencies and the military for surveilling and wiretapping phones of opposition politicians and other groups who critique the government. According to Privacy International, monitoring politically important individuals and foreign phone numbers calling certain regions of Uganda most politicians assumed that their phones have been or are currently monitored.¹³⁰ This consequently infringes on peoples' rights to freedom of communication where it's inappropriately used for surveillance on minor criminal offences instead of being used in anti-terrorism investigation.

4.2 The Anti-Money Laundering Act, 2013

In October 2013, Uganda passed the Anti-Money Laundering Act (AMLA). The act criminalizes money laundering and provides for penalties including seizure, freezing, and

¹²⁷ Hansard (2010), Uganda Parliament, <http://www.parliament.go.ug/cmisis/browser?id=workspace%3A//SpacesStore/a7bf58da-b555-4647-a806-ae5605f5c352>

¹²⁸ The Regulation of Interception of Communications Act, 2010 (Uganda), <http://www.ulii.org/files/Regulations%20of%20Interception%20of%20Communications%20Act,%202010.pdf>

¹²⁹ Tumushabe, "The Dilemma of Combating Terrorism in Democratizing States," 23.

¹³⁰ Privacy International, For God and My President: State Surveillance in Uganda, (October 2015), p. 9

forfeiting assets associated with terrorists.¹³¹ The act also provides a framework for establishing systems to prevent, detect, and investigate money laundering. It lists measures to be taken by financial institutions and agencies such as identification of individual clients, record keeping, and reporting suspicious transactions. The act establishes the establishment of a Finance Intelligence Authority, mandated to receive regular intelligence reports from all financial institutions related to money laundering.¹³²

In his assessment on the role of Anti-money Laundering Framework in curbing corruption of politically exposed persons in Uganda, Bacwa¹³³ observed that there are only a few institutional and legal framework actions that have been performed since the enactment of the AMLA in 2013, and it is largely ineffective. According to Bacwa, this is hardly surprising given the fact that it was only recently, in November 2017 (after lots of international pressure), that Uganda was struck off the list of countries with significant AML deficiencies. That in part accounts for the comprehensiveness of the AMLA as perceived by government officials interviewed. Banks are also leading other accountable persons when it comes to investing in effective AML controls. On the other hand, the weakest link in the AML framework is government institutions themselves, with minimal costs incurred in investing in effective AML systems. As a result, government agencies have limited investigative and prosecutor capacity. This underscores the fact that the laws criminalizing money laundering offences are strong and should be able to act as deterrents of money laundering politically exposed persons except for the fact that they are hardly implemented.

¹³¹ Bureau of Counterterrorism, *Country Reports on Terrorism 2013* (Washington, DC: U.S. Department of State, April 2014), <http://www.state.gov/documents/organization/225886.pdf>

¹³² Bureau of Counterterrorism, *Country Reports on Terrorism 2013* (Washington, DC: U.S. Department of State, April 2014), <http://www.state.gov/documents/organization/225886.pdf>. Accessed April 16th 2021

¹³³ Bacwa, T. (2018) Assessing the Role of the Anti-Money Laundering Framework in Curbing Corruption of Politically Exposed Persons: A case study of Banks in Uganda. Master in Anti-Corruption Studies Programme. International Anti-Corruption Academy. Available on [Assessing the Role of the Anti-Money Laundering Framework in Curbing Corruption of Politically Exposed Persons \(ica.int\)](https://www.ica.int/publications/assessing-the-role-of-the-anti-money-laundering-framework-in-curbing-corruption-of-politically-exposed-persons). accessed September 18, 2021.

Edopu¹³⁴ correctly observed that corruption and poor recordkeeping within most financial institutions undermine effective monitoring of suspects. He adds that, competition among non-bank institutions and bureaucratic processes that delay customers - such as obtaining their detailed particulars—are avoided.¹³⁵ Such gaps can be exploited by terrorists to conduct their activities and penetrate Uganda.

4.3 Enforcement Measures

As law enforcers, the national police are the leading anti-terrorism agency in Uganda. In its counterterrorism efforts, it is supported by the intelligence community. Uganda's intelligence community comprises the ISO, ESO, Crime Intelligence (CI), and the Military Intelligence (MI).¹³⁶ The Border control is a joint function of police, intelligence, immigration, and customs. However, because of the nature of the terrorist threat in Uganda and given its unique capabilities, strength, and training, the military is also a key player in Uganda's counterterrorism effort, given the history of the current president and his early orientation.

4.3.1 Police Operations

According to an Assistant Commissioner of Police (ACP) in charge of Community Policing, as an approach to counter terrorism was established as an innovative way through which communities are sensitized on detecting criminals and other anti-social practices within society.¹³⁷ As part of a new strategy, police makes a commitment to establish a relationship between the community and the police. Rodriguez¹³⁸ confirms that community policing breaks down longstanding barriers, reduces community tensions, opens up avenues of information,

¹³⁴ Peter Edopu, "Infrastructure to Detect and Control Money Laundering and Terrorist Funding in Uganda," in *Tackling Money Laundering in East and South Africa*, ed. Charles Goredema (Pretoria, South Africa: Institute for Security Studies, October, 2004), <https://www.issafrica.org/pubs/Monographs/No108/Chap3.htm>. Accessed April 16 2021

¹³⁵ Ibid.

¹³⁶ AB. Tumushabe, (March 2015) "The Dilemma of Combating Terrorism in Democratizing States," P.30, Monterey, California: Naval Postgraduate School

¹³⁷ Interview with ACP in charge of Community Policing (UPF), Wednesday 25 November 2020

¹³⁸ Rodriguez ML (1993), *Together We Can: A Strategic Plan for Reinventing the Chicago Police Department*. Chicago, IL: Chicago Police Department: p.27

and provides constructive and meaningful opportunities for collaboration in society, in line with the logic police is able to capture important data and uses it to the advantage predict suspected terrorists or their materials and promptly reporting to security. Community policing is based on the principle that security begins with the individual, and every individual has a constitutional obligation to protect the nation. In fact, Rodriguez praises the community policing approach as an effective counterterrorism measure because with minimum resources, intelligence can be received in real time over the entire country.¹³⁹

4.3.2 Immigration Controls

To facilitate effective tracking of suspected transnational criminals, especially terrorists crossing borders, Uganda introduced the Personal Identification Secure Comparison System (PISCES). The system is in use at Entebbe International Airport and other key entry points like Busia and Malaba on the Kenya-western border, Katuna on the Rwanda-southwestern border, and Mpondwe at the DRC-western border. The PISCES is a good counterterrorist tool that captures data from travelers' passports about their movements. This facility enables Uganda Intelligence to profile suspects with regard to terrorism and insecurity and share information with regional and international stakeholders.

4.3.3 Customs Control

To minimize the problem of lack of coordination among departments and agencies at the border points, it was agreed to establish One Stop Border Posts (OSBP). The OSBPs focus on a harmonized approach in which the various border officials work together in terms of verification, data capture, and clearing of goods and services.¹⁴⁰ This approach is adopted to ensure effective boarder security and management. It is essential for preventing and countering

¹³⁹Interview with ACP in charge of Community Policing (UPF), Wednesday 25 November 2020

¹⁴⁰ Nathan Gashayija, "Importance of One Stop Border Post facilities in EAC integration," *The New Times*, January 12, 2015, <http://www.newtimes.co.rw/section/article/2015-01-12/184873/>.

the flow of suspected terrorists and foreign terrorist fighter across borders i.e. land, air and marine borders as well as the cross-border movement of licit and illicit cargo, including drugs, weapons, arms, and munitions that may be used for terrorist purposes.

Despite enhanced measures taken by Member States in recent years to strengthen border security, particularly in light of the evolving FTF phenomenon, capacities in this area vary widely and gaps continue to exist in the collection, use and sharing of passenger data, effective control of identity papers and travel documents, border screening processes, use of technical equipment and trained border personnel, and coordinated border management. To respond to the gaps, UNCCT supports Member States and regional organizations in implementing the UN Global Counter-Terrorism Strategy and relevant Security Council resolutions, such as 1373 (2001), 1540 (2004), 2178 (2014), 2309 (2016), 2396 (2017), and 2482 (2019) through the provision of tailored technical assistance on border security and management of good practices, inter-agency and cross-border cooperation, information sharing, and border- management strategies and action plans, among other issues.

4.3.4 Intelligence Approach

The power to gather intelligence and conduct surveillance are concentrated around three institutions: The UPDF, the Uganda Police Force (UPF), Office of the President and the State House. The President exercises control over sensitive intelligence operations while day-to-day spying for intelligence gathering appears less centralized.¹⁴¹ Other sister institutions include; the Joint Intelligence Committee (JIC), the CMI, and the Police Criminal Investigations and Intelligence Directorate (CIID). There are also civilian organisations such as the ESO and ISO, as established intelligence gathering institutions mandated by the 1987 Security Organizations Act. Their main function is to collect and process foreign and domestic intelligence,

¹⁴¹ See for God and My President: State Surveillance in Uganda, October 2015, www.privacyinternational.org: p. 9

respectively, about Uganda. They also advise and make recommendations to the president on action to be taken in view of collected intelligence.¹⁴² On the other hand, Military Intelligence collects intelligence for the execution of military operations, policies, plans, and programs.

The Crime Intelligence (CI) collects intelligence on serious crimes for the police investigation department. In 2000, to strengthen, coordinate, and improve oversight on security operations in the country, the National Security Act was enacted.¹⁴³ It also provides for the formation of JIC at the National level, the District and the Sub-County Levels. The JIC comprise members of the intelligence agencies. The Joint Anti-Terrorism Unit (JATT) and JIC have played a significant part in countering terrorism in Uganda, particularly in the fight against northern Uganda terrorism of the LRA – most of JATT members are drawn ISO and CMI. However, international criticism on claims of torture and illegal detention of suspects cannot be underestimated although the government has denied these charges.

4.3.5 Military Approach

Internally, apart from guarding the national borders against terrorist infiltration, the military also conducts joint operations with the police. Section 42–45 of the Uganda Peoples’ Defense Forces Act, 2005, allows the military to provide support to civil authority upon request.¹⁴⁴ In July 2014, for example, upon getting an alert of a likely terrorist attack on Entebbe International Airport and other undefined targets in Uganda’s capital, Kampala, the military, police, and intelligence agencies massively deployed.¹⁴⁵ In the due course, the US Embassy suggested people planning to travel through the airport that day to consider rescheduling their

¹⁴²The Security Organization Act (SOA), November 13, 1987 (Uganda)
<http://www.opm.go.ug/assets/media/resources/338/SECURITY%20%20ORGANISATIONS%20ACT.pdf>.

¹⁴³ ULII, National Security Council Act, 2000 (Uganda), <http://www.ulii.org/ug/legislation/consolidated-act/301>.

¹⁴⁴The Uganda Peoples’ Defense Forces Act, 2005 (Uganda),
<http://www.ulrc.go.ug/ulrcsite/sites/default/files/Downloads/Laws%20of%20Uganda/Laws%20of%20Uganda%20-%202001%20-2006/UPDF%20Act%202005.pdf>.

