In the Service of the Regime: Exploring the Relationship between Intelligence and the State in Uganda

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ABSTRACT

This paper interrogates the relationship between the intelligence structures and the state at various historical periods in Uganda. It seeks to contribute towards greater understanding of the role that the intelligence structures have traditionally played, with the aim of contributing towards understanding the scope of reform that has been undertaken since 1986 and the advancements that are still required to create a more democratic intelligence dispensation. Furthermore, this paper seeks to contribute towards creating a deeper awareness of the complex relationship between the intelligence structures and the state, especially in insecure environments with weakened state structures and democratic governance deficits.

Keywords: Intelligence, State Security, Regime, Reform, Democratic Governance

INTRODUCTION

When the National Resistance Movement came to power in 1986, there was hope that the people of Uganda could escape the systemic repression that had characterised domestic political life since independence. In the year preceding Museveni's rule, the state intelligence structures had been steadily abused by successive ruling regimes for the primarily purpose of securing the interests of the ruling elite through the oppression of opposition. As a result the intelligence function was perverted: consumed by narrowly defined security interests with few options and limited political space to tolerate dissent.

Reform of the state intelligence structures, in the context of broader security sector reform, is very relevant to contemporary Ugandan society. One of the key drivers for reform of the security sector is the continuing insecurity being faced, particularly in western and northern Uganda and the devastating effects of the long running conflict as evidenced by the thousands of internally displaced people in the recent past. This state of affairs requires a re-examination of the existing security mechanisms, questioning the provision of security services as well as the nature of the threats that the state security architecture prioritises. Civil society recognises the need for security sector reform in Uganda, not only to create a more democratic governance culture but also to overcome the years of abuse that citizens have faced at the hands of the state security forces. Since independence in 1962, various intelligence structures have been central actors in oppressing internal dissent and have been implicated in gross human rights abuses. It is, therefore, important to study the role of intelligence in Uganda and critically examine core areas for reform, if intelligence is to serve the broader security interests of the state and its people.

A HISTORICAL PERSPECTIVE ON INTELLIGENCE IN UGANDA

From 1894-1962 Uganda formed part of the British colonial empire as a protectorate. Uganda as a state was a result of amalgamation of several kingdoms and chieftaincies, which had established patterns of, and systems for the exercise of authority. Being a British protectorate meant that Uganda retained a degree of autonomy that was unknown in the colonies. The primary interest of the British in Uganda was economic. In the earlier years of the scramble for Africa, Uganda did not attract the interest of the colonial powers. It was only after the British, Germans and French understood the

strategic link of the river Nile to Egypt and the Mediterranean Sea that these powers became more interested in the pearl of Africa as it was later commonly known.

British colonial rule effectively sealed the divides between the pre-existing tribal and ethnic entities through the reliance on the Baganda people for local government and security services. This relationship developed through treaties and negotiations until in the early 1900s, it was commonplace to see Baganda tax collectors all over the country. The 'sub-imperialism' of the Baganda was resented by many of the other ethnic groups. The dominance of the Baganda in both the political and economic space continued throughout the colonial era and provided fuel for the immediate post-independence struggles for power. In as much as the dominance (in numbers and influence) of the Baganda has shaped the political evolution of Uganda, so to have the historical isolation and exclusion of the northern regions impacted on the political and security environment.

(http://en.wikipedia.org/wiki/Uganda_Protectorate).

Figure1. *Subdivisions under the Ugandan Protectorate (1926 borders). The areas in red and blue hues had centralized kingdoms prior to British arrival, while the colonialists introduced centralized rule on the Baganda model to areas in yellow. Areas in khaki never had centralized kingdoms and were accumulated into Uganda at independence*

In 1949, the imbalances within political and economic life came dramatically to the fore when militant nationalists intensified the struggle against colonialists. They were opposed to perceived pro-British chiefs who ruled the land and the lack of access to political and economic opportunities because of colonial management arrangements. Opposition to colonial rule in Uganda, however, did not transform into a concerted liberation struggle or a war for independence. There were however a series of boycotts, riots and strikes by peasants, workers in both rural and urban areas (Mamadani, 1983). These incidents were overtime overcome by the colonial police service. By the early 1950s, the efforts of militant nationalists had yielded some successes with the British preparing for withdrawal from Uganda through the introduction of measures such as a representative legislative council and the relaxation of economic controls.

In the lead up to independence in 1962, the Ugandan political environment came to life with parties, groups, alliances and massive competition for power. Within the dominant Baganda, there was a spilt along religious lines as Catholic and Protestant Baganda divided into the Democratic Party (DP) and the Kabaka Yekka (KY) respectively. In 1960 a political organizer from Lango, Milton Obote, formed a new party, the Uganda People's Congress (UPC), as a coalition of all those outside the Roman Catholic-dominated DP who opposed Baganda hegemony.

