

**THE IMPACT OF COUNTER TERRORISM ON HUMAN
SECURITY IN UGANDA, 2010-2015**

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DECLARATION

I, **NANKOMA PHYLLIS**, do hereby declare that this research is my original work and that it has not been submitted to any other university for any awards

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APPROVAL

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DEDICATION

To my late father Azalia Mugeni, my late mother Loy Logose and my late brother Peter Balangha.

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The journey of a thousand miles began with a single step, but a step in the wrong direction can steer one the wrong way. I want to thank my parents, my Supervisors, Mr George Mugisha Barenzi and Dr. Yussuf Lubega Butanaziba for their support and guidance and my siblings have walked with me on this journey and have given me words of encouragement.

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Figure 1: Physicians from Mulago Hospital attend to World Cup final watchers caught in the terrorist bombings on Sunday. Photograph, (Benedicte Desrus/Reuters, July 12, 2010).3

List of Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ACSRT	African Centre for the Study and Research on Terrorism
ADF	Allied Democratic Front
AU	African Union
CTC	Counter terrorism Committee (UN Security Council)
CTCED	Counter Terrorism Executive Directorate (Security Council)
EAPCCO	Eastern Africa Police Chief's Cooperation Organisation
EJP	Eminent Jurists Panel
GA	General Assembly (United Nations)
HRW	Human Rights Watch
ICJ	International Commission of Jurists ICPAT IGAD Capacity Building Programme against Terrorism
IGAD	Intergovernmental Authority on Development
JATT	Joint Anti Terrorism Taskforce
LRA	Lord's Resistance Army
OAU	Organisation of African Unity
PSC	Peace and Security Council
SC	Security Council (United Nations)
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UNHCR	United Nations High Commissioner for Human Rights
UN	United Nations
US	United States of America

ABSTRACT

The study examines the impact of Counter Terrorism on Human Security in Uganda in the period 2010-2015. The research was founded upon four specific objectives namely: to identify (a) the types of terrorism in Uganda, (b) to find out the approaches to counter-terrorism, (c) to examine the challenges faced by the government in implementing counter terrorism and (d) to assess ways through which counter terrorism and human security can be enhanced. The study used both qualitative and quantitative methodology and employed a case study research design to collect, analyse and present data. Quantitative data was analysed using the Statistical Package for Social Scientists (SPSS) which generated simple summery statistics such as percentages, totals, etc; while using questionnaires, the research collected data from purposively selected respondents. Data was also collected from documentary evidence which included review of: official government reports, books, academic journals and news papers. These formed quantitative and qualitative evidences on the the impact of Counter-Terrorism on Human security in Uganda in the period 2010-2015.

The research found out that the types of terrorism in Uganda included among others: Bloody Violence and Threats of Violence; Informal and Personal Conflict; Insurgent Movements and Extensive civil wars as well as Sub-National / Domestic Terrorism. In combating terrorism, the government of Uganda uses Court Arbitration, Administrative Tribunals, Effective Communication, Dialogue, Preventing the enemy from fighting, Training and Use of Force (Establishment Violence). The challenges faced by government in implementing counter-terrorism include: political and socio-economic factors i.e. lack of skills among the implementing agencies, low levels of technology, corruption and loopholes in investigating agencies and intelligence network to mention but a few.

The study further revealed that the effects of counter terrorism are seen in Social-political stability, Cooperation, Social welfare, Freedom, The general good progress. However, all these are affected by Legislation; Cultural Environment; and Political Levels of Awareness. The researcher therefore recommends among others that the rule of the law should be adhered to, to avoid informal and personal conflicts, the government should train and skill personnel in identifying the causes and the actors in terrorism in order to prevent them from fighting. The biggest methodological challenge was Operationalising the concept of human security. This is too broad Therefore this study recommends other studies which will focus on the relationship between counter terrorism and particular aspects of human security such as the environment.

CHAPTER ONE

INTRODUCTION

The primary focus of the study was to examine the Impact of Counter-Terrorism on Human Security in Uganda in the period 2010-2015. This chapter presents the background to the study, statement of the research problem, purpose of the study, specific objectives of the study, research questions, scope of the study, significance of the study, conceptual framework, theoretical framework and operational definition of terms.

1.0. Background to the Study

Since gaining Independence in 1962, Uganda has known continual political unrest, widespread violence and gross violations of human rights perpetuated by both state and non-state actors. Successive regimes, particularly of Presidents Obote and Amin, employed very brutal and violent tactics to suppress opposition and silence dissent, often causing the death of as many as 300,000 civilians. (Uganda Human Rights Commission Annual Report, January 2001-September 2002)

Non-state actors, like the Lord's Resistance Army (LRA) in the northern part of Uganda and the Allied Democratic Front (ADF) operating from the Uganda/Congo borders have also spread considerable measures of terror in Uganda since 1987. The Joseph-Kony led LRA, a militant religious-cult rebel group started violent opposition to the government in 1987 and slowly turned Northern Uganda into a scene of violent conflict and terrorist activities in a war that has spanned over two decades. Since 1994, the LRA has driven its war towards the civilian population in northern and eastern Uganda and, in the process, terrorizing the people as they destroy lives and livelihoods in their path. The activities of the LRA have also spilled over into parts of neighboring countries like the Democratic Republic of the Congo (DRC) and Sudan. The LRA is

also well known for employing brutal tactics, ‘routinely maiming and killing civilians, and abducting children for use as child soldiers, sex slaves and domestic workers.’

From 1997, the ADF also extended their terrorist activities to Uganda’s main populace, throwing bombs into taxis and public buildings. The number of civilian casualties kept rising as more than 50 persons were killed and over 160 injured in these vicious attacks. (Uganda Human Rights Commission Annual Report, January 2001-September 2002)

Concerned about the increased wave of terrorism being experienced in Uganda, groups like the Uganda Human Rights Commission (UHRC) called on the government to enact a law to control and eliminate terrorism. Against this backdrop, Ugandan proposed a Suppression of Terrorism Bill (No. 220) in 2001. This bill was greatly welcomed although with some caution by the UHRC, as it was considered likely to be misused and abused. (Uganda Human Rights Commission Annual Report, January 2001-September 2002)

In 2014, the Government of Uganda was a strong advocate of cross-border solutions to security issues, effectively supported U.S. counterterrorism efforts, and showed continued and strong political will to apprehend suspected terrorists and disrupt terrorist activity in Uganda. Terrorist groups such as al-Shabaab, however, continued to put consistent pressure on Uganda’s security apparatus primarily due to Uganda contributing troops to the African Union Mission in Somalia (AMISOM). Uganda’s ability to respond to such threats remained inconsistent, given its resource and capacity limitations, porous borders, and corruption at all levels of government.



Figure 1: Physicians from Mulago Hospital attend to World Cup final watchers caught in the terrorist bombings on Sunday. Photograph, (Benedicte Desrus/Reuters, July 12, 2010).

Uganda continued to use the Anti-terrorism Act (2002) as its main legal framework for deterring, disrupting, and prosecuting terrorist activity and incidents in Uganda. The Uganda Police Force (UPF) Counterterrorism Directorate is the lead Ugandan law enforcement entity charged with investigating, disrupting, and responding to terrorist incidents. While Ugandan law enforcement officers assigned to this directorate are highly motivated, the UPF overall was limited in its capacity to detect, deter, and respond to terrorist incidents due to the lack of manpower, resources, basic skills, and competencies. In addition, police officers are particularly susceptible to corruption. Moreover, the bulk of the counterterrorism police and other law enforcement elements are centrally located in the capital, which limits the effectiveness of law enforcement in the border regions and all areas outside Kampala. The UPF still lacks the technological resources needed to conduct comprehensive terrorism investigations in the most effective manner. Following the Kyadondo rugby club and Ethiopian village restaurant attacks 2010 in Uganda, Westgate terrorist attack in Nairobi in 2013, and the Garris university terror attack which left dozens dead and wounded the UPF has held regular inter-agency meetings to ensure coordination among its security agencies such as Internal Security Organization (ISO), External

Security Organization (ESO), Chieftaincy of Military Intelligence (CMI), FBI, (The times of India (2010), (The BBC News (2010)

The impact of terrorism and counter-terrorism measures has remained a front-burner issue in global discourse on human security since the 11 September 2001 terrorist attacks in the United States of America. Following the event, and the US led 'war on terror', the UN Security Council passed a number of far-reaching resolutions² calling for concerted action among states to prevent and combat terrorism.