¹⁴⁵ Stephen Kafeero, Martin Ssebuyira, and Andrew Bagala, “Terrorism: Police, army take over Kampala,” *The Monitor*, July 4, 2014, <http://www.monitor.co.ug/News/National/Terrorism--Police--army-take-over-Kampala-/688334/2371242/-/s25akmz/-/index.html>.

plans. However, government spokesman Ofwono Opondo said the United States was being "over sensitive in their warning", and urged people to continue with travel plans as normal. Troops were deployed at the Airport and many were seen marching the streets of the capital (Kampala), in a similar manner, the then Army Spokesperson Paddy Ankunda warned the public to remain vigilant in the face of terrorism threat, report any suspicious individuals in their areas. Apart from supporting police in countering terrorism, the military in Uganda also supports the wildlife department in terms of training and personnel. To ensure the security of tourists, (in 2005), the government established the Special Wildlife Tourism Intervention Force (SWIFT).

4.3.6 Diplomatic Approach

Black clarifies that “diplomacy is the instrument of power that builds political will and strengthens international cooperation.”¹⁴⁶ Through diplomacy, terrorists are deprived of access to resources upon which their survival depends. In its war against terrorism, Uganda has developed bilateral relations with a number of countries. For example in 2010, as part of a U.S.-supported African Union force seeking to defeat Kony and his LRA, the government of the CAR allowed the Uganda government to deploy its military to neutralize the LRA, which had established safe havens in the eastern region of the country and was terrorizing the local population.¹⁴⁷ By 2015, Ugandan authorities said they were starting to withdraw their forces from Central African Republic after significantly degrading Kony’s force. Kony has been indicted by the International Criminal Court (ICC) for war crimes and crimes against humanity, remains at large.

¹⁴⁶ Coffer J. Black, “Diplomacy and the War Against Terrorism: Testimony of Ambassador J. Cofer Black, Coordinator for Counterterrorism, before the Senate Foreign Relations Committee,” *Washington, DC. Retrieved on May 5 (2003), 2003.*

¹⁴⁷ François Misser, “Central African Republic: The collapse of the Bozize regime,” *African Arguments*, January 15, 2013, <http://africanarguments.org/2013/01/15/central-african-republic-the-collapse-of-the-bozize-regime%E2%80%93by-francois-misser/>.

The country has developed strong bilateral relations with the advanced states, especially the United States, in the fight against terrorism. As a result of the relations, the U.S. government has supported Uganda in terms of training, technical intelligence, and logistical support, which have been key in the county's counterterrorism program.¹⁴⁸ In totality, like the enforcement, intelligence, and military approaches to counterterrorism, the diplomatic approach has been a substantial tool in Uganda's counterterrorism policy, when a delegation participated in discussions regarding terrorism on a regular basis but focused on broadly countering the phenomenon internationally and rarely referred to specific actors or events.

Secondly, throughout the 1990s, delegates voiced their concern about potential links between terrorist groups and drug traffickers as well as the potential for these groups to acquire a weapon of mass destruction. Other discussions were dedicated to future international cooperation on these issues as well as Uganda's willingness to explore future adoption of UN legal instruments on terrorism. Statements that did make references to particular groups or actors still predominately used terms like rebels or criminals. During a 1999 Security Council discussion regarding instability in the DRC, then Foreign Affairs Minister Amama Mbabazi referred to the ADF as a "rebel group" and a "criminal element."¹⁴⁹ That same year Minister Mbabazi reiterated to the General Assembly of the UN that the ADF was a rebel group and the LRA was a "criminal gang."¹⁵⁰ However, the duo (ADF and LRA) have now been declared Terrorist organizations. A 1996 statement mentions concern about "renegade groups" in northern Uganda that have committed "terrorist acts" on the citizenry,¹⁵¹ but no organizations

¹⁴⁸ Bureau of African Affairs, "U.S. Relations with Uganda," U.S. Department of State, October 2, 2015, <http://www.state.gov/r/pa/ei/bgn/2963.htm>.

¹⁴⁹ S/PV.3987 (1999) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p. 27

¹⁵⁰ A/53/PV.95 (1999) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p.28

¹⁵¹ A/51/PV.25 (1996) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis by, p.28

in particular were attributed as terrorists. Similarly, in 2000, Ugandan delegates during a three-day Millennium Summit of world leaders gathered in New York at the headquarters of the United Nations on 8th September argued that Sudan was playing a “terrorist role” in supporting various non-state actors, but the forces operating in the DRC were still referred to as “opposition groups.”¹⁵² Even as late as May of 2001, such groups (now terrorist groups) in the DRC were labeled rebels.¹⁵³ All the rhetoric in the above are an indication that the diplomatic front has always been active at domestic regional and international levels, the mis-doings of these efforts on the contrary have been to connect political competitors as aligned to the rebel groups. In an effort to undermine the FDC’s legitimacy, the NRM associated the then Reform Agenda with “rebel organizations ... [which] provided a pretext for harassment directed at them.”¹⁵⁴ Which in turn defeats the core objective of diplomatic efforts.

4.3.7 Parliamentary committee on terrorism/Counter-Terrorism

The Ugandan government is among the few countries in Africa, which resolutely responded to the perceived rise in terror threats in the region, by enacting anti-terror legislations in recent years, along with Nigeria, Cameroon, Ethiopia, Kenya and Tunisia. with the intention of suppressing acts of terrorism and provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism. Eight years later, Uganda suffered two bombing terror attacks, which left 74 people dead and 71 injured. The Anti-Terrorism Act was then amended in 2015, 2016 and 2017. The amendments expanded the definitions of criminalized acts and included provisions criminalizing interference with electronic systems and possession of materials deemed to promote terrorism.¹⁵⁵ The

¹⁵² Ibid

¹⁵³ Op.cit. 28

¹⁵⁴ A/53/PV.24 (1998) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p.29

¹⁵⁵ The impact of Anti-Terrorism Act- Implementation-to-the-enjoyment-of-the-right-to-privacy https://www.unwantedwitness.org/?wpfb_dl=60 (accessed March 16, 2021)

amended Act further provided for authorization of interception of the correspondence of and the surveillance of persons suspected to be planning or to be involved in acts of terrorism.

The role of parliament in combating terrorism is therefore supportive in nature. First the parliament is responsible for passing the necessary legislations to protect the interests of Uganda, within the realm of international practice. Secondly the parliament ensures that Uganda complies with international legal frameworks for combating terrorism by periodically evaluating the degree of compliance with the agreed frame works, for example, the Speaker of parliament called a special sitting on 18th June 2015 to evaluate the Financial Action Task Force (FATF) in relation to Anti-money laundering and combating terrorism. Important to note is that some criminals use the financial system to support terrorists or acts of terrorism. Terrorist financiers and other criminals use the formal financial system, new payment methods such as bitcoin, trade based money-laundering, and cash couriers, particularly in countries with weak national anti-money laundering/countering the financing of terrorism tools¹⁵⁶.

According to a research officer in the parliament of Uganda, on the role of the institution of parliament, in an interview, he noted that it is mandated with two major functions in relation to counterterrorism.¹⁵⁷ These are not direct but rather supportive mechanisms: Making Laws relating to the fight against terrorism: Follow-up on the amount of money allocated to terrorism (reports/budget), Honorable Ekanya is on record having commented that, “As a Committee of Finance and Budget, they needed more money as they are not well facilitated. Even the appointment of the officials required was done late. So, I do not know the extent to which Government is committed in handling the issues of anti-money laundering. Do they just want to use Parliament as a scapegoat that we are not doing our work?”¹⁵⁸

¹⁵⁶ [Anti-Money Laundering and Countering the Financing of Terrorism - United States Department of State.](#)

¹⁵⁷ Interview with research officer of the parliament of Uganda on the November 24th 2020, at 2:29pm

¹⁵⁸ Parliamentary Hansard, Thursday, 18 June 2015; *Parliament met at 3.01 p.m. in Parliament House, Kampala.* p.3

4.3.8 Existing Regional Arrangements for Legal Cooperation against Terrorism

The East African Community (EAC) partner states are grouped into two classes: one represents the ‘high impact’ countries (Kenya, Uganda and South Sudan) with a high rate of terrorist incidents ranging from; deaths, injuries and property damages, and the other represents the ‘low impact’ countries (Tanzania Rwanda and Burundi) with low attack incidents, fewer deaths, injuries and property damages.¹⁵⁹ According to World Terrorism Index Report 2020, Kenya, South Sudan and Uganda also fall into the top 20 countries in the world which are most impacted by terrorist activities- Uganda is ranked 19th position. Tanzania and Rwanda, are ranked outside the top 20 countries of the most impacted by terrorist activities.¹⁶⁰

The EA region is vulnerable to terrorism because countries in the region experience: conflicts, weak governance, collapsed state institutions; porous borders the allowing extensive and uncontrolled movement of people and illegal weapons; increased extremist religious ideology and radicalization of vulnerable groups. These factors generally coincide with poor socio-economic conditions and create fertile ground for the existence of terrorism. The region is also considered to be the most vulnerable to terrorism of all regions in sub-Saharan Africa because of its geographical location.¹⁶¹

The EAC’s vision is to counter transnational terrorism and organized crime through capacity building and cooperation among law enforcement and the judiciary. The third EAC development strategy, for 2006–2010, was the first major strategy document to include an integrated antiterrorism framework as an organizational objective and the first to name police cooperation as a feature of the community.¹⁶² Currently the EAC has the sixth strategy

¹⁵⁹ Feldstein, S. (2018). In J. Tochukwu Omenma & Moses Onyango (2020), African Union Counterterrorism Frameworks and Implementation Trends among Member States of the East African Community: India Quarterly 76(1) 103–119, © 2020 Indian Council of World Affairs (ICWA) (accessed 11 March 2021).

¹⁶⁰ Ibid

¹⁶¹ Ford, J. (2011). African counter-terrorism legal frameworks a decade after 2001. *Monograph 177*. Pretoria, South Africa: Institute for Security Studies.

¹⁶² EAC, “East African Community Development Strategy 2006–2010,” para. 111, http://www.eac.int/advisory-opinions/doc_download/159-eac-development-strategy-2006-2010.html. Accessed April 5 2021

which aims to Transform the East African Community into a Stable, Competitive and Sustainable Lower-middle Income Region by 2030. The pillar of “Cooperation in Political Matters, Defence and Security” included related objectives such as joint measures to control terrorism, a mechanism to enhance the exchange of criminal intelligence, and a memorandum of understanding on EAC police cooperation.¹⁶³

The EAC’s role in combating transnational threats was articulated in detail in its Strategy for Regional Peace and Security in East Africa, adopted in November 2006.¹⁶⁴ The strategy’s overall objective was to encourage enhanced regional security cooperation. These goals included enhanced information exchange, the establishment of shared communication facilities at border control stations, and the facilitation of exchange programs between national law enforcement institutions.¹⁶⁵ To further encourage the attainment of these goals and the implementation of the EAC peace and security framework, member states endorsed the establishment of the Nyerere Center for Peace Research (NCPR) in 2006.

The rebirth of the EAC in 1999, though not frequently cited as a factor, with its integration policies such as the free movement of people, goods and capital across borders, has partly contributed to the increasing cases of cross-border crimes, money laundering and terrorism. Trans-border terrorism has been contained through bilateral and regional cooperation. In the last decade, African states and regional bodies have embraced the strategy of regional and international cooperation to combat transnational terrorist activities. The threat of terrorism in East Africa is directly related to and influenced by the activities of Al-Shabaab and Al Qaeda operating across borders in the Horn of Africa.