 In a strange twist of fate, the UPC and KY forged an alliance to defeat the DP in the 1962 election and a fragile independence government with Milton Obote as prime minister emerged. At independence, Uganda adopted a multiparty political system of governance based on the Westminster parliamentary democracy model. However, the ground rules for the operation of the system were not

spelt out in law. There was no legal framework put in place to regulate the formation and operation of political parties. It appears the British colonialists expected that the political parties in Uganda would naturally operate on the same principles that were in practice in the United Kingdom.

Under the Westminster model, the leader of the party with the majority in parliament becomes the prime minister, who is the chief executive but shares his/her executive powers with the cabinet. The prime minister sits in parliament and leads the party in policy formulation and decision-making. The leader of opposition also sits in parliament where he/she constructively challenges the ruling party proposals on policy and delivery of services.

In 1963, the first constitutional amendment was made in Uganda and the office of the President was introduced. The power to elect the President was vested in the Parliament and candidature for the office was limited to the traditional rulers in the country. As a result the Kabaka of Buganda Mutesa II and the Kyabazinga of Busoga William Nadiope were elected president and vice-president respectively. The elected president became head of state.

The DP formed a vibrant opposition. DP and UPC were countrywide parties with a presence in every parish in all parts of the country. The government opposition relationship depended on the articulation of development programmes since there were no fundamental ideological differences between the UPC and the DP.

Although there were the usual measure of heated debates and differences in parliament and district councils, the first three post-independence years are believed to have witnessed the highest level of democratic practices under the multiparty system since independence. There was a relatively high degree of mutual tolerance between the politicians of different parties. The public institutions of the state such as the legislature, judiciary, public service and security forces functioned efficiently immediately after independence. The performance of public institutions at independence demonstrated to many that multiparty democracy could work in Uganda.

The Post-Colonial Regime of Obote 1962-1971

Although the alliance between Obote and Mutesa was tenuous from the start, the first real challenge to Obote came from the military. In January 1964, the Ugandan army mutinied. The mutiny broke out when soldiers of the First Battalion refused to obey orders demanding pay increases, improved working conditions and more rapid promotions. The mutiny was soon suppressed with British assistance but had far reaching consequences for the state security system.

In addressing the causes of the mutiny, Obote acceded to all the demands of the army, promoting certain Ugandan officers and increasing their salaries (RoU 1993:362). Obote was looking at the military as a political base to neutralise opponents in a political struggle that was expected to ensue. With their demands met the military seemed to have achieved more than they bargained for, especially when compared to other east African armies that went through a similar experience. In Kenya and Tanzania the mutinying armies received a different response. Whereas in Kenya the ringleaders were dismissed, in Tanzania the army was disbanded and a new force was established.

The net result was that the military leaders in Uganda developed a mentality of indispensability which at later stage culminated into open confrontation with the civilian authority as evidenced by the subsequent military coup d'etat (Mudoola 2001). It was widely believed that Obote was preparing for himself an alternative constituency because he was faced with challenges of leadership from within his ruling party, the UPC. In the 1964-1966 period the military began assuming a more prominent role and became a source of political patronage and potential political power (Federal Research Division, Library of Congress). In particular, Obote selected a popular junior officer, Idi Amin Dada and promoted him rapidly as a personal protégé (Mudoola 2001). In 1966, the deteriorating relationship between Obote and Mutesa came to an end when Obote sent Amin, as newly appointed commander of the army, to attack the king's palace. Mutesa escaped into exile in Britain.

After countering challenges to his authority from the KY, Obote was faced with a challenge to his authority from within the UPC. In February of 1966, the parliament passed a vote of no confidence against Obote. Instead of resigning, Obote turned to the military and utilised the loyalty of the armed forces to carry out a coup against his own government. The resultant effects of the coup were that Obote suspended the constitution, abolished the federal powers of the kingdom of Buganda and centralised and concentrated state power in the office of the prime minister. After the coup, the army was widely used to quell opposition and dissent by force.

In 1967, to supplement the efforts of the military, the government of Uganda set up the General Service Unit (GSU) an elite paramilitary force whose main role was counter-insurgency. Headed by a relative of Obote, Akena Adoka, the GSU primarily served to report on suspected subversives. The GSU was an alternative secret police force to ensure the security of the government and reduce reliance on the Ugandan army. The GSU supplemented Special Branch unit of the police in gathering and analysing intelligence information much needed to neutralise political opponents. The formation of the GSU was an early indication that the Obote government was unable to guarantee the loyalty of the armed forces and was becoming weary of opposition and fearful of being overthrown.