Although, similar events have not been experienced by each individual country in the world, the UN High Commissioner for Human Rights maintains that 'the human cost of terrorism has been felt in virtually every corner of the globe.'³ Africa has not been left out in all of this. African states, under the auspices of the Organisation of African Unity (OAU) and subsequently the African Union (AU) took their first steps towards combating and criminalizing the phenomenon of terrorism with the adoption of the Resolution on the Strengthening of Co-operation and Coordination among African States in 1992 and the 1994 Declaration on a Code of Conduct for Inter-African Relations.⁴ Notwithstanding these pioneering steps, the 1998 bombing of the US embassy buildings in Kenya and Tanzania drove home the 'scope and seriousness of the phenomenon of terrorism and combating of Terrorism, to affirm that Africa states were convinced 'that terrorism constitutes a serious violation of human rights' and therefore, 'cannot be justified under any circumstances and consequently, should be combated in all its forms and manifestations.' Following the growing anti-terrorism waves in the international community, African states, determined 'to ensure Africa's active participation, cooperation and co-ordination with the international community in its determined efforts to combat and eradicate terrorism', adopted a Protocol to the OAU Convention on the Prevention and Combating of Terrorism 2004.

The Protocol stressed that it was imperative for states parties to take all necessary measures to protect populations within their territories from acts of terrorism.

(UN Security Council Resolutions 1368, 1373 and 1377 of 2001, 1390 of 2002, 1455 and 1456 of 2003 and 1526 of 2004)

1.2. Statement of the Research Problem

The Third Schedule of the Anti-Terrorism Act, 2002 of the Republic of Uganda “*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 attend meetings of, or who support or finance or facilitate the activities of terrorist organizations; to provide for investigation of acts of terrorism and obtaining information in respect of such acts including the authorizing of the interception of the correspondence of and the surveillance of persons suspected to be planning or to be involved in acts of terrorism; and to provide for other connected matters.* However, for the last fourteen (14) years since the enactment of anti terrorism law there have been many reports which indicate the prevalence of terrorism which threaten human security in Uganda. Benedicte Desrus (July 12, 2010) reported that al-Qaida terrorist militants claimed responsibility for the killing of 74 innocent citizens who were watching World Cup final games at clubhouse of the Kyadondo rugby club in Uganda. Benedicte Desrus added that Somalis had repeatedly threatened to attack Uganda as punishment for it leading the African Union peacekeeping mission (AMISOM) in Mogadishu. Uganda is also hosting a training camp for Somali government soldiers. "We thank the mujahideens that carried out the attack," Sheikh Ali Mohamud Rage, al-Shabaab's spokesman, told reporters in the Somali capital. "We are sending a message to Uganda and Burundi, if they do not take out their Amisom troops from

Somalia, blasts will continue and it will happen in Bujumbura [Burundi's capital] too." This questions the implementation of the anti-terrorism law in Uganda. Hence, the research was to examine the impact of counter terrorism on human security in Uganda.

1.3. Purpose of the Study

The purpose of the study was to examine the impact of counter terrorism on human security in Uganda in the period 2010-2015.

1.4. Specific Objectives of the study

- i. To identify the types of terrorism in Uganda
- ii. To find out the approaches to counter-terrorism.
- iii. To examine the challenges faced by the government in implementing counter terrorism.
- iv. To assess ways through which counter terrorism and human security can be enhanced.

1.4.1. Research Question

- i. What are the types of terrorism in Uganda?
- ii. What are the approaches used in counter terrorism?
- iii. What challenges does the government face in implementing counter-terrorism?
- iv. In which ways can counter terrorism and human security be enhanced?

1.5. Scope of the Study

(a) Content scope

The study examined the impact of Terrorism on Human Security in Uganda. Specific focus was on the types of terrorism, the approaches which the government uses in implementing counter terrorism, the challenges which the government faces in implementing counter terrorism. At the end of it all, the research examines ways through which counter terrorism and human security can be enhanced.

(b) Time scope

The study covered a period of 5 years from 2010 to 2015 because it provides adequate time to evaluate the performance of the anti-terrorism law in Uganda as measure of counter terrorism.

(c) Geographical Scope

The geo-political and economic location of Uganda in regional and international politics earns friends and enemies such as terrorists. For the last thirty years, Uganda has been a major factor in regional international affairs which include among others: pacification of terrorism in Somalia, liberation of South Sudan, Darfur and the Congo. Besides, the researcher is familiar with the Uganda and information on terrorism pertaining to terrorism in this country is well documented easily accessible. Uganda is located in eastern Africa, west of Kenya, south of South Sudan, east of the Democratic Republic of the Congo, and north of Rwanda and Tanzania. It is in the heart of the Great Lakes region, and is surrounded by three of them, Lake Edward, Lake Albert, and Lake Victoria. While much of its border is lakeshore, Uganda is landlocked with no access to the sea. The country is mostly plateau with a rim of mountains. The climate is tropical and generally rainy with two dry seasons (December to February, June to August). It is semiarid in the northeast. Geographic coordinates: 1°00'N 32°00'E

1.6. Significance of study

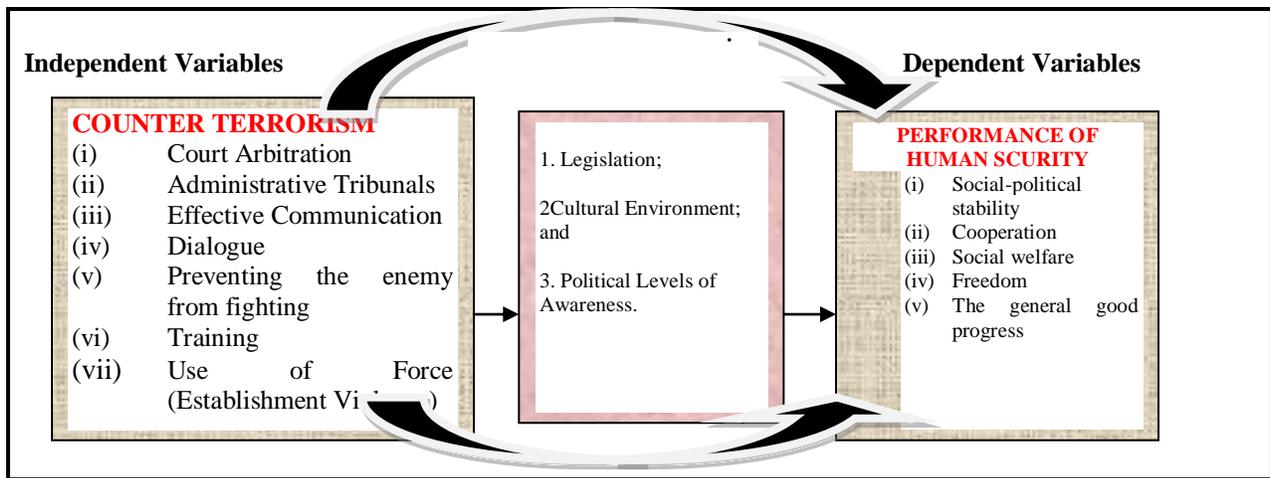
- i. The study will serve as reference material for scholars in strategic and security studies such as academicians and researchers.
- ii. It will benefit security organizations in Uganda which are involved in implementing policies on counter terrorism and human security. This study is also significant because Uganda, like most East Africa countries, has been victimized by terrorist activities, mostly linked to 'domestic insurgencies in the sub region'. It is, therefore, imperative to

assess the counter terrorism measures adopted by Uganda, comparing this with other states, to determine whether or not they have the necessary human rights protections built in.