¹⁶³ Ibid., annex 1, sec. 1.1.

¹⁶⁴ EAC, “Strategy for Regional Peace and Security in East Africa,” October 2006, http://www.eac.int/advisory-opinions/doc_download/141-eac-strategy-for-peace-and-security.html (adopted by the 13th EAC Council of Ministers meeting, Arusha, Tanzania). Accessed April 5 2020

¹⁶⁵ Ibid., Sec. 2.0

In December 2018 when Uganda hosted a counterterrorism training for Security chiefs from East African countries in Kampala, the Director INTERPOL Uganda AIGP Dr. Yiga said that Uganda is now considered one of the countries that have mastered the fight against terrorism. Dr. Yiga emphasized that the country has had a number of success stories where suspected terrorists are netted paraded before court and convicted¹⁶⁶. Some of the convicts include those that were charged over 2010 bombings in Kampala on July 11th. They include Ahamed Luyima, Hussein Hassan Agad (alias Hussein Agade), Idris Magondu (alias Christopher Magondu), Habib Suleiman Njoroge and Muhammed Ali Muhamed¹⁶⁷. However, despite efforts by the security agencies, terrorism in Uganda has become not only a threat, but a reality which needs to be confronted in a collective and coordinated manner.

Nevertheless, Uganda has consequently become a strategic planning centre within the context of East Africa counter-terrorism security structure. Franke observes that “Africa’s emerging peace and security architecture rests on a watchful balance and clear division of tasks between the continental and regional layers of Inter-African security cooperation”.¹⁶⁸ The IGAD, ICPAT and EAC are the three East African regional bodies supporting counterterrorism in the region. Uganda happens to be playing a pivotal role in the structure with membership in all the three. The logic here is that, regional bodies are a bedrock of individuals with expertise and deeper understanding of local situations, and so they assist in developing appropriate

¹⁶⁶ Mary Nakinga (2018) EAPCCO: Uganda Hosts Counter terrorism training: available at: <https://www.upf.go.ug/uganda-hosts-counter-terrorism-training/#:~:text=Director%20INTERPOL%20Uganda%20AIGP%20Dr.%20Yiga%20said%20that,terrorists%20are%20netted%20paraded%20before%20court%20and%20convicted.>

¹⁶⁷ Samson Ntale and Ralph Ellis (2016) 8 sentenced in 2010 Al-Shabaab bombings. CNN world news. Available at: <https://edition.cnn.com/2016/05/26/africa/uganda-al-shabaab-bombings-conviction/index.html>

¹⁶⁸ Patrick Kimunguyi, “Terrorism and Counter terrorism in East Africa,” 12. http://artsonline.monash.edu.au/radicalisation/files/2013/03/conference-2010-terrorism-counter-terrorismeafrica_pk.pdf. In Henry Isoke, the Dilemma of Porous Borders: Uganda’s Experience in Combating Terrorism. p 54

policies and strategies.¹⁶⁹ For instance, as a product of its indulgence in the region, the IGAD has supported the AU and strategic partners in managing the terrorist threat in Somalia, including coordinating regional meetings and planning for the final deployment of AMISOM regional forces.

Furthermore, within the EAC states, legal frameworks have been made to facilitate the extradition of terrorist suspects. In some cases, the effectiveness of the legal framework has been undermined by bureaucracy and weaknesses in national institutions; thanks to political intervention and cooperation among regional security agencies has unlocked such obstructions. It is out of such cooperation that 13 Kenyans suspected in the July 11, 2010, terrorist attack in Kampala were handed over to Uganda by the Kenyan government, and in June, 2015 Jamil Mukulu, the leader of the ADF, was handed over by the Tanzania government to Uganda to answer for the terrorist charges against him.¹⁷⁰

4.3.10 The UN Office on Drugs and Crime

UNDOC was established to support rule of law based efforts by member states to counter serious organized crime and terrorism. It provides technical support for its activities with in its area of operational the 12 sub-regional countries. In the context of counterterrorism, it is concerned with law enforcement and legal capacity building in accordance with international instruments and conventions. It focuses on ratification of international legal instruments and the domestication of counter terrorism laws as a basis for legal cooperation, the institution also develops, disseminates international instruments against terrorism and promotes joint training of prosecutors, judicial officers and carries out investigation, all as part

¹⁶⁹ Eric Rosand, Alistair Millar & Jason Ipe, “Enhancing counterterrorism cooperation in eastern Africa,” *African Security Review* 18 no. 2 (2009), 93–106, doi:10.1080/10246029.2009.9627532, In Henry Isoke, *The Dilemma of Porous Borders: Uganda’s Experience in Combating Terrorism*. P. 55

¹⁷⁰ Denis Edema, “Journalists blocked from Mukulu trial,” *The Monitor*, July 22, 2015, <http://mobile.monitor.co.ug/News/News/Journalists-blocked-Mukulu-trial/-/2466686/2802630/-/format/xhtml/-u6b0xdz/-/index.html>.

of efforts to promote legal cooperation. Being a focal institution on crime in the sub region, it still develops strategic regional assessments of organized criminal and terrorist activities and supports institutional capacity building at domestic and interstate level.

4.4 The African Union Counterterrorism Mechanisms

The African continent has had to wrestle with many different forms of terrorism and terrorist actors, including Al Qaeda, Al-Shabaab, Boko Haram and the LRA. As a consequence, the AU (55 Member States), and its predecessor the OAU, have been actively engaged in continental efforts to prevent and combat terrorism for over four decades. A key distinguishing feature between their respective approaches to regional peace and security matters is that whereas the OAU was premised on a principle of non-intervention in the domestic affairs of its Member States, the AU has an increased mandate to be more interventionist on matters of continental concern, which include terrorism and international crimes.

The principal instrument against terrorism is the OAU Convention on the Prevention and Combating of Terrorism (adopted on 1 July 1999, entered into force 6 December 2002). The Convention requires that States parties criminalize terrorist acts under their national laws as defined in the Convention. It defines areas of cooperation among States, establishes State jurisdiction over terrorist acts, and provides a legal framework for extradition as well as extra-territorial investigations and mutual legal assistance. Following the Dakar Declaration against Terrorism in 2001, which recognized the pressing need to strengthen inter-State cooperation across the continent, a Protocol to the 1999 Convention was adopted in 2004 (adopted 1 July 2004, not yet entered into force). This recognizes the growing threat of terrorism in the continent and the growing linkages between e.g., terrorism, drug trafficking, transnational organized crimes, and money-laundering.

The 2004 Protocol seeks to give effect to article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union 2002 (adopted 9 July

2002, entered into force 26 December 2003) namely to further the objective of "co-ordinating and harmonizing continental efforts in the prevention and combating of international terrorism in all its aspects". Article 7 of the Protocol is notable since it requires that key conventions and other instruments against terrorism be implemented in a rule of law compliant manner consistent with each Member State's other obligations under international law.

Since 2000, the AU has adopted a number of other important terrorism-related instruments, such as the 2002 African Union Plan of Action on the Prevention and Combating of Terrorism (Mtg /HLIG/Conv.Terror/Plan. (I)), which aims to strengthen the existing commitments and obligations of States parties, including to implement and enforce the 1999 Convention. The Action Plan seeks to strengthen aspects such as police and border control, legislative and judicial measures, financing of terrorism, and the exchange of information. In 2010, the Assembly of the Union (Assembly/AU/Dec.311(XV)) adopted a resolution on the Prevention and Combating of Terrorism in which it appointed a dedicated African Union Special Representative for Counter-Terrorism Cooperation.

While much good progress has been made, including in relation to strengthening the regional framework for countering terrorist threats and better coordinating responses, significant challenges remain. These include financial and human resource capacity constraints, together with difficulties associated with securing the requisite levels of accompanying political will of African Union Member States on some issues (reflected in the ratification status of the 2004 Protocol). Historically too, counter-terrorism initiatives have sometimes been poorly resourced, in part because terrorism is not always a high priority for some Member States when compared to more immediately pressing economic, environmental, developmental, and poverty eradication issues.¹⁷¹

¹⁷¹ <https://www.unodc.org/e4j/en/terrorism/module-5/key-issues/african-region.html>

4.5 The Nexus Between the Regional and International Mechanisms against Terrorism on Uganda's State Capacity.

Munyua notes that, the government of Uganda approaches terrorism from two angles: preventive actions and deliberate, disruptive interventions. For instance, before the Kampala and Jinja bombings in 1999, security forces including the police, military, intelligence services, worked independently.¹⁷² However, to ensure efficient and effective results in fighting terrorism, the Joint Anti-Terrorism (JATT) Task Force, an interagency unit, was created.

For Uganda, terrorism can only be contained through bilateral and regional cooperation.¹⁷³ In the last decade, African states and regional bodies have embraced the strategy of regional and international cooperation to combat transnational terrorist activities. The threat of terrorism in East Africa is directly related to and influenced by the activities of Al Shabaab and Al Qaeda operating across borders in the Horn of Africa.

In spite of the fact that efforts to combat terrorism by the African Union intensified after 9/11, as earlier discussed, there had been earlier efforts by the OAU the predecessor to the AU to put in place mechanisms for cooperation in combating terrorism by member states Uganda inclusive. In June 1994, in Tunisia, African leaders signed a Declaration on a Code of Conduct for Inter-African Relations. The declaration criminalized “all acts, methods, and practices of terrorism.”¹⁷⁴ African leaders resolved to cooperate in fighting terrorism on the continent to ensure stability and development.

Additionally, in July 1999, in Algiers, the African leaders endorsed the Convention on the Prevention and Combating of Terrorism (the Algeria Convention). Importantly, this agreement provides a definition that distinguishes acts of terrorism from acts relating to the

¹⁷² David Munyua, *Combating Terrorism: A Ugandan Perspective*, In *Combating Terrorism Exchange (CTX)*, Vol.2, No.1, 2012. Pg. 23-29

¹⁷³ Patrick Kimunguyi, "Terrorism and Counter terrorism in East Africa," Research gate, May 29, 2015, 17, http://www.researchgate.net/publication/267265383_Terrorism_and_Counter_terrorism_in_East_Africa

¹⁷⁴ Martin Ewi and Kwesi Aning, "Assessing the role of the African Union in preventing and combating terrorism in Africa," *African Security Review* 15, no. 3 (2006): 35, doi:10.1080/10246029.2006.9627603

struggle for freedom and self-determination.¹⁷⁵ Article three of the agreement states, looking at the African definition of terrorism which was drawn from its historical context, particularly the struggle against colonialism, hence the definition was due for legal clarity, it became necessary to draw a distinction between terrorism from liberation struggles with a just cause.¹⁷⁶ Hence, the AU architecture provides a clear legal framework that supports member states and regional blocks in their efforts to combat terrorism. Article 4(o) of the Constitutive Act of the AU (2000) condemns acts of terrorism and subversion. So, member countries Uganda inclusive need to determine how best to implement the Act with its broad provisions to maximise its impact on the ground and ensure that its needs and priorities are reflected all concerns of the East Africans in regard to terrorism. In otherwise, various coherent frameworks that can serve as a basis for improving the overall coordination and cooperation within and among African countries is important.