Eventually, the internal contradictions within the KY-UPC alliance, which led to the fall out between Milton Obote and Kabaka Mutesa, became a major blow to the democratic dispensation that was beginning to take root in Uganda. With the two leaders failing to work together, the Prime Minister Obote had to build an alternative power base which involved recruiting from the opposition parties - the Democratic Party (DP) and the Conservative Party (CP) - using inducements and intimidation. By 1964 the leader of opposition in Parliament Basil Bataringaya crossed the floor to join UPC and was appointed the Minister for Interior, a powerful ministry. His defection was soon followed by five MPs from DP that significantly weakened the effectiveness of the opposition parties.

The UPC government, bent on controlling and dominating the political space became intolerant to any political dissent. In December 1969 when Milton Obote and the UPC banned all opposition parties, Uganda became a *de facto* one party state; political pluralism and multiparty democracy had died. From 1969 onwards, the ruling UPC became very powerful and intolerant to any opposing view, even within its party ranks. Thus the stage was set for future political and security problems.

With the political opposition in limbo and disarray, UPC was at liberty to rule as it pleased including passing draconian laws such as the Deportation Ordinance and the Preventive Detention Act. Political life was reduced to petty conflicts among the president's confidants over the distribution of favours.

Another factor responsible for undermining multiparty democracy was discriminatory modes of operation within the political game. Shortly after independence, UPC was in control of all District Councils except in the Kingdom of Buganda. Both at the centre and particularly in the Districts, government increasingly used unfair means to retain control, including cheating at the polls. Officials of the Electoral Commission both at the centre and at local government level were all senior officials of UPC, with little or no need or interest in practicing impartiality.

Similarly, tampering with professionalism of the public service undermined multi-party democracy. Because of the diversity of Uganda's body politic, and the fact that government was by far the largest employer in a poor country, it was crucial to maintain professionalism, discipline and fair play in the public service. Instead, increasingly the party in power succumbed to the temptation to promote sometimes sub-standard supporters, superseding better-qualified personnel who may have been suspected of being opposition sympathizers simply because of their religion or ethnicity. Indeed, authorities in power were sustaining deep and bitter divisions in the country.

These developments were coupled with a winner- takes-all mentality, whereby one party takes full control of the state without any consideration for power sharing where there is a significant proportion of the population in opposition. The belief and practice of a winner-takes-all approach to public affairs, practiced by those in positions of trust at both local and central government levels undermined democratic governance. Opposition groups were marginalized or treated as if they were aliens without a stake in the destiny of their own country. Once the opposition had been crushed, the practices were applied to groups within the UPC with devastating consequences.

Furthermore, the ruling party undermined the rule of law. The most significant and devastating example was the unfailing practice of buying the loyalty of security forces by exempting them from prosecution when they committed serious crimes. In this way, the discipline of the Ugandan army was steadily eroded since the mutiny of 1964. Soldiers and operatives in other security organisations could kill and loot or rape as a matter of course with impunity. This generalized wrongdoing cut deep into the moral fabric of Ugandan society as a whole. It is not surprising therefore, that all institutions that should have acted as countervailing forces against the military coup were already cowed.

Military Rule: The Amin Regime 1971-1979

By the early 1970s, Obote had begun to question the loyalty of his most prized henchman, Amin. A short power struggle ensued and Amin emerged the victor when he led a military coup against the UPC government in January 1971. Obote fled into exile in Tanzania where Julius Nyerere offered him

a safe haven and facilitated his attempts to raise a force and return to power (Avirgan and Honey, 1983). The people of Uganda generally welcomed the end of the Obote regime and it seems that the role of Amin and the army as the primary tool of repression under Obote, was temporarily forgotten.

Whereas during the Obote regime, the GSU held a peripheral role in the maintenance of power and the suppression of opposition, Amin recognised the important role that such 'intelligence services' could play in securing the regime. The State Research Bureau (SRB) and Public Safety Unit (PSU) replaced the GSU. The PSU was allegedly set up to curb 'kondoism' (armed robbery). Both organisations were established under the control of army officers. The recruitment into these forces targeted the unemployed youth in towns that apparently had nothing to lose by participating in state inspired violence, violating human rights to protect the regime and also enrich themselves quickly. The SRB mission can be summarised as follows:

> Like the army, the SRB had a dual character. On the one hand, it functioned as an institutional arm of the state, designed to detect any opposition in action or speech. Anyone, neighbour, friend or relative, could be an agent or an informer. As a result, political discussion outside official circles was silenced. On the other hand, there was an individual dimension to the terror unleashed by the SRB or PSU agent. The SRB card endowed its owner with the power of the state. The individual agent used this power to settle private scores and to silence, or eliminate, rivals in personal relations, business or government (Mamdani 1983:44).