- iii. It will also benefit international governmental organizations which are involved in promoting human security in Uganda.

1.7. Conceptual Framework

Figure 2: Conceptual Framework -Impact of Counter Terrorism to Human Security in Uganda, 2010-2015



Cf. Y.L. Butanaziba (2013).

1.8. Theoretical Framework

According to Dartnell, M. (2000), in order for counter terrorism to be regarded effective its measures should ensure should strike a balance with human security in any given government that is enforcing counter terrorism measures. He further notes that there are will always be intermediating variables in that regard such as diplomatic efforts, intelligence agencies like FBI among others.

The human security framework’s normative privileging of emancipation rather than the traditional preoccupation with power and order can therefore be revealed as one of its greatest strengths. The act of prioritizing emancipation as a core value allows for an emphasis upon

people, justice and change rather than states, military power and maintenance of the status quo which both restores a human focus and allows security (International Council on Human Rights Policy (2002) studies to keep pace with empirical reality.

1.9. Operational Definition of Terms

(a) Counter Terrorism

Counter terrorism refers to physical and non physical measures which government applies to prevent or stop group violence which targets innocent citizens or government officials. (OAU Convention on the Prevention and Combating of Terrorism (1999/2002)

(b) Human Security

Human Security refers to the protection of the people from real and perceived threats such as disasters, internal and external aggression, etc. (Talbot, 2002)

CHAPTER TWO

LITERATURE REVIEW

2.0.Introduction

A review of the literature which facilitates the ongoing “intellectual hegemony of counter terrorism and human security” (Booth 1991: 318) will now provide the necessary background for the investigation into the continuing dominance of the two terms discussion. Terrorism is a global threat with global effects; its methods are murder and mayhem, but its consequences affect every aspect from development to peace to human rights and the rule of law. No part of our mission is safe from the effects of terrorism; and no part of the world is immune from this scourge – Kofi Annan, Secretary General of the United Nations, 2005. The above statement by Former Secretary General of the United Nations (UN), quoted from the report entitled ‘In Larger Freedom: Towards Development, Security and Human Rights for All’ (2005), aptly captures the essence of the threat of terrorism facing the world today. Terrorism remains a cardinal threat to national, regional, and international peace and security. It violates the fundamental principles of law, order, human rights and freedom and remains an affront to the Global Charter of the UN and the values and principles enunciated in Africa’s Constitutive Act of the African Union (AU). Moreover, it presents a grave and direct threat to the territorial integrity, security and stability of States. In this regard, effective counter terrorism mechanisms and approaches remain fundamental tools in curbing the threats and devastating effects of terrorism. Since the advent of the ‘war on terror’, issues concerning terrorism and counter terrorism have evolved into pronounced norms within the global system. (Cilliers, 2005).

Yet, whilst an abundance of literature have been focused and analyzed on counter terrorism approaches within the United States (US), the United Kingdom (UK), Russia and India; little has been documented on effective counter terrorism approaches in Uganda post 2010. The key will

be to reflect on an integrated and holistic approach to state and human security, both in terms of the nature of specific tools and programs and the wider societal contexts in which they emerge. As such, this study consists of a search for the most effective counter terrorism mechanism, which will aid the policing of terrorism in Uganda. The study will initially be a terrorist threat assessment in Uganda. It will include an assessment of the counter terrorism methodologies of various agencies responsible for counter terrorism within Uganda. Furthermore, to establish the most effective counter terrorism strategy applicable to the Ugandan context, this study will consider the counter terrorism strategies adopted within specified developed and developing countries. The eventual aim is to provide an appropriate mechanism to combat terrorism in Uganda for the national enforcement agency in the country.

“**Human security** can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development.” (UN Security Council Resolution, 2004).

“The list of threats to **human security** is long, but most can be considered under several main categories: • Economic security • Food security • Health security • Environmental security • Personal security • Community security • Political security”

“What do we mean by human security? We mean, in its most simple expression, all those things that men and women anywhere in the world cherish most: enough food for the family; adequate shelter; good health; schooling for the children; protection from violence whether inflicted by

man or by nature; and a State which does not oppress its citizens but rules with their consent.” Hans Van Ginkel (Rector, United Nations University) and Edward Newman: “In policy terms, human security is an integrated, sustainable, comprehensive security from fear, conflict, ignorance, poverty, social and cultural deprivation, and hunger, resting upon positive and negative freedoms.”

2.1 Definitional Concepts

Essential concepts will need defining to enable an effective understanding of key variants that underlie this study. Definitions of concepts such as ‘Terrorism’ and ‘Counter Terrorism’ still remain open to interpretation within the academic arena. No common interpretation exists given the varying dynamics of terrorism itself. As such, this subsection seeks to provide an overview of existing definitions with the purpose of streamlining an interpretation that best serves the objectives of this study.

2.2 Defining Terrorism

Terrorism is a difficult concept to define because it is constantly evolving and partly because its definition that may be subjectively interpreted. However, it can be maintained, there are certain fundamental issues of terrorism (Cronin, 2004: 3). Terrorism as argued by Wilkinson (2006:3) has a political aspect and involves acts of violence, which intends to bring about political change by influencing the political behaviour of governments, communities or specific groups.

Other academics like Clutterbuck (2004; 141) contend that terrorism is not a tangible entity and therefore it cannot be defeated in any realistic sense. The ‘war on terrorism’, may also be considered, as a ‘war on crime’; therefore, policing is not amenable solely to the use of military means. However, in a broad effort to explain the concept of terrorism, various schools of thought on the issue have developed divergent theoretical frameworks through which its nature, causes

and remedies can be appreciated. Thus, to the Realists, terrorism is an ‘irresponsible use of force that must be countered by military power’ and they prescribe ‘military responses, including assassinations’ as appropriate remedies. Liberals, on the other hand, view terrorism ‘as a deviation from acceptable norms and prescribe the elimination of its underlying causes, such as poverty and social injustice’. However, to Constructivists, terrorism is ‘primarily an ideational phenomenon’. They, therefore, regard terrorists as ‘purposive social agents that are constituted by ideas, namely their norms, beliefs, and identities. Since the resurgence of terrorism in the 1960s, it is the conception of ‘terror as crime’ and not ‘terror as war’ that has primarily driven the response to terrorism of a liberal democratic nation. In addition, Clutterbuck considers terrorism as a phenomenon that is global in its range, constant in its presence and inevitably involves the commission of crime. Any national or international mechanism to counter terrorism must be predicated on that understanding (2004: 141).

Conversely, Wilkinson (2006) distinguishes terrorism from other elements of crime on the basis that it plans to propagate a climate of extreme fear amongst its audience. The act of terror extends beyond the immediate victim. The terrorist subjectively chooses the targets. The target may be of a random choice or of a symbolic nature. This is dependent on the terrorists themselves (Wilkinson, 2006:3). Despite the numerous definitions of terrorism, the international community and academics have, been unable to provide a suitable definition of terrorism. Schmid and Jongman (1988: 28) consider the following basic elements of terrorism to provide this comprehensive definition: Terrorism is the deliberate employment of violence or the threat to use violence by sub-national groups and sovereign states to attain strategic and political objectives. Terrorists seek to create overwhelming fear in a target population larger than the

civilian or military victims attacked or threatened. Acts of individual and collective terrorism committed in modern times have introduced a new breed of extralegal 'warfare' in terms of threats, technology, targets and impact (Alexander, 1994: 1) Apart from the definition prescribed by academics, Multilateral Organizations, such as the United Nations Security Council (UNSC) defines terrorism as: The Federal Bureau of Investigation (FBI) has defined terrorism as:

...the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives (Hunsicker, 2006: 13)

The South African government, according to Schönreich (cited in Botha, 2001), has since 1994 adopted internationally acknowledged definitions and categories of terrorism. The South African government's official policy on terrorism defines terrorism as: An incident of violence, or the threat thereof, against a person, a group of persons or property not necessarily related to the aim of the incident, to coerce a government or civil population to act or not to act according to certain principles (Botha, 2001). For the purposes of this study, the following definition of terrorism will be utilized: An unlawful act of violence or the threat thereof against a person or persons or property with the aim to intimidate a government or population to do or abstain from doing any act, according to certain principles for the furtherance of the perpetrator or perpetrators objectives.