In July 2004, the African Union established the African Centre for Study and Research of Terrorism (ACSRT) in Algiers, Algeria.,with the task of organizing functions aimed at improving counterterrorism capacities and cooperation among AU member states, provide capacity-building assistance to enhance national and regional capabilities, create a mechanism for all member states to access expert guidance, build a database to facilitate sharing of intelligence and other related terrorism information; harmonize and standardise domestic legal frameworks.

The ACSRT is responsible to the AU Commission and interacts with member states through national Focal Points and coordinates with regional and international stakeholders such as the European Union (EU), the UN Counter Terrorism Committee (CTC), and the Global

¹⁷⁵ Martin Ewi and Kwesi Aning, "Preventing and Combating Terrorism in Africa," 37

¹⁷⁶ Ewi and Aning, "Preventing and Combating Terrorism in Africa." 37.

Counter Terrorism Forum (GCTF) over counterterrorism matters.¹⁷⁷ In which Uganda actively participates. However, because of financial and personnel constraints, ACSRT has not delivered much on its core functions, such as building a coherent data base and effectively supporting the national Focal Points. For its operations, the Centre largely depends on external donors, particularly the European Union.¹⁷⁸

The employment of a regional strategy in combating terrorism in East Africa has been effective in spite of a number of challenges. The AU efforts in coordination with the international community have enabled the establishment of state institutions. Despite the successes posted, by the international and regional mechanisms in EA and Uganda continue to face a number of challenges, including inadequate manpower and equipment.

In spite of the failure by some of the TCCs to contribute troops to the African Union Regional Task Force (AU-RTF)¹⁷⁹, the AU-RTF, with the support of the U.S forces, has made tremendous achievements. Out of the five top LRA commanders (i.e. Joseph Kony, Vincent Otti, Raska Lukwiya, Dominic Ongwen and Odhiambo Okot to the ICC for war crimes and crimes against humanity in northern Uganda.) indicted by the ICC, three have been killed in combat (i.e. Otti, Raska and Odhiambo), one surrendered (i.e. Dominic Ongwen) and is now arraigned in the ICC, and another (Vicent Otti) was killed on orders of the LRA leader¹⁸⁰, Joseph Kony, who is still eluding the forces. The LRA has consequently lost the ability to launch attacks and abduct civilians in the CAR and DRC.

Uganda, Zimbabwe, Kenya and Tanzania among others. These were effective in dismantling the ADF terrorist camps in the eastern DRC, several of its combatants were killed,

¹⁷⁷ Africa Union, “About The African Centre for the Study and Research on Terrorism (ACSRT),” January 25, 2013, <http://www.peaceau.org/en/page/2-3591-static-about-african-centre-for-study-andresearch-on-terrorism-ACSRT>.

¹⁷⁸ Kimunguyi, “Terrorism and Counter terrorism in East Africa,” 14

¹⁷⁹ AU-RTF created by the African Union (AU) to address transnational armed groups (i.e. LRA & Boko Haram)

¹⁸⁰ Maliti , T, (2017) Court Hears More Testimony on Killing of LRA Deputy Leader Otti: International Justice Monitor. Available at: <https://www.ijmonitor.org/2017/09/court-hears-more-testimony-on-killing-of-lra-deputy-leader-otti/> accessed October, 2021.

and its overall leader (Jamil Mukulu) captured.¹⁸¹ On the whole, cooperation among regional and international stakeholders is an indispensable strategy in combating terrorism across all Uganda's borders.

More coherent security mechanism to guarantee the effectiveness of measures to improve security would include conducting regular and well-coordinated security meetings by authorities, effective mobilization and sensitization of communities on the terrorism threat, and effectively equipping and deploying security teams to conduct routine surveillance. The countries themselves must be stable and capable of asserting control over their borders. Internal stability demands that states address the drivers of their instability ethnic or religious strife, terrorism, poverty, corruption, etc.

The recurrent instability among Uganda's neighbouring states like DRC and South Sudan, together with the presence of terrorist safe havens¹⁸² across the country's western border with the DRC, poses a challenge to Uganda's counterterrorism system. Exacerbated by the artificial division of border communities by colonialism and the resultant attempts by the state to restrict cross-border movements and activities of local communities. In the late 1990s and mid- 2000s, terrorists exploited the failure of the state to exert effective control over its porous borders and caused turmoil. The first line of defence for any country is at its borders. Uganda must refocus attention and resources toward more and better border security. At the same time, while ensuring security at the borders, the state must balance the benefits of economic activities to the nation with security concerns.

Largely Uganda's collective approach of law enforcement, intelligence, military, and diplomatic counterterrorism measures has effectively checked terrorist manoeuvres and kept

¹⁸¹ MacCormac, S (2015) ADF Leader Jamil Mukulu Arrested. Centre for Security Policy. Available at: <https://centerforsecuritypolicy.org/adf-leader-jamil-mukulu-arrested/> accessed October, 2021.

¹⁸² US Department of State - Country Reports on Terrorism 2019: Uganda. Available at: <https://www.state.gov/reports/country-reports-on-terrorism-2019/uganda/>. Accessed October, 2021

the country relatively safe from terrorism in the last decades except for July 11, 2010, incident. However, whether this situation is guaranteed, remains the key question for the security professionals. First, the national borders remain porous and vulnerable to terrorist infiltration.

Secondly, Uganda's uncompromising position against terrorism and its frontline position in combating it in the region makes the country a prime target for terrorist attacks. Third, with the increased Internet of things, terrorists are able to operate without physically crossing borders: they recruit, mobilise, coordinate, instruct, fund, and equip their local agents undetected. In the recent past, the media widely reported that by mid-2016, "Facebook would beam free Internet to Africa with satellites."¹⁸³ Individuals and communities in remote areas of Sub-Saharan Africa were reported to be targeted beneficiaries, including Uganda. Terrorist networks were also predicted to expand their reach in similar proportions. It is important, therefore, that Uganda puts in place a formal national counterterrorism strategy to address the enduring threat of terrorism. The strategy, among other things, would comprehensively address the question of border control and cyber threat. Structural constraints as widespread poverty and unemployment especially among the youth.

Though some scholars like Kruer & Mleckova¹⁸⁴ and Hassan¹⁸⁵ deny the relationship between poverty and terrorism on grounds that several terrorists, personally hail from middle- and high-income backgrounds, it is also true, particularly in third world countries like Uganda that terrorists recruit desperate youth by luring them with false promises of jobs and attractive pay or simply easier answers.

Although law enforcement, military, and diplomatic approaches are key to Uganda's terrorism policy, the security of the state depends on the capacity of its intelligence agencies to

¹⁸³ Heather Kelly, "Facebook to Beam Free Internet to Africa with Satellites," CNN Money, October 5, 2015, accessed April 6, 2021, <http://money.cnn.com/2015/10/05/technology/facebook-africasatellites/>.

¹⁸⁴ Alan B. Krueger and Jitka Maleckova (2002), "Education, Poverty, Political Violence, and Terrorism: Is There a Causal Connection?" *National Bureau of Economic Research*, pg. 9

¹⁸⁵ Nasra Hassan (2011), "An Arsenal of Believers," *The New Yorker*, November 19, 2011, http://www.newyorker.com/archive/2001/11/19/011119fa_FACT1?currentPage=all.

penetrate terrorist networks and collect reliable and timely information about terrorist intentions. Community policing and intelligence in the border region will minimize the problem of terrorism as it helps to enhance identification of those planning to carry out acts of violence/terrorism.

4.6 Other Partners in Combating Terrorism in East Africa

Because regional bodies are comprised of individuals with expertise and deep understanding of local situations, they assist in evolving appropriate policies and strategies.¹⁸⁶ The promotion of dialogue and understanding and countering the appeal of terrorism, involvement of Police and Law Enforcement appreciates bringing together a broad range of practitioners, Government officials and civil society participants from the Eastern African region to discuss a comprehensive and coordinated approach to countering terrorism for which Uganda has acted with a lead posture.

In this respect, African states more so Uganda need to act decisively to ensure universal implementation of existing counter-terrorism instruments and laws and governments should commit to protecting civilians while undertaking security operations and ensuring that anti-terrorism efforts are not used to stifle political opposition.

Presently, there are two AU forces fighting terrorists in the East African region, being continental African, and multidisciplinary peace keeping forces with military police and civilian contingents that act under the direction of the AU. They are deployed in times of crisis in Africa and they include AMISOM forces MONUSCO Though MONUSCO-IB, like the other two forces, is composed of regional troops, it is not an AU but a UN force.

¹⁸⁶ Eric Rosand, Alistair Millar & Jason Ipe, "Enhancing counterterrorism cooperation in eastern Africa," *African Security Review* 18 no. 2 (2009), 93–106, doi:10.1080/10246029.2009.9627532

4.8 African Union’s Strategic Partners United Nations, European Union, United States of America and the Civil Society Organisations

The current limitations with in the AU and EAC and Uganda, point to the importance of the UN and its role in promoting CT cooperation and Capacity building activities in the region in the framework of the UN strategy. The relative level of cooperation by Uganda and EA presents an opportunity for it to help shape a robust regional response to terrorism better than what it is today. Using a holistic UN strategy as an entry point for enhanced engagements in the region, the UN therefore would use the CTITF to develop a strategy for engagements as part of an effort to link the global body more closely to Uganda and EA counter-terrorism needs and priorities.

African states and regional bodies such as the EAC unilaterally lack the financial, technical, and material capacity to effectively deal with terrorism in the region. The AU strategic partners work closely with the continent both at the regional and bi-lateral levels in countering terrorism. Uganda for instance, benefitted from recommendations by the ICGLR to the AU and the signed “Peace, Security and Cooperation Framework for DRC and the Region,”¹⁸⁷ in February 2013, the UN Security Council passed Resolution 2098 (2013), creating the Intervention Brigade intended to carry out targeted operations to “neutralize and disarm” the notorious 23 March Movement (M23), as well as other Congolese rebels and foreign armed groups in strife-riven eastern Democratic Republic of Congo¹⁸⁸. And within the MONUSCO which authorized the Brigade to “take all necessary measures to carry out targeted operations to prevent expansion of all armed groups in DRC, neutralize these groups and to disarm them.” The ADF, LRA, and other armed groups were targets.¹⁸⁹ Consequently in 2017

¹⁸⁷ [Reliefweb.int/sites/reliefweb.int/files/resources/S_2021_306_E.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/S_2021_306_E.pdf) (accessed Friday 05th 11. 2021)

¹⁸⁸ [Un.org/press/en/2013/sc_10964.doc.htm](http://un.org/press/en/2013/sc_10964.doc.htm) (accessed Friday 5th 11.2021)

¹⁸⁹ Security Council, “‘Intervention Brigade’ Authorized as Security Council Grants Mandate Renewal for United Nations Mission in Democratic Republic of Congo (SC/10964), United Nations, March 28, 2013, <http://www.un.org/press/en/2013/sc10964.doc.htm>.

the Ugandan Army announced that the LRA were neutralized and therefore started withdrawing the Army from CAR¹⁹⁰. However, the ADF group seems to have resurged in the past eight years. Speaking during the State of the Nation Address on June 5, President Museveni blamed the ADF for several assassinations of Muslim clerics and other prominent persons from 2012¹⁹¹ to date, the ADF is among the terror groups suspected to have planned bomb blasts in Kampala including the last blast which occurred on 23rd October, 2021 at a bar in Komamboga – Says the Director of Counterterrorism Police Unit, Abbas Byakagaba ¹⁹².