Under the rule of Amin, the functioning of the state became increasingly securitised and militarised. Terror was used as an instrument of policy. The SRB headquarters at Nakasero became the scene of torture and executions over the next several years (Federal Research Division). The Amin regime lasted nine years in the course of which all representative civilian institutions were abolished and such other institutions as the civil service; security organisations and the military were subordinated to the will of one person. The security environment was also characterised by perceptions of internal and external threats in which the survival of the state was equated to the survival of the head of state.

Amin was constantly under the threat of Obote and the Ugandan exiles in Tanzania returning. Intelligence was therefore geared to monitor all activities of subversives or anti-Amin adversaries - actual and potential enemies. Amin's paranoia of Obote's return intensified after several attempts at return from exile were made in 1972. The efforts of the SRB and PSU were increased and the quasi-intelligence units were at the forefront of the struggle for the survival of the Amin regime. Fear and insecurity became a way of life in Uganda. Thousands of people disappeared. By 1979, it is estimated that the SRB and PSU employed over 15 000 people with thousands of informers (Federal Research Division).

The Amin regime openly terrorised citizens and public spectacles were orchestrated to create an environment in which any opposition to the state became synonymous with subversion. In one instance, the leader of the banned opposition party, Judge Benedicto Kiwanuka was arrested while sitting as judge in the high court. A common symbol of state terrorism was the leaving of shoes on the roadside. When arrested by the SRB or PSU detainees were forced to leave their shoes on the pavement before being bundled into a van, often never to be seen again. The symbolism of a pair of shoes on the roadside to mark the passing of a human life became a bizarre yet piercing form of state terrorism.

The state became paralysed under Amin, fear penetrated every aspect of socio-political life and the economy was on the brink of collapse. The presence of Obote across the border in neighbouring Tanzania created such fear within the Amin regime that all the tools of state power were utilised to contain potential threats to the ruler. Coming to power through coup, Amin knew the greatest threat to his power was from being overthrown. Amin primarily relied on the army as his source of power and the state coffers and resources were plundered to ensure rewards and promotions. The Amin regime was not, however, a cohesive unit of elites. Amin himself was not born into political or economic privilege. The regime was riddled with internal rivalries, both ethnic and religious. The entire climate of governance was fragile, fragmented and unsustainable.

In October 1978 Amin attacked Kagera region of Tanzania in what was believed as an attempt to divert his army and security organisations from internal fights so as to focus on an external enemy - Tanzania. His worst fears came to pass when a combined force of Uganda exiles and Tanzanian Peoples Defence Forces responded to Amin's provocation and overthrew his regime on 11 April 1979.

For eight years, Amin managed to hold onto power, through force, manipulation and terror. The cost to the people of Uganda was immeasurable - millions of dollars were plundered and more than 300 000 people were victims of the Amin regime.

The Second Obote Regime 1979-1986

After the removal of Amin, a new government made up of various political forces under the umbrella organisation – Uganda National Liberation Front (UNLF) was put in place. The interim period, which should have been a reprise from militarised politics, was marked by rivalry and ruthless competition for position in the new government. The UNLF in essence collapsed in May 1980 and a Presidential Commission, dominated by military leaders, was installed and made plans for a general election in December 1980.

The 1980 general elections returned Milton Obote and the UPC to power. The election was, however, not without incident and it is widely thought that the UPC stole the election from the DP through the widespread use of intimidation, manipulation and in some instances murder. Electoral irregularities were prevalent and the Obote II regime was labelled by many as an illegitimate authority.

From 1981 to 1985, the Obote government faced several challenges to its authority, primarily because of the perceived lack of legitimacy of the 1980 election. Obote's regime faced a guerrilla warfare launched and fought within few kilometres from the city centre in Kampala. Yoweri Museveni spearheaded the campaign of guerrilla warfare. This former member of the Obote I intelligence apparatus, lived in exile in Tanzania during the Amin regime and returned to Uganda as part of the UNLF interim government. Before the 1980 election, Museveni served as Minister of Defence for a brief period. In 1981, Museveni and other armed supporters founded the National Resistance Army (NRA) with the primary objective of overthrowing Obote by through a popular rebellion.