2.3 Defining Counter terrorism

If terrorism is considered as a motivation to propagate fear and anxiety then the contrary may imply that counter terrorism is a foundation on which defensive strategies and tactics are based (Bolz, Dudonis and Schulz, 2002: 3). Kushner (2003:101) considers counter terrorism as the use

of personnel and resources to prevent terrorism and their support networks. When addressing methods on countering terrorism it may be necessary to note methods adopted in similar acts such as counter insurgency. McCuen (1966), a principle writer on the topic of revolutionary warfare considers counter insurgency to involve the protecting of the population against terror and insecurity. In effect, it prompts a response to terror (Hough, Kruys and du Plessis, 2005:18). Wilkinson (2006:6) defines counter terrorism as:... Practices, tactics, techniques, and strategies that government, militaries and other groups adopt to fight terrorism. It also may be useful to consider the meaning of the two terms separately: ‘counter’ and ‘terrorism’. The term counter is defined as actions or activities that are intended to prevent other action or activities or that respond to them (Collins, 2001:345). Similarly, counter terrorism in this study will be a method or manner in which the terrorist attack is prevented. It will embody a compoment to defend the terrorist attack.

It will include a defensive approach of securing vulnerabilities that may be exploited by terrorists, for example, the securing of the ports of entry. It will include an offensive, proactive approach, for example, the collection of intelligence through networks. It includes the many facets of legislation, enforcement, intelligence and other mechanisms upon which terrorism will be countered.

2.4 Historical perspective

The terrorist attacks on 11 September 2001 in New York and Washington made the fight against terrorism a top political priority for the international community. On 28 September 2002, the UN Security Council adopted Resolution 1373 under chapter V11 of the UN charter, calling upon states to implement more effective counter-terrorism measures at the national level and to

increase international cooperation in the struggle against terrorism.

The Resolution created the counter-terrorism actions on this issue and to receive reports from states on measures taken. Following the adoption of Resolution 1373, a substantial number of states have adopted plans for further measures to combat terrorism. The Security Council Resolution 1456, adopted in 2003, called on anti-terrorism committees to consider human security protection in its work. Yet the committees have ignored the impact of human security protection of its activities in relation to repressive governments that justify reference to anti-terrorism measures.

2.5 Theoretical perspective

In this study, the researcher adopted the fear management theory of counter-terrorism. This theory explains the essence and mechanism of spreading fear, when and how do people become frightened (Bakker and Veldhuis 2012).it also focuses on the common coping mechanism in dealing with the threat of terrorism and terrorist attacks (Beck 2002).fear points to an individual, psychological state of the mind to socio-cultural sentiment in society, to political claims and rhetoric and neuro biological induced behavior (Altheide, 2002);this makes it impossible to estimate or claim success.

According to US Federal Emergency Management Agency (FEMA), terrorism is the use of force or violation of the criminal law of the United States for the purpose of intimidation, coercion or ransom. Terrorists often use threats to create fear among the public, try to convince citizens in the process of preventing terrorism get immediate publicity for their causes. FEMA also includes aspects terrorism such as associations, kidnappings, hijackings, bomb scares and bombings, cyber-attacks (computer based) and use of chemical, biological nuclear and radiological weapons. However, some of these aspects have happened and are still happening Kampala city

of Uganda. Counter-terrorism is defined in the US Army Field Manual as the operations that include offensive measures taken to prevent, deter, preempt and respond to terrorism.

Intelligence refers to the activity and process by which information is systematically collected, analyzed, and made available to government officials, in a usable form. That is presented to policy makers in a form that will help them in their decision making process and their choice of policy options. It has the following roles, covert action, counterintelligence analysis and collection.

The concept of security is considered in its broadest sense and concerns State security, which means, security of persons, institutions, properties and national territory. Security should also include other areas, such as, human security, social security, environmental, etc For many, the idea of trying to ‘understand’ terrorists is ultimately self-defeating and perhaps treasonous - they don’t want to ‘understand’ terrorists, they simply want to defeat the terrorists...no one tried to ‘understand’ the Nazis...[yet]. .trying to understand how and why an ideology like Nazism could develop was key in ensuring that it never happens again –Austin Cline, 2006 (www.atheism.about.com/b/a/242061.htm).

The above quote argues that central to establishing any response mechanism to arising threats it requires an understanding of the very elements that give rise to such a situation. Examining the nature of terrorism is representative of this quote. Understanding the nature of terrorism within the current context remains a multi-dimensional problem. Discussions on terrorism within debating circles are usually centered on criminal justice aspects such as prevention and punishment. Yet, the overriding questions surrounding terrorism are not simply jurisprudential;

they go beyond this sphere and find themselves embedded in philosophical and political jurisdictions. Why terrorists employ the tactic of terrorism, the methods that they use and the objectives they wish to achieve are fundamental questions that will aid in understanding the various facets that underlie terrorism. Essentially, in order to correctly interpret indications and events of terrorism as well as formulate an apt response to threats of terrorism, it is imperative to clearly identify and distinguish the various methodologies and typologies that give rise to the current patterns of terrorism.

2.7 Definitions of human security

Defining human security is important because it determines how attention is to be focused on the individual and groups. The argument has been largely about whether the UNDP focus is simply too broad to have any useful analytical application and whether it risks making everything and anything a potential security issue. It has also raised questions as to whether human security is an extension of the development agenda, the security agenda or a hybrid of both. After wide consultation, the Japanese funded Commission on Human Security came up with a new broad definition of human security as protection of "... the vital core of all human lives in ways that enhance human freedoms and human fulfillment. ...Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations..."

The Commission also noted that individuals and societies may have different views on what is "vital" and what constitutes the "essence of life" and went on to add that creating human security meant "... using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give

people the building blocks of survival, livelihood and dignity.” Such a definition raised the obvious questions about what “vital core”, “fundamental freedoms”, “critical” and “pervasive” meant, and what threats and situations actually impacted on human security. Two studies in particular took up the Commission’s definition and refined it. Sabina Alkire (1998) defined human security as the safeguarding of “the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment.” She also suggested that human security be restricted to areas of possible downturns in the people’s situation. Taylor Owen modified Alkire’s definition to read the safeguarding of “the vital core of all human lives from critical pervasive environmental, economic, food, health, personal and political threats.”

Yet what was meant by “vital core”, “critical” and “pervasive” remained unanswered; though they imply the identification of specific issues and some form of designated thresholds of severity necessary to constitute a human security matter. Surprisingly, Owen sought to omit cultural security from the list of security issues arguing that factors such as education and religion would not be active elements in creating critical pervasive threats, or affect the vital core of human lives. On the contrary, as seen below, anthropological studies do identify cultural factors as important to human security. Brown and Stewart (2001), for example, also consider educational deprivation to be a human security concern, as do Sen and Majumdar (2000), who argue that a lack of education could confine one to the margins of society and to a precarious existence as evidenced by a demonstrable link between mortality, income and education.

A much more open approach was proposed by Ramesh Thakur (1999), who argued that human security was composed of positive (freedom to) and negative (freedom from) freedoms, and that: “putting the two together, human security refers to the quality of life of the people of a society or

polity. Anything which degrades their quality of life – demographic pressures, diminished access to or stock of resources, and so on – is a human security threat.”