4.9 Analysis of Social-Economic Welfare in Relation to Countering Terrorism

Armed internal aggression and other violent activities within developing countries are often an angry response to frustration which is a product of relative deprivation and people's perception that they are unfairly deprived of the wealth and status that they rightly deserve in comparison with advantaged others. In a poor country like Uganda, unequal relations have been facilitated by land, being one of the most important resources and factor of production for the country, the International Crisis Group (ICG), writing on Uganda's growing tensions without a resolution notes that, "Conflicts created in the formation of the protectorate then have continued more than a century later. Failures of national integration have converted these land disputes into national issues. In turn, the central government has become ever more deeply involved in local politics, frequently taking sides on the basis of ethnicity, regionalism or religion".¹⁹³

¹⁹⁰ <https://www.rfi.fr/en/contenu/20170419-ugandan-army-says-lra-neutralised-begins-withdrawal>. Accessed October, 2021. <https://www.theeastafrican.co.ke/tea/news/east-africa/understanding-the-resurgence-of-adf-rebel-group-in-uganda-22-years-on-1396372>.

¹⁹¹ The East African News Paper, 19th June 2018. Available at:

¹⁹² <https://www.dispatch.ug/2021/10/25/adf-islamic-state-responsible-for-komamboga-blast-says-ct-director/>

¹⁹³ The International Crisis Group, Uganda (2012). No resolutions to Growing Tension, Africa Report No.187,. p.2 Published 5th April, (accessed March 9, 2021, 13:06)

According to the UN, violence erupts so frequently because hundreds of millions ‘belong to groups that face some form of cultural exclusion and are disadvantaged or discriminated against relative to others in their country.’¹⁹⁴ Hence in such situations families in those areas draw on local groups to protect their economic status when anticipating violence, and the poorer the household is at the start of the conflict, the higher is the probability of the household participating and supporting violent groups.¹⁹⁵

In the same vein, the relationship between poverty and violent armed conflict is more pronounced in situations where there is a youth bulge. This explains why large youth populations without jobs, cannot provide for their families, and cannot achieve economic security. Relatedly youth dropouts from schools, out of work and charged with hatred are the lifeblood of deadly conflict leading to violent terrorist actions. Urdal, commenting on the youth challenge, notes that, the future faces an increasing threat- “a class of generations” as the youth bulges increases the risk of internal armed conflict and political violence.¹⁹⁶ Accordingly, the youth unemployment has been highlighted by many economic observers as one among the fastest growing in the world, this level of joblessness will continue to be the primary source of anger that will drive the youth population into joining terrorist groups that intend to change governments with in Africa, East Africa and Uganda.

According to UNICEF,¹⁹⁷ Uganda ranks second as the youngest population in the world with 77% being under 25 years of age. There are 7,310,386 youth between the age of 15-24, this is a significant number of young people, when kept out of work can negatively impact economic growth and development. If left unchecked, youth unemployment can have serious

¹⁹⁴ United Nations Development of Economic and Social Affairs. (2009) “World Population Age 80 or Older.” In *Time Health* (February 22).

¹⁹⁵ Justino Patricia. (2009) “Poverty and Violent Conflict: A Micro Level Perspective on the Causes and Duration of Warfare,” *Journal of Peace Research* 46 (3): pp.315-333

¹⁹⁶ Urdal Henrik. (2006) “A Clash of Generations? Youth Bulges and Political Violence,” *International Studies Quarterly* 50 (September): 607-629

¹⁹⁷ <https://www.unicef.org/uganda/what-we-do/u-report>.

social repercussions because unemployed youth tend to feel left out, leading to social exclusion, anxiety and a lack of hope for the future,¹⁹⁸ this situation has caused a lot of political anxiety today and many youth without sense of direction have joined ethnic politics, many have lost lives in riots trying to check the status-quo for example, On September 10 and 11, 2009, Ugandan authorities sought to prevent a cultural leader of the Buganda ethnic group from traveling to Kayunga, a town near Kampala where Buganda Youth Day festivities were planned. Karaka supporters took to the streets, in some instances throwing stones and setting debris alight. The military and police beat demonstrators and quickly resorted to live ammunition, killing unarmed protesters and bystanders.¹⁹⁹

4.10 Analysis of technological robustness in relation to countering terrorism.

In the past, as the political goals of groups became more evident, they were defined as urban guerrillas, insurgents, and revolutionaries, the groups that we now see as terrorists, and whose actions we define as terrorism, were simply seen as participants in wars of national liberation, allies in fighting these conflicts and their associated insurgents, but they were in no way tied to terrorism.

This is so because of the improved capabilities, where enhancements are primarily found in the great improvements manifested in communications and media technologies, and in the destructive effects of modern weaponry. Because of these improved capabilities, even small-scale group operations are today capable of having enormous and far-reaching effects both in terms of violence and in media reach due to satellite communications.²⁰⁰ The most recently concluded general election cycle in Uganda clearly highlighted a number of

¹⁹⁸ Irene Among and Michael Mutemi Munavu, (2019) April 30th 2019, <https://blogs.worldbank.org/nasikiliza/we-want-to-be-heard-the-voices-of-ugandas-young-people-on-youth-unemployment>. Published April, 30th (accessed, March 15, 2021)

¹⁹⁹ Human Rights Watch, (September 11, 2018), History of Violence on Repeat in Uganda,

²⁰⁰ William L. Waugh, Jr. (1990) Terrorism and Emergency Management (New York: Marcel Dekker, Inc., Thursday April, 8th, p.1.

weaknesses in as far as the internet of things is concerned. First the capacity to mobilise masses in very limited time, for example, one of the presidential candidates created a media platform where he mobilised and communicated to his supporters countrywide. Prior to January 14th 2021, which was the voting day, the Internet was generally shutdown by concerned government agencies and security experts sensing political unrest. As a result of planning, coordination, mobilisation facilitated by the social media platforms messages of encouragement, hope and goodwill from sympathisers were all over the place to the supporters.

However, shutting down the internet created immense losses to government in terms of revenue, owing to the fact that many institutions came to a standstill, the formal and informal business community would not transact, all this was reactionary and was done with a lot of panic and suspicion because of the unpredictability of the political environment after election from the government side. Thus government, in fighting such groups, needs to harness the advantages of a technological age to always move ahead of confronting threats that manifest in a technological manner.

Technological revolution and the rapid digital transformation within the media call upon governments and states to regularly update their approach towards the use of social media in their engagements with citizens.²⁰¹ First forward, in this contemporary era governments have adopted the use of high-tech social media because of the robustness and effectiveness it brings. It is a two-way communications system as it allows quick feedback on both state (s) and citizens. In spite of that, governments ought to be extra careful because of the potential threats that technological advancement poses especially where questions are asked on whether the internet is controlled by anyone in the aftermath 9/11 terrorist attacks. Terrorist use social

²⁰¹ Laila Vaivode. Mag.iur., (2010), The role of social media during and in the aftermath of a terrorist attack, Turiba University, Riga, Latvia

media platforms like Facebook, twitter, Instagram, and to breed hatred among the participating audiences and they can spread deceptive information.

Uganda needs to use updated and refined tactical and strategic approaches in her social media engagements with the citizens and the outside world in order to counter, prevent and combat terrorist threats and attacks. The study sustained the argument that, in this era of digital media, government ministries, departments, and agencies should procure, train relevant staff in management and control of high-tech media and get these staff involved on the purview of social media to facilitate propagation of critical information in critical times and build resilient public trust and public opinion to counter the sophisticated terrorists and their agents.

Secondly, all governments have become very sensitive about the use of social media, especially when it was confirmed that social media was used by the Islamic State of Iraq and al-sham to disseminate and recruit supporters globally through Facebook, twitter and Instagram. Their propaganda spread widely even to the west and USA. Third, by virtue of its construction, social media allows users to interact and engage with media content; images and videos based on web 2.0 technologies,²⁰² but both web 2.0 and social media share digital content among users around the world. Relatedly, all these technologies allow the users to navigate virtually beyond the boundaries of space and time and to exercise influence and co-create rather than just passively watching or observing.

4.11 Can militarization of counterterrorism measures work to deter terrorism in Uganda?

While drastic counter terrorism measures are in place and some progress registered, it appears that the traditional widespread view across the country and beyond that military approaches are widely used to deter terrorism acts has dominated much of the discussions in

²⁰² Berger, J.M. and Morgan, J. (2015) The ISIS Twitter Census: Defining and Describing the Population of ISIS Supporters on Twitter. The Brookings Project on U.S. Relations with the Islamic World. https://www.brookings.edu/wp-content/uploads/2016/06/isis_Twitter_census_berger_morgan.pdf

this study. Nonetheless, Uganda needs to invent into and/or re-enforce non-militarized counter terrorism measures to address such extremism before the country get swamped into deeper consequences of terrorism.

Ideally, Uganda's security policing system has in the recent years featured as a result of unexceptional way of solving security problems opening a Pandora's Box of a myriad of other security problems. Barbaric cruelty of Security personnel in handling suspects of terrorism has immensely contributed to more acts of terrorism although this could as well be as a result of an interplay of the other socio-economic and political conditions. This study therefore poses a fundamental question as to whether there are civil ways to deal with terrorism other than militarization.

In view of the above, it's in the interest of this study that the Ugandan government work effectively to find ways of counteracting terrorism by developing a wide range of strategies through extensive consultations with a wide range of experts across Uganda including civil society, cultural and religious communities with the view that human rights, civil rights and natural security are prioritised. Nonetheless, an in-depth analysis and examination of the applicability and effectiveness of non-militarised counter terrorism measures could be relevant.

For instance, parliament may pass rules that support the deployment of UPDF by the government in circumstances beyond traditional disturbances to peace. The UPDF may be called to assist the civil authorities in the restoration of law and order, and provision of military Aid to the Civil Community in areas of; disaster relief, but also including specific responses to mass casualty terrorist attacks. The later civil method hinges on a practiced by western armed forces with specialized units, for example, the UK's Joint Chemical, Biological, Radiological and Nuclear (CBRN) Regiment, a British Army-Royal Air Force (RAF) formation, trained in

the containment and decontamination processes needed in the aftermath of a major CBRN attack²⁰³.

In context, Uganda's approach to counterterrorism should involve (1) the prevention of terrorism by tackling its causes, (2) the pursuit of terrorists and their sponsors, (3) the protection of the public and key services, and (4) preparation to respond to and mitigate the consequences of a terrorist attack. UPF as the lead institution for domestic counterterrorism, and the Counter Terrorism Unit (CTU) managing its international aspects, while the Ministry of Defense Veteran Affairs (MODVA) supports UPF and CTU.

Uganda needs to emphasize the primacy of political and nonmilitary means of fighting terrorism. These include the need to isolate the terrorist physically and psychologically from the wider population, and to use other levers of national power (notably the diplomatic and economic) to resolve the grievances that cause terrorism (such as the radicalization of young Ugandan Muslims). Even so, Uganda also has an open military aspect. The UPDF is plainly committed to prevention and pursuit most especially in the context of current operations on the ADF in DRC. This was confirmed in President Yoweri Museveni's when he condemned the suicide bombings in the capital Kampala, while assuring residents of continued efforts to fight terrorism and promote security. "He said terrorists have exposed themselves at a time when Uganda's security infrastructure has improved and is more prepared to fight terrorism."²⁰⁴ "The terrorists invited us and we are coming for them,"²⁰⁵ he said.