The Obote II regime established the National Security Agency (NASA) to supplement the Special Branch of the police to gather and analyse intelligence information. The regime became suspicious to anyone who challenged it even those who were unarmed. As it turned out NASA was more pronounced and powerful than the police. Whereas the police tended to use professional methods of gathering and channelling information, NASA tended to be militaristic and more than often violated the suspects' rights and dignity. Indeed, the main preoccupation was regime security in which intelligence was preoccupied with maintaining the regime in power and suppression of the opposition. It should be noted that all these organisations at the time namely, GSU, SRB, NASA, SB were under the direct command and control of the office of the President.

In trying to quell the insurgency, the second Obote regime increasingly relied on force and resorted to brutal counter-insurgency tactics. His efforts to destroy the NRA resulted in the devastation of vast areas of Uganda and an indeterminable loss of life. The Obote II regime utilised internment camps and population removals that resulted in the loss of civilian life and uncountable human rights abuses. In targeting the NRA and trying to combat a guerrilla style insurgency, excessive force was used against the civilian population with total disregard for basic human rights and freedoms. Abductions, disappearances and arbitrary detention were commonplace. Members of the security and intelligence branches functioned with total immunity to implement a widespread policy of state run terror. It is unknown how many people died during the bloody four years of the second Obote regime - estimates range from 100 000 to 500 000 people.

In 1985, a military government overthrew Obote, who fled into Zambia. In January 1986, Yoweri Museveni claimed the presidency and the National Resistance Movement were welcomed by the local population as an end to the repression and violence that marked Uganda for more than twenty years.

Intelligence in the Pre-1986 Period

In concluding the historical analysis, there are several important aspects regarding the functioning of the intelligence structures in the pre-1986 period that should be highlighted.

1. The intelligence organisations were personalised and largely protected the interests of those in power. The opposition and social movements that appeared to voice out the undemocratic methods of running state affairs were ruthlessly suppressed by the security and intelligence agencies.

2. The composition of these organisations did not follow clear procedures. The officers who manned operations were semi-illiterate or without any formal education, while some were not even

Ugandan citizens. They conducted their business above the law and caused untold misery, death and rained havoc on the people (RoU 2003:400).

3. There were no laws to govern the operations of intelligence organisations. This made it very difficult to raise legal challenges to the officers in their employment.

4. Intelligence organisations were popularly known for infringing on human rights and freedoms under the pretext of protecting state security. As a consequence of this unprofessional and fascist approach to intelligence work, officers were routinely involved in illegal arrests, detention, torture, and theft.

5. Intelligence organisations were not held to account and seemed to operate outside of any system of checks and balances. Outside of executive control, there was no scope for judicial or legislative control and the public had no recourse for abuses.

6. There was clear lack of continuity of intelligence organisations. Every regime that came to power disbanded existing organisations and established its own organisation. The officers who worked under the disbanded organisations were generally declared criminals. Indeed many of them were criminals but even those who were not, faced persecution, imprisonment and death. These practices made many citizens in Uganda to perceive intelligence as a perilous occupation.

In short intelligence organisations in Uganda before 1986 were highly personalised (owed more allegiance to the president than the state), lacked governing laws, violated peoples rights and freedoms and did not practice accountability. Their main preoccupations were with the security of the ruling elites and the continuation or survival of the ruling regime in general and the president in particular.

Re-Organisation of Intelligence under the National Resistance Movement

Once in power, the Museveni government was faced with rebuilding a state that had been decimated by two decades of civil war. The key challenge was to break the cycle of insecurity and to create effective and legitimate political institutions.

One major problem was that it had become commonplace for citizens to suffer at the hands of state actors and agencies. Harassment, abductions, detention and violence had become customary means for settling disputes and had become part of the post-independence governance culture. Any opposition to the government of the day was dealt with by repression and the use of torture; detention and murder to deal with dissidents was sanctioned by and executed through the state machinery.

Furthermore, the NRM believed that ethnic and religious diversity had been used by previous regimes to fuel violence and to maintain control. Overcoming the fragmentation and abuses would require disciplined security forces, a non-partisan public service and grassroots democracy. Basically the reconstruction of Uganda would require a transformation of the political culture from being focused on self-enrichment to broad based development.

The basic document that spells out the reconstruction ideology is the ten-point programme of the NRM (NRM 1986). In brief the programme consisted of the following issues:

- Restoration of democracy

- Restoration of security

- Consolidation of national unity and elimination of all forms of sectarianism

- Defending and consolidating national independence

- Building an independent, integrated and self-sustaining national economy

- Restoration and improvement of social services and rehabilitation of war-ravaged areas

- Elimination of corruption and the misuse of power

- Redressing errors that have resulted in the dislocation of some sections of the population

- Cooperation with other African countries

- Following an economic strategy of a mixed economy

Point number two was to be realised through reorganisation of the security forces namely the army, the police, prisons, military and intelligence. In relation to the intelligence services, the government introduced legislation to govern this sub-sector. The justification was to have intelligence organisations with capability to provide analysed and packaged information for state security while also being subject to democratic governance principles.