Other definitions developed by international commissions include that of the International Commission on Intervention and State Sovereignty (ICISS) which describes human security in terms of people living under conditions where “their physical safety, their economic and social wellbeing, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental

The more recent Commission for Africa says that people centered “human security becomes an all-encompassing condition in which individual citizens live in freedom, peace and safety and participate fully in the process of governance. They enjoy the protection of fundamental rights, have access to resources and the basic necessities of life, including health and education, and inhabit an environment that is not injurious to their health and wellbeing.” These last two definitions are important as they both clearly specify human security as a condition in which people ought to find them. The condition includes areas of protection as well as providing scope for individual and group action through rights and freedoms and, in the latter approach, participation in governance. They also both imply that human security is an international as well as a state responsibility. Governance of course introduces the question of state responsibilities, but at the same time it opens the possibility of a more localized determination of human security issues which may be anything, as Thakur puts it, which degrades people’s quality of life.

2.8 Human security – the concept

During the 1970s and 1980s there was considerable public debate across the Western world around the issues of international security and development as concerns mounted over the failure

of economic growth and the promised ‘trickle down’ to benefit the poor and to relieve the fragile security situation in most regions of the Third World. In this climate, a number of independent commissions were set up to report and make recommendations on development and security. The linkage between security and development is particularly clear in *Common Security: A Blueprint For Survival* which recognized that threats to security are wider than “political rivalry and armaments stem from failures in development, environmental degradation, excessive population growth and movement, and lack of progress towards democracy” and in *Common Responsibilities* in the 1990s which addressed attention to the “security of people and the security of the planet.” The emphasis on the individual in these reports was not new in Western concepts of the state. MacFarlane traces the long “prehistory of human security” and identifies the late nineteenth and early twentieth centuries as the period in which the “welfare of individual human beings, the mitigation of poverty, and the protection of the economic rights of the less privileged were growing preoccupations.”

The concern for individual welfare and security is implicit in human security, Mahbub ul Haq, one of the founders of human development theory and the creator of the Human Development Index, was also influential in the development of the concept of human security in the 1994 UNDP Development Report. He spelled out his views in a widely distributed paper commissioned by the UNDP. In it he nominated as the five “pillars” of human security: sustainable human development; using a peace dividend to move from arms to human security; partnerships between North and South based on justice, not charity; new forms of global governance such as an economic security council of the UN; and a global civil society to hold leaders accountable.

The UNDP Report argued that there were two main aspects of human security – “safety from such chronic threats such as hunger, disease and repression ... and protection from sudden and hurtful disruption in the pattern of daily life.” The components spelled out were economic security (discussed mainly in terms of secure and adequate income); food security (physical and economic access); health security (prevention of disease and mortality - access to services, nutrition and lifestyle); environmental security (environmental degradation, pollution of air, water and land, sanitation); personal security (physical violence and threats, accidents, trafficking); community security (cultural identity, religious freedom, indigenous rights); and MacFarlane notes, too, that Roosevelt’s New Deal in the US was a mechanism to avert the risk that economic and social insecurity might carry over into political unrest. Political security (basic human rights and freedoms)

It argued that these were universal concerns for rich and poor countries and that its components were interdependent as well as being people-centred. It noted that a breakdown in human security in any one place may have local, regional or global impacts, and that human security is best ensured through prevention rather than by later restoration. Thus, “when human security is at threat anywhere, it can affect people everywhere.

Famines, ethnic conflicts, social disintegration, terrorism, pollution and drug trafficking can no longer be confined within national borders,” and therefore the need for the new human security approach

The Report barely addressed the relationship of human security with human rights and human development, noting only that human rights violations represent a threat to human security everywhere and that human development was a broader concept relating to people’s choice,

while human security “means that people can exercise these choices safely and freely.” The relationship of human security with human rights and human development was not well developed although it is an important issue and is discussed later in this chapter.

The essence of the concept being promoted was radical as it challenged the adequacy of the contemporary approaches to development and security. It sought to locate developing countries in a more global and more urgent security framework addressing the needs of people rather than serving the purpose of protecting and securing the rich and powerful states and the capitalist free market global economy.

2.9 “East – West” approaches to human security

Following the 1994 Report, the Japanese and Canadian governments both supported human security initiatives but with different emphases. The Japanese government sought to develop the UNDP perspective mainly through freedom from want (development approach) while Canada sought to focus human security more on freedom from fear (conflict resolution and intervention). Japan’s interest in human security was immediate and in 1995 Prime Minister Murayama Tomiichi advocated human security in an address to the United Nations General Assembly.

Canada, on the other hand, put its emphasis on protection from violence in its statement to the UN General Assembly in 1996 and during its presidency of the Security Council in 2000. Although the Canadian approach recognizes the full scope of the UNDP Report, it was more concerned with a breakdown of government and society into violence than the need to protect individuals *per se*.

This is reflected in Canada's foreign policy statement as well as its support for the Liu institute and While these are contested concepts, they are used here as convenient labels for different approaches.

In addition to the Japanese and Canadian government contributions, a number of institutions established units to address human security issues. These included the Harvard Program on Humanitarian Policy and Conflict Research (PHPCR) which produces a Human Security Network Bulletin; the Peace Research Institute Oslo (PRIO); OECD Network on Conflict, Peace and Development Co-operation; the Conflict, Security and Development Group with the Centre for Development Studies at Kings College London set up with the UK Department for International Development, and the Institute for Human Security in the Fletcher School, Tufts University. UN agencies also ran special human security projects and regional activities.

Hence, the focus of human security on individual welfare was blurred by the concerns of two middle powers to pursue their particular interests and to influence the international scope and recognition of the concept. Canada, which had a long history of military commitment to UN peacekeeping, pursued its policy of protection targeting specific issues such as landmines, child soldiers and small arms availability in conflict areas. On the other hand, Japan took a view that development diminished the threat of violence and contributed directly to human security. Its approach also appeared to be more acceptable in the Asian region where human rights had long been an issue of contention because of their perceived prioritization of individual over group rights. In the wake of the 1997 economic crisis it was also clear that the ASEAN approach to human security was closely linked to safety nets and welfare for those affected by the economic downturn.

2.10 Trends of terrorist activity in East Africa

According to Botha (2001), terrorist activity can be measured by considering public action. Evaluating the effects of public action may provide a tool to measure activity, which may be indicative of terrorism.

The defining lines between the varying levels are thin, but the levels of public action help identify trends and early warning symptoms of emerging terrorist trends. However, in retrospect it is also essential to note that not all terrorist activity exposed in society is due to failure or limitations to create a conducive environment for expression. Terrorists may resort to terrorism for their own subjective reasoning, which may be very obscure from society's logical norm. This is illustrated through the cult group, Aum Shirnyiko (Martin, 2003: 192).

2.11 The Theoretical Framework

2.11.1 Eriksonian Identity Theory

Psychologists usually suffer from the problems they study. Like most good jokes, this saying contains a kernel of truth. The most famous psycholo-gists often provide excellent evidence.

In 1902, a blue-eyed, blond boy was born to Jewish parents, his appearance evidence of an extramarital affair. As such, he was raised in Germany between two cultures. His appearance caused him to stand out from his Jewish relatives and neighbors, while his German classmates taunted him for those same associations. With no one to relate to, it is no wonder that Erik Erikson went on to study identity. He eventually became one of its foremost theorists.

While not every reader may be familiar with Erikson's work, many will have heard about the concept of an "identity crisis," which forms the core of his thesis. During Erikson's lifetime, he published a number of works on the topic, such as *Identity and the Life Cycle* (1959), and *Identity: Youth and Crisis* (1968). Since his death in 1994, his works have been reprinted and

anthologized a number of times. As his theory states, healthy development is composed of a series of identity crises, or points where an individual's intellectual, emotional, and social development The theory is related to the current study in that most terrorist action are often based first on victim non-identification, though proof can be discovered later.

2.12 Kenya attacks

On September 21, 2013, masked gunmen attacked the upscale Westgate shopping mall in Nairobi, Kenya, taking hostages and killing at least 67 people.