Hughes argues that, the application of a mix of economic power; diplomatic means; the legal resources of a state, police, and judiciary; the use of intelligence gained by a state's security and foreign espionage services; and the employment of military power. In this respect, the

²⁰³ Geraint H. (2011) *The Military Role in Counterterrorism: examples, and Implications for Liberal Democracies*. Pg. 38

²⁰⁴ *The East African*, Wednesday November 17, 2021

²⁰⁵ *The Daily Monitor* Wednesday November 17, 2021

government's duty may be to decide which means are best used to resolve specific problems arising from terrorism, whether domestic or international.²⁰⁶ Yet, to begin this process of deliberation, a government needs to formulate an overall objective, an end to which means are to be applied. The objective of any liberal democracy involved in any conflict against terrorism should be the preservation of constitutional order and the basic tenets of a liberal state and society; a government's accountability to the elected representatives of the people; the preservation of governance by law and not by force, etc.; but also the protection of the security and the rights of its citizens, foremost among them the right to life. The latter applies not only to minimizing the ability of terrorists to kill and maim members of the general public, but also to ensuring that civilians are not exposed to excessive violence by the state and its agencies, as experienced by Argentina in the 1970s.²⁰⁷

²⁰⁶ Ibid pg. 38

²⁰⁷ Op cit, pg. 122

CHAPTER FIVE:

Conclusions and Recommendations

5.0. Conclusion

This study has argued that violence in post-colonial Uganda is largely a product of the political dynamics of successive post-colonial regimes, including the extensive manipulation of politicized ethnicity and ethnic stereotyping. It has maintained that the resort to violence that has bedeviled post-colonial Uganda is largely about political power and that it has been the tragedy of Ugandan politics that violence became a solution of first, rather than last resort, in which every war could be justified since it was always embedded in the country's history of revenge and ethnic retaliation. At the core of the violence lies the failure of consecutive Ugandan leaders to construct and consolidate a modern state that legitimizes and promotes collective aspirations, and to wield the magnitude and levels of power a modern state conveys, other than by divide and rule tactics. Whereas it is true that after establishing the multi-ethnic state of Uganda, the British colonialists made no effort to forge its inhabitants into one unified and viable political entity, much blame should be laid on Uganda's post-colonial leaders and their failure to act differently after over 60 years of independence. Instead, post-colonial leaders in Uganda invented their own version of "divide and rule" where more attention and economic resources were given to members of their own ethnic community than to the nation at large. In such cases, ethnicity was used to obtain and use state power in order to gain access to scarce resources commanded by the state. This, in turn, generated ethnic rivalry and competition which led to violent conflicts. As Brass observes, "by monopolizing access to cabinet posts and top positions in the military and parastatal enterprises, dominant groups stir up ethnic hostilities thereby provoking coups and conflicts."²⁰⁸

²⁰⁸ Quoted in J. Auvinen, (1997), "Political Conflict in Less Developed Countries, 1988-89", in *Journal of Peace Research*, 34, 2. p. 177-195.

This study has discussed state capacity and counter-terrorism measures within the context of Uganda since independence 1962, and analysed how Uganda has managed her violent past to date. While military capacity may serve to immediately react to terrorist threats and as a symbol of deterrence, social-economic welfare plays a bigger role in terms of minimizing some of the grievances terrorist organizations rely upon for recruitment of the non-ideologues. When governments fail to deliver public goods some segments of the population are susceptible to joining armed insurgencies as an alternative. Nevertheless, a lot more needs to be done in relation to addressing terrorism through social-economic welfare of the populace and the technological capacity of the government as a way of avoiding resurgent terror attitudes which were given way during the post-colonial years.

5.1 General Recommendations

The contribution of this study to the body of knowledge about Uganda's capacity to detect, combat and manage terrorism threats and attacks is that: Uganda's post-independence phase teaches us that the fight against terrorism adopted a militaristic and diplomatic approach rather than addressing the social-economic conditions which fuel the populace into conflict if not well catered for, there will always be a resurgence of violent conflicts emanating from various disgruntled groups within society which situation can also be manipulated by political opponents, from time to time such groups may choose to voluntarily participate in violent criminal acts, but they can at times be ready to be used by external actors.

5.2 Social-economic welfare policies towards counterterrorism.

The situation in Uganda today seems to indicate that imbalanced and lack of adequate healthcare facilities, poverty, marginalised groups, creates great boundaries between the "Haves and Have nots", large educated unemployed and large uneducated unemployed youths in Uganda can be a positive predictor of terrorism by aiding terrorist recruitment efforts, increasing public support for extremism, and damaging the legitimacy of the status quo. In

assessing the efficacy of counter-terrorism tools, Hewitt credits proactive economic affirmative action for marginalized groups, for example education and housing subsidies of Catholics in Northern Ireland, with reducing the threat of terrorism. Minority communities that are not aggrieved are also more likely to cooperate with state counter-terrorism officials.

In my analysis of the previous five financial year's budget allocation to the different sectors of Uganda's economy, security and works have always had the lion's share of these budgets. This has a manifest impact on the social welfare and the livelihood of majority of Ugandans. I propose that counter-terrorism experts looking at the increasing level of extremism along ethnic lines, increasing disproportionate, distribution of national resources would further widen, security policymakers are advised to use more specifically targeted measures to attack the socio-economic roots of terrorism. More integrated measures that focus on improving the livelihood of Ugandans such as improving on national public health and education across social groups, which may more directly improve the economic status of the minority and/or socially excluded and vulnerable groups – groups that if aggrieved are more likely to be hoodwinked into joining violent extremism and engage in terrorism. Uganda with an aggrieved minority population can find her counter-terrorism efforts hampered. Aggrieved communities are less likely to be cooperative with state counter-terrorism measures, affording advantages to terrorist groups in their midst.

For a country like Uganda, domestic terrorism is a more frequent occurrence, secondly, the impact of unaddressed social-economic welfare issues as mentioned earlier on terrorist activities can be primarily manifested in domestic terrorism. It is worth noting that there are potential implications for counterterrorism policies. There is increased need for promotion of national economic development in Uganda, democratic and free market economic reforms in politically and economically illiberal countries as a means to reduce violent radicalism.

5.3 Technological Policies towards Counter-Terrorism.

This study agreed with the thoughts of three scholarly works of Cherton,²⁰⁹ Weimann,²¹⁰ and Vaivode and Ammar.²¹¹ These were used to make a review of Uganda's technological preparedness in countering terrorist threats and then draw lessons for which government can implement to up its technological capability in cyber related criminality and terrorist activity facilitated by social media.

Weimann observed that terrorists have been active on various online platforms since the late 1990's, but they discovered that the surface web was becoming too risky for anonymous seeking terrorists, he adds that, this is because they could be monitored, traced and found. In his view, they were being monitored by counter-terrorism agencies and are often shut down or hacked.²¹² This realization should inform Ugandan security experts on making a decision to migrate from the surface web to the dark web.

These kind of terrorist sophistications in their present use of the internet, awaken Uganda and her regional security framework to incorporate new methods and measures for pursuing and investigating terrorist use of the dark web, thus he also seems to suggest that the terrorists are moving very fast after realizing that the surface web is susceptible to hackers, this indicates that Uganda's security experts in charge of counterterrorism need to move and also migrate very fast in order to cope with the fast developing technological migration.

Uganda needs to understand that terrorists use official accounts and non-official accounts called "disseminator accounts" these are accounts on social media, which are run by sympathizing individuals who sometimes lend moral and political support to those in

209 Michael Chertoff (2017), "Public Policy Perspective of the Dark web"

210 Gabriel Weimann (2016), "Terrorist Migration to the Dark Web"

211 Laila Vaivode and Saer Ammar (2010) "The role of Social Media During and in the Aftermath of Terrorist Attack"

212 Weimann, Gabriel, (2016), "Going Dark: Terrorism on the Dark Web", *Studies in Conflict & Terrorism* 39, 195-206. URL: <http://www.tandfonline.com/doi/abs/10.1080/1057610X.2015.1119546>.

conflict.²¹³ These two recommendations demonstrate to a country like Uganda, that to enhance our technological capabilities we must cooperate with our regional neighbors but also with international partners and players in establishing mutually agreeable regulations that govern the dark web, secondly Uganda's security structure has a duty to essentialise the aspect of taking the lead through its policy making organs to move forward in monitoring present trends in the evolution of the dark web, by providing the requisite training to concerned security experts, but also ensure provision of adequate resources to enforcement agencies like UPDF, Police Counter-terrorism unit, Parliament Counter-terrorism Committee, ISO and other relevant players. Lastly the government also should provide the much needed legal support to its agencies in order to successfully police the dark web.

213 Carter, J. A., Maher, S. & Neumann, P. R (2014), In Laila Vaivode, Magiur., The role of social media during and in the aftermath of a terrorist attack, 2010, Turiba University, Riga, Latvia

Bibliography

- A/51/PV.25 (1996) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis by, p.28
- A/53/PV.24 (1998) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p.29
- A/53/PV.95 (1999) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p.28
- Abioye, Funmi. (2019), Terrorist Groups in Africa Development Vol. 44, No. 3, Special Issue on Money, Security and Democratic Governance in Africa (III) / pp. 5-30 Published by CODESRIA
- African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, Algiers, September 2002.
- African Union, 2000b, *Constitutive Act of the African Union*, Addis Ababa: AU.
- Agbiboa, D.E., (2014), 'Terrorism without borders: Somalia's Al-Shabaab and the global jihad network', *Journal of Terrorism Research* 5 (1): 27–33.
- Alan B. K. and Jitka M. (2002), "Education, Poverty, Political Violence, and Terrorism: Is There a Causal Connection?" *National Bureau of Economic Research* .pg 9.
- Al-Shabab Claims Uganda Bombings (July 13, 2010), Twin Attacks Targeting World Cup Fans in Kampala Kill at least 74 People," Al Jazeera, <http://www.aljazeera.com/news/africa/2010/07/2010711212520826984.html>.
- Amnesty International (2010), *Human Rights Violations in Ethiopia*, Report, at <http://www.amnesty.org/en/region/ethiopia/report-2010#> Accessed 1st April 2021
- Amnesty International, (1983), Political Killings by Government (London: Amnesty International Publications, p. 44-49; Minority Rights Group, Uganda and Sudan (London: The Minority Rights Group. 1985), Report No. 66; U.S. Committee for Refugees, Hwnan Rig Ills in Uganda, the Reasons for Refugees (Washington, D.C.: American Council for Nationalities Service, 1985), in Kannyo. Eadward, journal of Democracy: Volume 15, No. 2, April 2004, p. 125-129
- Among, Irene and Mutemi, Michael M. (2019), <https://blogs.worldbank.org/nasikiliza/we-want-to-be-heard-the-voices-of-ugandas-young-people-on-youth-unemployment> (accessed, March 15, 2021)
- Annette Weber,(2012) "Boundaries with Issues: Soft Border Management as a Solution?" Friedrich Ebert Stiftug, <http://library.fes.de/pdf-files/iez/08869.pdf>.
- Atkinson, R. (2010). The Roots of Ethnicity: the origins of the Acholi of Uganda University of Pennsylvania
- BBC News (2008) 'New Breakthrough in Uganda Talks,' BBC News Online, 22nd February 2008, <http://news.bbc.co.uk/2/hi/africa/7259636.stm>, accessed 5th February 2021.
- Berger, J. M. (2015). Tailored online interventions: The Islamic state's recruitment strategy. *CTC Sentinel*, 8(10), 19-23.
- Botha, A. (2008) Challenges in understanding terrorism in Africa: A human security perspective. *African Security Review*, 17 (2), p. 28–41.