The Security Organizations Act 1987, Chapter 305 of the laws of Uganda (CAP. 305) established the Internal Security Organization (ISO) and the External Security Organization (ESO). The functions of the organizations under section 3 of the Act include:

a) To collect, receive and process internal and external intelligence data on the security of Uganda

b) To advise and recommend to the President or any other authority as the President may direct on what action should be taken in connection with the intelligence data.

The Act details the administration and supervision of each organization and establishes the advisory council whose chairperson is the President. The Act also makes provision for the functions of the Council, delegation of powers conferred upon the President by the Act and restrictions on disclosure of information. The oversight function in relation to these organisations, within Parliament falls under the sessional Committee on Presidential Affairs.

The NRM's promise of a fundamental change was further to be realised through a process of making a new constitution. This supreme law would also define the role and functions of intelligence agencies. In 1988, the National Resistance Council (NRC) enacted Statute No.5 of 1988 that established the Uganda Constitutional Commission. The legislation gave the Commission responsibility to start the process of developing a new constitution. The process was to give the people an opportunity to make a fresh start by reviewing their past experiences, identifying the root causes of their problems, learning lessons from past mistakes and making genuine efforts to provide solutions for their better governance and future development. The mandate of the commission was to consult the people and make proposals for a popular and lasting constitution based on national consensus. After four years of consultations the Commission presented a report to the Minister of State for Justice and Constitutional Affairs.

In relation to intelligence, the report provided recommendations on the necessity of intelligence organisations, the nature and functions of intelligence organisations, structures and control, and recruitment and training. The commission recommended that:

• Because intelligence organisations have become so important for modern government and because their operations need to be carefully regulated to ensure protection of people's rights the constitution should both provide for their existence and limits on the way they operate.

• The functions of intelligence should not only be to gather and evaluate information concerning the security, defence, foreign relations and economic performance relevant to national interest. Emphasis should be on detecting and countering espionage and other threats by foreign intelligence services or internal saboteurs

• There should be a single intelligence organisation under the supervision of a Director General of Intelligence who should be appointed by the President on the advice of the Security Council subject to approval of the National Council of State.

• Parliament should legislate concerning the organisation, powers and functions of the intelligence organisation.

• There should be a code of conduct spelling out the limitations applying to the conduct of all intelligence personnel.

When the Constituency Assembly was elected to scrutinise, debate, enact and promulgate the new constitution, the above ideas and principles were accepted with the exception of the recommendation to have intelligence under the supervision of one Director General with another organ of the state with veto powers (the National Council of State). The constitution instead establishes two intelligence agencies and in practice both organisations have distinct leadership. Article 218 of the Constitution provides that Parliament may by law establish intelligence services and may prescribe their composition, functions and procedures.

However, the Security Organizations Act CAP 305, which established the Internal Security Organization (ISO) and the External Security Organization (ESO), predates the Constitution and has not been reviewed to conform to the constitution and to be harmonised with other legislations - for example, the National Security Council Act, 2000 and Uganda Peoples' Defence Forces Act, 2005. All these legislations contain duplication of roles and establishment of advisory bodies.

Security Challenges to the Museveni Government

The transition to the NRM government was fraught with obstacles. For the movement, the primary challenge was to transform from a guerrilla army into a political party ruling the state. The NRM inherited governance structures and public servants that were not necessarily in line with nor suitable to their cause of national reconstruction. Internally, NRM was confronted by capacity problems and the leadership had to overcome the strains of internal transformation as well as confronting the challenges of bureaucratic transformation.

The domestic environment in Uganda in 1986 was increasingly unstable and not only did the Museveni regime face several insurgencies but there were five attempted coups in the first three years of rule. In fact, barely seven months after the NRA/NRM had captured power; insurgency broke out in the Acholi sub-region. It was spear headed by the Uganda People's Democratic Army/Movement (UPDA/UPDM). This was to be followed by other groups in West Nile, Teso and the Rwenzori sub-regions.