Almost 200 people, including at least 5 U.S. citizens, were wounded in the siege, which lasted four days. The attack is the most deadly terrorist incident in Kenya since the 1998 Al Qaeda bombing of the U.S. embassy in Nairobi. A Somali Islamist insurgent group, Al Shabaab, which has ties to Al Qaeda, has claimed responsibility for the Westgate attack. Al Qaeda and affiliated groups like Al Shabaab have had a presence in East Africa for almost 20 years, although the extent of their operations there has varied over time. The region's porous borders, proximity to the Arabian Peninsula, weak law enforcement and judicial institutions, and pervasive corruption, combined with almost 20 years of state collapse in neighboring Somalia, have provided an enabling environment for violent extremist groups.

The Westgate mall attack came almost two years after Kenya launched a military offensive across its northeastern border with Somalia, with the stated aim of defending itself against terrorist threats and incursions by Al Shabaab. Kenya subsequently joined the U.N.-mandated African Union (AU) stabilization mission, AMISOM, which is tasked with countering the threat posed by Al Shabaab in Somalia. Al Shabaab's attack on the mall occurred three years after an Al Shabaab cell conducted the group's first successful attack outside Somalia with deadly

bombings in Kampala, Uganda, in retaliation for Uganda's role as a leading AMISOM troop contributor. (Makinda, 2006).

Al Shabaab has repeatedly threatened countries contributing to the regional operation, and spokesmen for the group have cited Kenya's ongoing military role in Somalia as justification for the Westgate attack.

While Kenyan officials thus far have maintained commitment to AMISOM in the siege's aftermath, the attack may deter other countries from contributing troops in response to U.N. and AU calls for more military support to counter Al Shabaab. In the 15 years since the embassy bombings in Kenya and Tanzania, Congress has appropriated increasing counterterrorism funding for Africa, and has focused hearings and investigations on reported support provided by U.S. citizens to Al Shabaab. The United States is a major contributor of financial and in-kind support to AMISOM, and has provided its troop contributors and other countries in the region with substantial support to counter terrorist threats. "We are in this fight together," the U.S. ambassador to Kenya commented as Federal Bureau of Investigation forensic teams deployed after the Westgate attack. President Obama has pledged U.S. support to bring those responsible for the attack to justice.

Political instability and terrorist activities in and emanating from Somalia are subject to ongoing interest by policy makers, who remain concerned about Al Shabaab's ties to Al Qaeda and affiliated groups and its use of Somalia as a staging

2.13 Current patterns of terrorism

Global terrorism, although in existence through time has since post-9/11 been merited as being the greatest threat to global security. With this as the general perception, countries have come to understand and accept terrorism as dictated upon by powerful influential countries like the US. This in itself creates a paradigm of issues, which further complicates the issue of countering terrorism.

Within this context, interviewee and Research Fellow from the Council on Scientific and Industrial Research (CSIR), Richard Gueli (2007), considers terrorism to be a mere tool, which is utilised to gain political and economic influence. It is relied upon by countries such as Israel, which although has a justifiable threat against terrorism, uses terrorism to sustain global funding and political sympathy. The US's war on terrorism, likewise, can be affiliated to exerting political influence in countries such as Iraq and Afghanistan to secure national interests of energy security. Gueli reiterates that although the US's long term threats are the burgeoning economies of China and India, terrorism in some respects may be utilized to negate the influence of such countries in the global sphere as more eloquently witnessed through the realization of the US Africa Command (AFRICOM) in Africa to counter growing Asian influence.

In contrast, Boyane Tshelhla, Head of the Crime and Justice Programme at the Institute of Security Studies, sustains the global general perception on terrorism. Tshelhla argues that terrorism is a not only a threat to international countries but more pertinently to the African continent which arises from the lack of system inadequacies that exist in developing countries.

In balancing the varying perceptions, this study, contends that global terrorism is on the increase and can be characterized in political terms as an issue of 'high risk'. The basis of this assertion

stems from empirical evidence on statistics derived from the number of terrorist incidents from the period 2001-October 2007. (Amnesty International, 2006).

Broadly speaking, terrorism in Africa may be the result of one or more factors, whether political, religious, social, cultural, economic or environmental. However, it has not always been founded on these factors alone. A summary review of the history of terrorism in Africa indicates that the continent has experienced about four waves of terrorism. The first wave of terrorism was characterized by national liberation movements struggling to end western colonialism and empower Africans politically, economically, socially and culturally. The second wave of terrorism featured extensive civil wars on the continent, mostly as immediate results of post-colonial inequalities and imbalances politically, economically and territorially. International affairs, such as the Cold War and the Israeli-Palestinian conflict, are closely linked to the third wave of terrorism in Africa. African States are often caught in between international power plays and serve as good recruitment grounds for garnering support for international conflicts.

In adopting the OAU Convention on the Prevention and Combating of Terrorism (the Algiers Convention), African states proceeded on a conviction that terrorism ‘should be combated in all its forms and manifestations, including those in which states are involved directly or indirectly, without regard to its origin, causes and objectives.’ In the preamble of the 2004 Protocol to the OAU Convention on the Prevention and Combating of Terrorism, African states also acknowledged that ‘the root causes of terrorism are complex and need to be addressed in a comprehensive manner.’ This position clearly underscores the significance of appreciating terrorism as much a result of the activities of vengeful individuals and other non state actors as well as the direct or indirect result of state activities. This appreciation facilitates the direction of

whatever counters terrorism measures adapted in Africa to the origins and root causes of terrorism and not just to its manifestations. (Botha, 2001).

To this end, some experts have observed that, Terrorism should be studied as a manifestation that ‘something’ in society, domestic or international, is ‘not in order’.... If terrorism is treated merely based on its symptoms with the primary focus on arresting and prosecuting the perpetrators and without addressing the underlying causes, it will remain a threat to human security.

The vulnerability of African States to terrorism has been fueled by both internal and external factors. Externally, technological advancements, globalization, especially in telecommunications and the foreign policies of more powerful states, particularly the US, have provided viable causes for terrorism. However, terrorism in Africa has also found cause in internal factors such as ‘economic deprivation, political oppression governmental repression, and ethnic and religious persecution. It must be noted that while the external factors might in most cases result in transnational terrorism, or local incidents like the bombing of embassies, domestic terrorism is mostly caused by domestic conditions, local grievances and internal factors. For the purpose of this study, hence, the focus is directed mostly on the internal and domestic causes of terrorism in Africa.

2.14 POLITICAL FACTORS: FAILED, FAILING AND WEAK STATES

Part of the primary responsibilities of any State government is to ensure the security and protection of people within its territory and to preserve their ‘norms, rules, interests, institutions and resources, in the face of military and non-military threats.’ Most African states, however, are yet to come to terms with this responsibility. In the absence of perhaps any truly democratic regime in Africa, most governments are more concerned with preserving themselves in power and they readily employ state security machineries for regime security instead of the traditional

purpose of ensuring state and human security. More so, because restriction of basic human rights and fundamental freedoms, political oppression, weak institutions, corruption, mismanagement and abuse of state resources and lack of accountability characterize the business of governance amongst Africa states, most governments easily lose legitimacy and credibility with the people. This legitimacy crisis ultimately becomes a justification for the use of violent tactics in challenging, opposing or 'persuading' governments. Amir, M. (1988)

The risk and vulnerability to domestic terrorism is greater in polarized societies with 'highly contentious politics and divided societies'. It is, therefore, a small wonder that 'one of the organizations implicated in acts of terrorism in the past recognized their governments as legitimate.' Failed, failing and weak states, whether as a result of the collapse of governance institutions or the existence of extensive civil conflict, usually have porous borders and uncontrolled populations, especially immigrants, refugees, internally displaced persons and stateless persons who eventually form alienated clusters in Diaspora within which terrorist groups can blossom. Terrorist groups are usually quick to take advantage of these weak borders and the sheer volume of trans-border migrations to form cross border terrorist cells that serve as hubs for spreading 'radical conspiracies that both impede stabilization and export terrorism to other targets and audiences.'