- Bureau of African Affairs, "U.S. Relations with Uganda," U.S. Department of State, October 2, 2015, <http://www.state.gov/r/pa/ei/bgn/2963.htm>.
- Bureau of Counterterrorism, *Country Reports on Terrorism 2013* (Washington, DC: U.S. Department of State, April 2014), <http://www.state.gov/documents/organization/225886.pdf>
- Carter, J. A., Maher, S. & Neumann, P. R. (2014), In Laila Vaivode, Magiur., *The role of social media during and in the aftermath of a terrorist attack*, 2010, Turiba University, Riga, Latvia
- Chalk, P. (2007), „Case Study: The East Africa Corridor, “ in Rabasa, A. Boraz, S., Chalk, P., Cragin, P., Karasik, P.W., Moroney, J.D., O’Brien, K., Peters, J., E., *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, RAND Corporation, MG-561, Santa Monica, California.
- Chauvet, Collier, and Hoeffler, *The Cost of Failing States*, 2007, 30- 2007:1-11.
- Coffer J. Black, "Diplomacy and the War Against Terrorism: Testimony of Ambassador J. Cofer Black, Coordinator for Counterterrorism, before the Senate Foreign Relations Committee," *Washington, DC. Retrieved on May 5 (2003)*, 2003.
- Collier, P. and Pradham, S. (1998) 'Economic Aspects of the Transition from Civil War', in H. B. Hansen and M. Twaddle (eds), *Developing Uganda* (London/Ohio University Press, James Curry). Cited in, Samuel Sejjaka; *A Political and Economic History of Uganda, 1962-2002*, p. 5
- Cullen S Hendrix (2010) *Measuring State Capacity: (Journal of Peace Research)*: In Edward S Kawesi, Ph.D. Thesis; *Human-Security, State-capacity and Post-Conflict Reconstruction: an analysis of the question of development oriented governance in Post Genocide Rwanda 1994-2005*, p.49
- Daily Monitor, 27 April 2015, <http://mobile.monitor.co.ug/News/>
- Daily Monitor, 17 November 2021, <http://mobile.monitor.co.ug/News/>
- David A. Charters, ed., (1994) *The Seven Deadly Sins of Terrorism: Its Effects on Democracy in Six Countries* (Westport, CT: Greenwood Press, p. 173.
- Davis, J., ed., (2007), *Africa and the War on Terrorism*, Aldershot (Hampshire, UK): Ashgate
- Denis Edema, "Journalists blocked from Mukulu trial," *The Monitor*, July 22, 2015, <http://mobile.monitor.co.ug/News/News/Journalists-blocked-Mukulu-trial/-/2466686/2802630/-/format/xhtml/-u6b0xdz/-/index.html>.
- Feldstein, S. (2018). In J. Tochukwu Omenma & Moses Onyango, *African Union Counterterrorism Frameworks and Implementation Trends among Member States of the East African Community: India Quarterly* 76(1) 103–119, 2020 © 2020 Indian Council of World Affairs (ICWA) (accessed 11 March 2021).
- Ford, J. (2011). *African counter-terrorism legal frameworks a decade after 2001. Monograph 177*. Pretoria, South Africa: Institute for Security Studies.
- Foster, P. (2004). *Fighting terrorism in East Africa and the Horn. Foreign Service Journal, September*, 36–42.

- François Misser, (2013) “Central African Republic: The collapse of the Bozize regime,” *African Arguments*, January 15, [http://africanarguments.org/2013/01/15/central-african-republic-the-collapse-of-the-bozize-regime %E2%80%93by-francois-misser/](http://africanarguments.org/2013/01/15/central-african-republic-the-collapse-of-the-bozize-regime%E2%80%93by-francois-misser/).
- Fukuyama, Francis. (2004), *The Imperative of State-Building*. Journal of Democracy, MUSE projects, <http://muse.jhu.edu>,
- Gashayija, Nathan (2015), “Importance of One Stop Border Post facilities in EAC integration,” *The New Times*, January 12, <http://www.newtimes.co.rw/section/article/2015-01-12/184873/>.
- Geraint H. (2011) *The Military Role in Counterterrorism: examples, and Implications for Liberal Democracies*.
- Global Centre on Cooperative Security, (2014), ‘Countering violent extremism in West Africa and the Sahel’, available at <http://www.globalcenter.org/wp-content/uploads/2014/12/CVE-WA-and-Sahel-project-description.pdf>,
- Golooba. F. M, Collapse, war and reconstruction in Uganda an Analytical Narrative on State-Making: Crisis States Research Centre, Working Paper No. 27. Abstract
- Golooba-Mutebi, F. and S. Hickey, (2013), ‘Investigating the Links between Political Settlements and Inclusive Development in Uganda: Towards a Research Agenda’, ESID Working Paper No. 20, Manchester: University of Manchester.
- Hall, P. and R. Taylor, (1996), ‘Political science and the three new institutionalisms’, *Political Studies* 44 (5): 936–57.
- Hansard (2010) Uganda Parliament, 22 June. Available at: <http://www.parliament.go.ug/cmis/browser?id=workspace%3A//SpacesStore/a7bf58da-b555-4647-a806-ae5605f5c352>
- Hansard, Uganda Parliament, 26 May 2015. <http://www.parliament.go.ug/cmis/browser?id=workspace%3A//SpacesStore/b487b970-607a-493b-8ac0-4512a1033903>
- Henstridge, N. M. (1995) ‘Coffee Money in Uganda: An Econometric Analysis’, DPhil thesis (Oxford University), In Samuel Sejjaka, *A Political and Economic History of Uganda, 1962-2002*. P. 98-105
- Horowitz (2000); Blanton, Mason, Athow 2001, Op.cit
<https://www.unodc.org/e4j/en/terrorism/module-5/key-issues/african-region.html>
- Human Rights Watch, (June 10, 1998), “HRW Condemns Deadly Attack by Ugandan Rebels on School Children,” <http://www.hrw.org/news/1998/06/09/hrw-condemns-deadly-attack-ugandan-rebels-schoolchildren>.
- Human Rights Watch, (September 11, 2018), *History of Violence on Repeat in Uganda*,
- Ibingira, G. S. (1980) *The Forging of an African Nation: The Political and Constitutional Evolution of Uganda from Colonial Rule to Independence, 1894–1962* (New York: Viking Press), In Samuel Sejjaka, *A Political and Economic History of Uganda, 1962-2002*. p. 98-100
- ICGLR, (2004), *Declaration on Peace, Security, Democracy and Development in the Great Lakes Region* (Dar es Salaam Declaration).

- IGAD, (2005), *Memorandum of Understanding for the Establishment of the East African Standby Brigade*, Djibouti: IGAD (from http://www.operationspaix.net/DATA/DOCUMENT/3468~v~Memorandum_of_understanding_on_the_establishment_of_the_EASBRIG.pdf, 12 September 2012)
- International Commission of Jurists, Uganda and Human Rights (Geneva: International Commission of Jurists, 1917): Jan J. Jorgensen. Uganda, A Modern History (London: Croom Helm Ltd., 1981) p. 315.
- International Conference for the Great Lakes Region (ICGLR), 2006/2012, *The Pact on Security, Stability and Development in the Great Lakes Region*, Bujumbura: ICGLR.
- Interview with ACP in charge of Community Policing (UPF), Wednesday 25 November 2020
- Jim K. Muhwezi, Terrorism-the threat to democracy, peace and security, 2012; P.7, 58th Common Wealth Conference Colombo, Srilanka: <https://www.dw.com/en/uganda-in-the-grip-of-violent-crime-wave/a-44227640>
- Justino Patricia. (2009) "Poverty and Violent Conflict: A Micro Level Perspective on the Causes and Duration of Warfare," *Journal of Peace Research* 46 (3): pp.315-333
- Kannyo. Edward, (2004). In the *Journal of Democracy*: Volume 15, No. 2, April, p. 125-129 accessed 27th January 2021
- Kanyehamba, G. W. (2002). 'Constitutional and Political History of Uganda from 1894 to the Present.' Kampala: Century Publishing House.
- Kasaija, P. (2013). The Government of Uganda, The ICC Arrest Warrants for the LRA Leaders and the Juba Peace Talks: 2006-2008: in the *European Society of International Law: Conference Paper Series No.2/2013*, Amsterdam Research Forum, 23-25 may. p.4
- Kasozi, A. B. K. (1994) *The Social Origins of Violence in Uganda* (Montreal: McGill-Queen's University Press). p.104
- Kjaer, A.M. and M. Katusiimeh, (2012), 'Growing but not Transforming: Fragmented Ruling Coalitions and Economic Developments in Uganda', Copenhagen: Danish Institute for International Studies, DIIS Working Paper 7.
- Laila Vaivode. Mag.iur., (2010), *The role of social media during and in the aftermath of a terrorist attack*, Turiba University, Riga, Lavia
- Lemke Douglas. (2003) "Development and War," *International Studies Review* 5 (December): pp.55-63
- Makinda S. M. (2007). 'History and root causes of terrorism in Africa,' in W. Okumu and A. Botha (Eds.) *Understanding Terrorism in Africa – In Search for an African Voice*, Cape Town: Institute for Security Studies, p. 16.
- Makinda, S. (2009), „The European Union and the Fight Against Terrorism and its Impact on Democracy Building in Africa, “ *International Institute Against and Electoral Assistance*, p.6.
- Mason, Weingarten & Fett (1999); Derouen & Sobek (2004); Hendrix (2010); Shelton, Stojek & Sullivan (2013), In in Edward S Kawesi, PHD Thesis; *Human-Security, State-capacity and Post-Conflict Reconstruction: an analysis of the question of development oriented governance in Post Genocide Rwanda 1994-2005*, p.49
- Matthew Adam Kocher (2010). *State Capacity as a Conceptual Variable* (*Yale Journal of International Affairs*, Spring/Summer 2010), and Lisa Chauvet, Paul Collier, and Anke