The groups were: Holy Spirit Mobile Forces of Alice Lakwena (HSMF), Uganda Peoples Army led by Peter Otai (UPA), Force Obote Back led by Obote, David Anyoti and others (FOBA), Ninth October Movement (NOM), National Army for the Liberation of Uganda led by Amon Bazira, Uganda National Rescue Front II led by Ali Bamuze (UNRSF II), West Nile Bank Front led by Juma Oris (WNBF), KIRIMUTTU-this was a group mainly in Buganda fighting for a federal government, Federal Democratic Army (FDA), Uganda Salvation Front led by Sera Muwanga (USF), Uganda Restoration Front of Lukwira (URF), Allied Democratic Front led by Jamil Mukulu (ADF), Lord's Resistance Army of Joseph Kony (LRA), and People's Redemption Army (PRA). All these groups have tried to destabilize Uganda and overthrow the NRM regime.

As throughout much of the history of Uganda, internal dissent overshadowed external threats to the state. In situations such as this and particularly given the violent nature of insurgencies, the security complex is forced to focus on internal events, actors and activities as the greatest threat to the constitutional order of the state, to physical security and to the government (in this instance the NRM government). Employing the state tools of coercion and force domestically should always be done as a matter of last resort and under tight controls as the potential for abuses are great. In their attempts to provide security services, current intelligence organisations in Uganda have however, made some noticeable achievements.

Intelligence organisations have carried out successful operations against criminals, and terrorists that operated in the city of Kampala and other towns of Uganda. Second, there is a good working relationship between intelligence organisations and other security forces – police, the military and the local defence units.

Third, although the intelligence organisations sometimes use coercive methods to get information from their targets, on the whole the population of Uganda is not terrorised by their existence and operations as it used to be in pre-1986 period. Therefore one can argue that intelligence organisations in Uganda have largely promoted civil–intelligence relations.

Challenges of Intelligence Organisations in Uganda

The intelligence organisations particularly ISO and ESO have weak human resource policy guidelines. There are no publicly known recruitment procedures and promotion of staff seems not to be a priority. As a result the morale of the operatives is low. The welfare of the officers leaves a lot to be desired. In the police it is common for officers on duty to go without lunch because of non-payment or delayed payment of allowances. The Crime intelligence unit in the police has unofficially (not covered by the law) replaced the Special Branch Directorate and is poorly resourced. Poor facilitation of intelligence organisations and specialised intelligence units of the police and the military causes frustration and inefficiency in delivering of service to the state and its people.

The intelligence organisations are grappling with the demands of the recently adopted political system – the multiparty system of governance. Under the previous system (movement system/no-party system), the security agencies were used to serve the state with limited political opposition since

every body was 'conscripted' in the system. Intelligence officers are yet to appreciate that Uganda under multiparty system is comprised of various political parties and forces that espouse different ideologies and policies. Furthermore they are yet to internalise that being in opposition does not necessarily mean being an enemy of the state and government.

Intelligence organisations in Uganda are faced with a challenge of confidentiality. Quite often vital information on the state, e.g. joint intelligence operations, directives of the Command-in-Chief, impending political appointments easily find their way to the media. Although leakages may not necessarily come from intelligence officers, there have not been serious attempts to locate the source of such leakages and advice the political leadership to take appropriate action. This state of affairs leaves a lot to be desired on the ability/capacity of the intelligence organs to secure state information.

For intelligence organisations to deliver quality information whether for regime security or national security or both, there is need to improve the information and communication technology (ICT) capability. For example the ISO that was in charge of accreditation function (registration of delegates) during the Common Wealth Heads of Government Meeting November 2007 in Kampala was a disappointment. Several delegates arrived in Kampala without their details being captured in the database and yet they had been assured through emails that every thing was alright. Although there were no negative incidents in terms of physical security of the delegates (and in any case intelligence organisations were not working alone) this weakness showed that Ugandan intelligence organisations still lack the appropriate ICT and managerial skills to handle vital national and international engagements.

The Future of Intelligence in Uganda

The future of Ugandan intelligence and the desired performance of the intelligence organisations should be understood in the context of a broad security sector reform in the country. The security sector reform process is often defined as the transformation of a security system, including all the actors, their roles, actions and responsibility to manage and operate the system in a manner that is consistent with democratic norms and sound principles of good governance (OCED 2005). Intelligence reform is therefore a transformation or change of intelligence organisations into professional and accountable agencies practicing a style of intelligence collection and analysis that is responsive to the needs of the people. The reform process moves intelligence organisations toward being more accountable for their actions and having greater respect for human rights. This is how intelligence can be progressively utilised as a tool for national security and development.