Terrorism is also a by-product of internecine conflicts in various regions in Africa. Most African countries are plagued with severe internal conflict and civil wars, often fuelled by support from other neighboring states. For example, the war by the rebel Lord's Resistance Army against the Ugandan government seems to be a proxy war by the government of Sudan to perpetuate insecurity in northern Uganda and the government of Uganda appears to be reciprocating by supporting the Sudan People's Liberation Army war against the government of Sudan. These

conflicts create and entrench political instabilities that further make it near impossible for state governments to exercise full control over their state territories and borders, thus making it easy for terrorist organizations to access recruits and move weapons.

In addition, political marginalization, repression and closed political systems that disallow free political participation and dissent within legal boundaries serves to create a gulf between the state and the society. This eventually becomes a push factor for terrorists because in the absence of constructive means of engaging the government, aggrieved sections of society come to assume that the only way to effect change is by taking matters into their own hands. The abuse of state power in the name of preventing, eliminating and countering terrorism also serves to promote instead of prevent terrorism. Some States, like Egypt and Zimbabwe, silence political dissent by targeting opposition groups and limiting political development in the guise of combating terrorism. (Crime Reduction Group, 2006).

2. 15 Socio-Economic Factors: Poverty and Social Inequalities

Although there are several opposing views as to whether poverty, by itself, has a direct causal link to terrorism, it cannot be denied that the lack of the basic necessities of life, education and prospects for the future, unemployment and other social inequalities combined with political factors and ethnic or religious divisions can produce an alienated, radicalized, disenchanted and disillusioned populace, which could serve as a fertile recruitment ground for terrorists. David Shinn (2001), 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 acts.

A practical illustration of this can be found in Morocco where background checks on the individuals involved in the suicide attacks in Morocco revealed that a combination of poverty,

unemployment, deprivation and other social tensions fueled their feelings of bitterness, desperation and recklessness.

Africa, as a continent, is home to some of the poorest countries in the world, which are still struggling to successfully integrate into the global economy. Most national economies cannot compete globally, with very high illiteracy and unemployment rates, falling and stagnant incomes, poor infrastructure; un sustained development and socially polarized societies. These high levels of socio-economic disparity, social injustices and inequalities have been cited as a reason why parts of the continent have become good breeding grounds for terrorism. More so, the endemic corruption also makes terrorism easy and attractive in several parts of Africa, allowing lurking terrorists to ‘buy off immigration and local security officials.’

2.16 Collective Security: Religious, Ethnic and Cultural Divides

Africa is peculiarly plagued with deep religious, ethnic and cultural divides and fault lines. And these factors have often been a constant source of conflict within states, sometimes spilling over into bordering countries. However, some experts have argued that by itself, religion, like ethnicity or cultural diversity, is more of a tool of mobilization or justification for terrorism than a direct cause. However, when fueled by political and economic frustrations, religious, ethnic and cultural justifications are usually combined with political or economic goals, like nationalism, resource control or self determination, to support terrorist activities. Unfortunately, most state governments in Africa neither fairly represent these diverse divides nor their interests in their policies and in the distribution of state resources. Thus, where any group is continually marginalized, particularly if they exist in any substantial majority within any geographic location without reasonable government representation, then the stage is, perhaps, set for isolation,

alienation, radicalization, extremism and, ultimately, recourse to terrorism. Burman, S and Scharf, W. (1990)

2.17 Measuring the effectiveness of Multilateral Entities approach to counter terrorism

Multilateral initiatives have, at best, been effective in increasing the awareness of the global nature of terrorist threats. It has facilitated a sense of common purpose, motivated states to take precautionary measures against terrorist threats and expand their counter terrorism capacities, and encouraged coordination efforts among states and regional organizations. However, whilst the broader framework exists for conceptualizing terrorist threats, there are still a number of hurdles that impact on developing a fully functional coherent and robust global approach to counter terrorism, it is apparent that terrorist incidences have increased seven-fold since 9/11. One argument for the increase in terrorist incidences rests on the challenge that Al-Qaeda has transformed from a unitary entity into a movement or something more akin to an ideology. As Al-Qaeda spreads, it becomes a more dispersed, hidden and persistent target, which is more difficult to combat (Gambari, 2006). The lack of a coherent multilateral approach to counter terrorism has been identified as the chasm that enables terrorist groups like al-Qaeda to operate within the global realm.

The level of incoherency at the multilateral echelon is demonstrated by the inability of the UN to charter a comprehensive convention on international terrorism and the failure to enforce the UN counter terrorism strategy as proposed by Kofi Annan in 2005 and duly adopted in September 2006. In totality, the multilateral has promoted and adopted 12 international conventions that criminalize specific acts of terrorism, however, UN authority on terrorism would be greatly enhanced by a comprehensive convention which would establish a definition for terrorism and outlaw terrorism in all its forms. Currently, UN Member States still remain ambivalent on the

core elements that define terrorism. At the heart of much debate, UN Member States still remain divided over the same critical questions – whether the activities of armed forces should be exempted from the scope of a common convention since they are governed by international humanitarian law; and whether that exemption should also cover armed resistance groups involved in struggles against colonial domination and foreign occupation (Gambari, 2006).

Despite theoretical challenges of defining terrorism, the UN also faces human, administrative and institutional capacity deficiencies. A proliferation of counter terrorism programs and initiatives (as illustrated in the section above) has led to overlapping mandates, lack of consensus over reporting requirements on counter terrorism by States and a duplication of work. Moreover, because of administrative and other limitations experienced by operating in a highly politicized multilateral institution, the UN has been unable to effectively fulfill their mission of analysis, coordination, and information sharing on impending threats of terrorism (Millar and Benjamin, 2005). Interviewee Andre Thomashausen (2007) also considers the global initiatives on terrorism to be ineffective and also contributory factors to social and political tensions. The ‘global initiatives as propagated and coordinated by the UNSC Terrorism Committee are rejected universally but have been grudgingly and without enthusiasm implemented wherever the dependence on goodwill by the US government is perceived to be too strong to allow for outright rejection’ (Thomashausen, 2007). Developing countries, especially the vast majority of African nations (49 of the 53) have managed since 2002 to avoid implementing the measures that the CTC is trying to impose, offering various excuses, in particular the lack of capacity or need.

At the regional level, functional organizations like the AU, EU and Interpol, whilst improving efforts to address threats in the last four to seven years, have likewise been faced with the similar stumbling blocks as the UN. The AU in particular has had difficulty engaging with classification

of rebel movements within Africa as terrorists. Whilst some clarification has been given on groups such as the PALIPHEHUTU-FNL in Burundi and the Justice and Equality Movement (JEM) in Darfur, other groups like the Forces Nouvelle (FN) in Cote d'Ivoire still remain unclassified. The inability of the AU's Peace and Security Council (PSC) to function at full capacity as demonstrated by the dissolution of AMIS and the evolution of the UN/AU hybrid force attests to the lack of financial capacity within Africa's multilateral body to effectively deal with issues of peace and security. If Africa's multilateral is currently submerged in difficulties related to peace support operations, prospects for dealing with issues of terrorism become even more complex.

In terms of measuring effectiveness, the development of appropriate global initiatives to counter terrorism is still undergoing fundamental theoretical and practical transformations. Multilateral initiatives remain at the level of infancy and a good deal has to be done to facilitate the transition from theoretical debate to practical application. As a result, the room and gap exists for terrorist organizations to monopolize on inherent weaknesses to further their own strategic objectives. In the interim, and given existing impediments, it is deemed vital that States work towards strengthening their counter terrorism capabilities and capacities. Working from a bottom-up approach of solidifying the base of counter terrorism from the state level will assist in enhancing the overall global response to terrorism. As such, the proceeding section provides an analysis of current counter terrorism measures pursued at country levels.