- Hoeffler, The Cost of Failing States and the Limits to Sovereignty (Research Paper No.2007/30).
- Mauricio Cardenas, Marcela Eslava and Santiago Ramirez, External Wars, Internal Conflict and State Capacity: Panel Data Evidence (Latin American Initiative at Brookings, 2012).
- Michael P. Scharf, (2004), Defining Terrorism as the Peacetime Equivalent of War Crimes: Problems and Prospects, 36 Case W. Res. J. Int'l L. 359 Available at: <https://scholarlycommons.law.case.edu/jil/vol36/iss2/7>
- Ministry of Defence Vote 004 Policy Statement, FY 2015/2016, April 2015
- Moe, T.M., (2005), 'Power and political institutions', *Perspectives on Politics* 3 (2): 215–33.
- Moses. Khisa, Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>
- Nasra H. (2011) "An Arsenal of Believers," *The New Yorker*, November 19, http://www.newyorker.com/archive/2001/11/19/011119fa_FACT1?currentPage=all.
- Naureen .W. F. (2012) Meeting the Challenge: A Guide to United Nations Counterterrorism Activities. International Peace Institute, New York.
- North, D., (1981; 1990); Acemoglu and Robinson 2012; Acemoglu, Johnson and Robinson 2001; 2005; Haber, Razo and Maurer 2003), In Moses. Khisa, Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>,
- North, D., (1990), *Institutions, Institutional Change, and Economic Performance*, New York: Cambridge University Press, In Moses. Khisa, Political Uncertainty and its Impact on Social Service Delivery in Uganda, Source: Africa Development, Vol. 40, No. 4 (2015), pp. 159-188, downloaded from 154.72.197.186 on Fri, 12 Mar 2021 10:02:36 UTC, <https://www.jstor.org/stable/10.2307/90000048>, p.163
- Nwagu, C.Y. Master's Thesis (October, 2009). Counter-Terrorism and Human Rights Protection in Uganda: Preventing Wrongs without Violating Rights. Human Rights and Democratisation in Africa Pritoria, South Africa.
- Nye Jr., J.S., (1965), *Pan-Africanism and East African Integration*, Cambridge, Mass: Harvard University Press.
- OAU 1999, Convention on the Prevention and Combating of Terrorism, Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism,
- Odhiambo A. and Ryan P. and Wilson, R. (2019) Destructive leadership in education: A transdisciplinary critical analysis of contemporary literature. *International journal of education*.
- Odoi. T.F Ph.D., (2009), Politics, Ethnicity and Conflict in post-independent Acholi land, Uganda 1962-2006. p.332

- Okumu, W., (2007), 'Counterterrorism Measures in the East African Community', in A. Le Sage (ed.), *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*, National Defence University Press and Potomac Books.
- Omelicheva. M., Counter Terrorism: The State Scholarship, Directions for Future Data Collection an Analysis', *Perspectives on Terrorism*. Vol 1, No.2, 2007
- Onyonyi, L., 2014 (27th January) *The EAC Peace and Security Architecture*, Presentation to the 4th Meeting – 2nd Session of the 3rd EALA, Kampala: EALA.
- Patrick Kimunguyi, "Terrorism and Counter terrorism in East Africa," 12.<http://artsonline.monash.edu.au/radicalisation/files/2013/03/conference-2010-terrorism-counter-terrorismeafrika-pk.pdf>. In Henry Isoke, the Dilemma of Porous Borders: Uganda's Experience in Combating Terrorism. P. 54
- Paul Collier and Dominic Rohner, Democracy, Development and Conflict, (<http://www.users.ox.ac.uk/econpco/research/pdfs/democracydevelopmentconflict.pdf>, 2010): accessed: 13th January 2021
- Paul Collier, *Post-Conflict Economic Recovery*, a paper presented for the International Peace Academy, Department of Economics, Oxford University Revised April, 2006.
- Peter Kagwanja, "Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies," *African Security Studies* 15, no. 3 (2006), p.78, doi: 10.1080/10246029.2006.9627608
- Poverty and Terrorism in Africa: The Debate Continues Author(s): Ambassador David Shinn Source: Georgetown Journal of International Affairs, Summer/Fall 2016, Vol. 17, No. 2 (Summer/Fall 2016), pp. 16-22 accessed 5 April 2021
- Privacy International, (2015). For God and My President: State Surveillance in Uganda, (October 2015), p. 9 Publishing.
- Quoted in J. Auvinen, (1997), "Political Conflict in Less Developed Countries, 1988-89", in *Journal of Peace Research*,34, 2. p. 177-195.
- Radio One, (December 30th, 2014). Kaihura Links Killing of Muslim Clerics to ADF Rebels," <http://radioonefm90.com/kaihura-links-killing-of-muslim-clerics-to-adf-rebels/>.
- Red Pepper, 5 September 2013, <http://www.redpepper.co.ug/>
- Report of the Committee on Defence and Internal Affairs on the Ministerial Policy Statements and Budget Estimates for the Fiscal Year 2013-2014-3, August 2013.
- Rodriguez ML (1993), Together We Can: A Strategic Plan for Reinventing the Chicago Police Department. Chicago, IL: Chicago Police Department: p.27
- Roland Paris, *At War`s End*, 2004,
- Rosand, E, Millar, A., and Ipe, J. (2007), „Enhancing Counter-terrorism in Eastern Africa, “ *African Security Review*, 18:2.
- Rosand, Eric., Alistair Millar & Jason Ipe. (2009) "Enhancing counterterrorism cooperation in eastern Africa," *African Security Review* 18 no. 2, 93–106, doi:10.1080/10246029.2009.9627532, In Henry Isoke, the Dilemma of Porous Borders: Uganda's Experience in Combating Terrorism. P. 55
- S/PV.3987 (1999) Rhetorical Facades: In Maxwell Wright July 2015, Ugandan Counter-Terrorism Discourse in the Museveni Era; Research Thesis p. 27

- Samuel, S. (1962-2002) *A Political and Economic History of Uganda*, p. 103
- Sandler, Todd. (2010), "New frontiers of Terrorism Research: An Introduction." In the *Journal of Peace Research*. 54 (2): p. 203-213
- Schmid, A. and Jongman, A.J., (1988), *Political Terrorism: A New Guide to Actors, Authors, Concepts, Databases, Theories, and Literature*, New Jersey: Transaction Publishers.
- Security Council, (2013) "'Intervention Brigade' Authorized as Security Council Grants Mandate Renewal for United Nations Mission in Democratic Republic of Congo (SC/10964), United Nations, March, 28, 2013, <http://www.un.org/press/en/2013/sc10964.doc.htm>.
- See for God and My President: State Surveillance in Uganda, October 2015, www.privacyinternational.org: p. 9
- Smock. D. (2008) 'Uganda/Lord's Resistance Army Peace Negotiations: Peace Brief,' (Washington, DC: United States Institute of Peace, <http://www.usip.org/publications/ugandalors-resistance-army-peace-negotiations>, accessed 16th March 2021.
- Sowing the Mustard Seed (1997): The Struggle for Freedom and Democracy in Uganda, Yoweri Kaguta Museveni, p.19, Macmillan
- Stephen Kafeero, Martin Ssebuyira, and Andrew Bagala, (2014) "Terrorism: Police, army take over Kampala," *The Monitor*, July 4, 2014, <http://www.monitor.co.ug/News/National/Terrorism--Police--army-take-over-Kampala/-/688334/2371242/-/s25akmz/-/index.html>.
- The East African, 17th November 2021 <http://www.theeastafrican.co.ke>
- The impact of Anti-Terrorism Act- Implementation-to-the-enjoyment-of-the-right-to-privacy https://www.unwantedwitness.org/?wpfb_dl=60 (accessed March 16, 2021)
- The international Crisis Group, Uganda. (2021) No resolutions to Growing Tension, Africa Report No.187, 5th April 2012. P.2 (accessed March 9, 2021, 13:06)
- The Monitor New Paper, 129, 1996. In Odoi. T.F, Ph.D.
- The National Counterterrorism Centre
- The Regulation of Interception of Communications Act, 2010 (Uganda), <http://www.ulii.org/files/Regulations%20of%20Interception%20of%20Communications%20Act,%202010>.
- The Security Organization Act (SOA), November 13, 1987 (Uganda) <http://www.opm.go.ug/assets/media/resources/338/SECURITY%20%20ORGANISATIONS%20ACT.pdf>.
- The Times /index, 1985, p. 921-922.
- The Times Index, (1982) (Reading. United Kingdom: Research Publications Ltd., 1983) p. 964, In Kannyo. E, Political and Civic Violence in Uganda, 1971-1986: p. 120
- The Times Index, (1983), p. 1093-1094, in Kannyo. E, Political and Civic Violence in Uganda, 1971-1986: p. 121

- The Times Index, (1984), pp. 997-998, in Kannyo. E, Political and Civic Violence in Uganda, 1971-1986: p. 122
- The Uganda Peoples' Defense Forces Act, 2005 (Uganda), <http://www.ulrc.go.ug/ulrcsite/sites/default/files/Downloads/Laws%20of%20Uganda/Laws%20of%20Uganda%20-%202001%20-2006/UPDF%20Act%202005.pdf>.
- The United Nations High Commissioner for Human Rights; Human Rights, Terrorism and Counter-terrorism, fact sheet No.32, p.5
- Thompson, G. (2003) *Governing Uganda: British Colonial Rule and Its Legacy* (Kampala: Fountain Publishers), in Samuel Sejjaka, *A Political and Economic History of Uganda, 1962-2002*. P. 98-100
- Timothy S. Besley and Torsten Persson, (2009). *State Capacity, Conflict and Development* (Working Paper 15088, National Bureau of Economic Research, Cambridge, <http://www.nber.org/papers/w15088,2009>).
- Tripp, A.M. (2010). *Museveni's Uganda: Paradoxes of Power in a Hybrid Rienner*.
- Tumushabe, AB. (2015) "The Dilemma of Combating Terrorism in Democratizing States," P.30, Monterey, California: Naval Postgraduate School accessed 5 April 2021.
- U.S. Department of Justice, Justice Department Announces Indictment, Arrests of Three Rebel Group Members for Brutal Murders of Two American Tourists in Uganda, Washington, DC: U.S. Department of Justice, March 3, 2003.
- Ulii, *National Security Council Act, 2000 (Uganda)*, <Http://Www.Ulii.Org/Ug/Legislation/Consolidated-Act/301>.
- United Nations Development of Economic and Social Affairs. (2009) "World Population Age 80 or Older." In *Time Health* (February 22, 2010).
- Urdal Henrik. (2006) "A Clash of Generations? Youth Bulges and Political Violence," *International Studies Quarterly* 50 (September): 607-629
- US Department of State (2004). *Terrorist Exclusion List* (US Department of State) <http://www.state.gov/s/ct/rls/other/des/123086.htm>; accessed 1st April 2021.
- Weber, M. Weber. (1994), *Political Writings*. Cambridge: Cambridge University Press,
- Weimann, Gabriel, (2016), "Going Dark: Terrorism on the Dark Web", *Studies in Conflict & Terrorism* 39, 195-206.URL: <http://www.tandfonline.com/doi/abs/10.1080/1057610X.2015.1119546>.
- Whitaker, B. (2008). 'Reluctant partners: fighting terrorism and promoting democracy in Kenya', *International Studies Perspective*, 9, 3: 254-71.
- Whitaker, B. (2010). 'Compliance among weak states: Africa and the counter-terrorism regime', *Review of International Studies*, 36, 3: 639-62. Whitaker Group. 2003. <<http://www.fara.gov/d0cs/5539-Supplemental-Statement-20030828-HPCiD8o3-pdf>>, accessed 5 April 2021.
- Whitaker, B. Elise, (2010), *Compliance among weak states "Africa and the Counter-Terrorism Regime"*, vol.36. No.3. p.639-662; Cambridge University press: British International Studies Association doi:10. 101 7 1 S02602 105 10000641
- William L. Waugh, Jr., (1990) *Terrorism and Emergency Management* (New York: Marcel Dekker, Inc., 1990, p.1.

William L. Waugh, Jr., (1999) *Terrorism and Emergency Management* (New York: Marcel Dekker, Inc., 1990, p.1., in *The Changing Face of Terrorism* Lieutenant Colonel Jeffrey F. Johns, United States Army, 10 March 1999. P. 17

World Bank (1993a) *Uganda: Growing Out of Poverty* (Washington).