Uganda is carrying out a defence reform, which started with a defence review. The police are also undergoing a reform. Several restructuring processes and capacity building has taken place in both operational and non-operational capability areas. It is appropriate therefore for intelligence organisations in Uganda to embark on the reform process so as to continue the democratisation of the security sector. This is possible if the intelligence organisations reviewed both their operational and non-operational capabilities with an aim to undertake reforms - especially in aspects relating to legitimacy, professionalism and accountability.

At the operational level the review should determine the structure and size of specialized units, and equipment for intelligence organisations. It makes no sense for a poor country like Uganda to have a large number of personnel poorly facilitated in intelligence organisations. Similarly having structures that promote duplication of roles would inevitably lead to conflict, paralysis and poor delivery of the expected intelligence service.

In the non-operational area, the review should focus among other areas, the legal framework, human resource development and management, ICT systems, accountability and oversight, gender mainstreaming, and embedding a non-partisan philosophy (legitimacy).

Key Issues for Reform

- **Legal framework:** In this aspect there is need to harmonise the Security Organisations Act CAP 305 of 1987 with the constitution and other legislations that relate to security. Such legislations were made after the constitutional reform of 1995. They include the National Security Council Act, 2000, The UPDF Act 2005, The Police Act CAP 303 (with Amendment Act, 2006), The Political Parties and Organisations Act 2005.

- **Mandate and functions:** The role, mandates and functions of the various intelligence bodies needs to be debated and spelt out in law.

- **Human resource development and management**: The main intelligence organisations have weak human resource development guidelines. There is need to transform those guidelines into policy approved by the Security Council and cabinet after consultations with the ministry of public service. A policy would address issues of recruitment, welfare, promotions, retirement and resettlement into the communities after retirement. Human resource management is an important aspect of creating professional intelligence services as poor working condition or poor conditions of employment opens space for abuses such as bribery and corruption.

- **Non-partisan philosophy and legitimacy:** The intelligence organisations, like other security agencies in Uganda, are yet to internalize their responsibility to operate in a non-partisan manner. In a study commissioned by ACODE in 2007, 68.58% of political leaders sampled agreed that public officers and security personnel (including the intelligence officers) behaved in a partisan manner during elections. When a country decides to embrace a multi-party form of democracy, it must be prepared to conform to the principles of that system. In order to promote multi-party democracy, civic education should be extended to the security personnel as well. The non-partisan philosophy together with respect of fundamental human rights in all intelligence activities for both state and regime security will enhance the legitimacy of the organisations and their activities.

- **Protection of human rights:** overcoming the legacy of violence and abuse, which have become synonymous with intelligence in Uganda, is an arduous task. The foremost objective should be the establishment of a human rights respecting service. Improvements have been made in this regard under Museveni, but there is still scope for the better prevention of abuses. This issue is largely tied to the manner in which the intelligence structures are employed for political purposes.

- **Parliamentary oversight:** For any democratic reform in the security sector to succeed, oversight function must be at the core. This can help ensure effective performance by the intelligence community by evaluating collection capabilities and analytical standards and by holding intelligence officials accountable. Furthermore accountability within intelligence should be enhanced by adhering to the current legal and administrative infrastructure for financial management practices in Government as enshrined in various legislations that directly or indirectly affect public sector financial management. For intelligence, the most relevant legislations are the Budget Act, 2001; the Local Government Act 2006, Public Finance and Accountability Act 2003; and the Public Procurement and Disposal of Public Assets Act, 2003.

CONCLUSION

This paper has argued that since independence, intelligence in Uganda has been preoccupied more with regime security rather than the broad national interest of state security and democratic governance. As a result over the years and under different regimes, intelligence has been a preserve of the ruling elite and the president. This means the security threats and how to respond to them has been shaped by this client relationship making the function of the state perverted because it is consumed by narrowly defined security interest with few options and limited political space to tolerate dissent or opposition.

The paper observes that from 1986, the NRM reorganised intelligence through, constitutional reforms, and enacting subsidiary legislations, institutionalisation, and to some extent improved intelligence-civil relations. In spite of these changes, intelligence sub-sector requires urgent review as part of the on-going security sector reform in Uganda. The urgency is much more so because Uganda in 2005 transitioned from the movement system to multiparty system. Yet Ugandan security agencies have not internalized their responsibility to operate in a non-partisan manner and this undermines their legitimacy.

The paper concludes by identifying key areas to be reviewed as a first step of a reform. These areas include but not limited to the legal framework, human resource development and management, ICT systems, accountability and oversight, gender mainstreaming, and non-partisan philosophy/ legitimacy. With such reforms, Uganda will have professional intelligence organisations capable of not only preserving regime security in which intelligence is employed for the survival of the ruling elite but also for state/national security, democratic governance and development.

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