2.18 The Role of the UN Security Council in Combating Terrorism

Perhaps, the most significant and foundational contribution of the Security Council to combating international terrorism is the adoption of resolution 1373 (2001). By this resolution, it called on member states to cooperate in combating terrorism and in preventing and punishing 'the

financing, planning, preparation or perpetration of terrorist acts'. Resolution 1373 also contains several other far reaching provisions which include the 'suppression of the recruitment of terrorists; provision of early warning and information sharing; prevention of the movement of terrorists and of trafficking in arms, explosives and hazardous materials; border controls'. The resolution also enjoins states to become parties to all relevant international counter-terrorism instruments and support efforts in bringing terrorists to justice. It also requires member states to consider their obligations under international law, in particular international human rights and humanitarian law when addressing refugee issues. Another significant feature of resolution 1373 is the establishment of the Counter-Terrorism Committee which is mandated to monitor the implementation of the resolution by member states.

The Security Council, by resolution 1535 (2004), also established the Counter-Terrorism Committee Executive Directorate (CTED). The CTED applies a proactive policy on human rights as it was mandated to liaise with the Office of the UN High Commissioner for Human Rights (OHCHR) and other human rights organizations in matters related to counter-terrorism. A human rights expert was also appointed to the CTED staff to facilitate its work.

2.19 The UN General Assembly and Counter Terrorism

Terrorism has been on the agenda of the UN General Assembly since 1972 and has been addressed as an international problem through intermittent resolutions such as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and the 1979 International Convention against the Taking of Hostages. In 1994, the General Assembly once more attended to the issue of terrorism through a Declaration on Measures to Eliminate International Terrorism. In 1996, it further passed a resolution to supplement the 1994 Declaration and established an Ad Hoc Committee to

continually address means of developing a comprehensive legal framework of conventions dealing with international terrorism.

UN member states, under the auspices of the General Assembly, adopted The United Nations Global Counter-Terrorism Strategy in 2006. This strategy, which was adopted in the form of a resolution with an annexed Plan of Action, is, perhaps, one of the most significant contributions of the General Assembly to global efforts at combating terrorism. This strategy marks the first time UN member states are agreeing on a common approach to eliminating terrorism and will thus enhance national, regional and international counter terrorism efforts. The strategy provides a wide array of measures to address conditions favorable to the spread of terrorism, to prevent and combat terrorism, to build states capacity and strengthen the role of the UN system in the fight against terrorism and most importantly, to ‘ensure that respect for human rights and the rule of law as the fundamental basis of the fight against terrorism’.

Specific consideration will be given to these measures in subsequent chapters when we examine the Uganda anti-terrorism legislation and its compliance with international and regional standards.

2.20 Regional Framework for Combating Terrorism in Africa

The significance of developing a regional framework for combating terrorism in Africa lies in the pressing need to find a balance between human security and state or regime security, especially considering the continent’s chequered history of liberation movements, insurgencies, civil wars and militarized democracies. This history makes it very likely that African state governments would readily employ supposed ‘counterterrorism’ measures as cloaks for repressing political opposition and undermining human rights. Thus, like the rest of the world, ‘counter-terrorist measures pose a much greater risk to Africa’s people than terrorism itself.’

However, efforts to regulate violent extremism and terrorism in Africa can be traced back to 1992 when the OAU adopted the Resolution on the Strengthening of Cooperation and Coordination among African States. This resolution was almost immediately followed by the adoption of the 1994 Declaration on a Code of Conduct for Inter-African Relations. The 1992 resolution called on member states to refrain from supporting and cooperate in combating extremism and terrorism, while the 1994

Declaration condemned as ‘criminal’ all terrorist attacks and activities. In addition to these earlier efforts, there are a number of other recent, and not so recent, instruments which set forth the basic framework for combating terrorism in Africa. These instruments are reaffirmed and enumerated in the Preamble to the 2004 Protocol to the OAU Convention on the Prevention and Combating of Terrorism; they are the 1977 OAU Convention for the Elimination of Mercenarism in Africa, the 1999 OAU Convention on the Prevention and Combating of Terrorism, the 2001 Dakar Declaration against Terrorism and the 2002 Plan of Action for the Prevention and Combating of Terrorism. These instruments are discussed below.

2.21 OAU Convention on the Prevention and Combating of Terrorism

The OAU Convention on the Prevention and Combating of terrorism (Anti-Terrorism Convention) was adopted in 1999, two years before the 9/11 incident and the global war on terror that followed immediately. As far as standard-setting goes, the Anti-Terrorism Convention went beyond previous and even subsequent international counter terrorism instruments by broaching the sensitive topic of defining ‘terrorism’. Thus, Article 1 (3) of the Anti-Terrorism Convention defines a terrorist act as:

(a) any act which is a violation of the criminal laws of a state party and may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, 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 in 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 to 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).

Although laudable for being a bold first attempt, this definition has been criticized as providing ‘too broad a brush with which states may colour legitimate political opposition and civil dissent as acts of terrorism.’⁶⁵ Nonetheless, the Anti-Terrorism Convention, under article 2, obliges state parties to criminalize and punish terrorist acts in accordance with the Convention.

Another laudable, but similarly controversial, provision in the Anti-Terrorism Convention is article 3(1) which excludes ‘the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination’ from constituting terrorism. This exclusion clause applies even in cases of armed struggles but only when the struggle is against ‘colonialism, occupation, aggression and domination by foreign forces’. This clearly leaves out cases of legitimate internal or domestic dissent or opposition, even against a repressive regime. More so, article 3(2) of the Convention provides that ‘political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defense against a terrorist act.’

The criticisms and even apparent short-comings of the Anti-Terrorism Convention notwithstanding, it remains the cornerstone instrument which upholds and supports the regional framework for combating terrorism in Africa. It is complimented, reaffirmed and implemented through the other regional instruments discussed below.

2.23 AU Plan of Action on the Prevention and Combating of Terrorism in Africa

In 2002, a Plan of Action on the Prevention and Combating of Terrorism in Africa (Anti-Terrorism Plan of Action) was adopted by the Intergovernmental High Level meeting of member states of the African Union held in Algiers, Algeria. The Anti Terrorism Plan of Action provides a framework of tactics for combating terrorism and requires member states, inter alia, ‘to sign, ratify and fully implement’ the Anti Terrorism Convention and ‘all relevant international instruments concerning terrorism.’ It also makes extensive provisions obliging member states to take appropriate measures to improve police, immigration and border control, to bring their judiciary and legislative functions up to speed with the regional counter terrorism framework, to suppress the financing of terrorism in compliance with resolution 1373 and to enhance the exchange of information and intelligence on terrorism related concerns. The Anti-Terrorism Plan of Action also specifically acknowledges and sufficiently involves the Peace and Security Council and the AU Commission, but no mention is made of the African Commission on Human and Peoples Rights

2.24 Protocol to the OAU Convention on the Prevention and Combating of Terrorism

The Protocol to the OAU Convention on the Prevention and Combating of Terrorism (Anti-Terrorism Protocol) was adopted in 2004 to ensure the effective implementation of the Anti-Terrorism Convention. The Anti-Terrorism Protocol established a laudable framework, consolidating previous provisions in earlier instruments, for countering terrorism. Reiterating in

the Preamble to the Anti-Terrorism Protocol their conviction that ‘terrorism constitutes a serious violation of human rights and a threat to peace, security, development and democracy’, state parties undertake, inter alia, to ‘take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism’, to ‘become parties to all continental and international instruments on the prevention and combating of terrorism’ and to ‘outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law.’

The Anti-Terrorism Protocol also recognizes the responsibility of the Peace and Security Council (PSC) for coordinating counter terrorism efforts on the continent and provides that the PSC shall, inter alia, establish ‘an information network with national, regional and international focal points on terrorism’ and also ‘mechanisms to facilitate the exchange of information among parties on patterns and trends in terrorist acts and the activities of terrorist groups and on successful practices in combating terrorism.’

However, in spite of the immense opportunities created by the Anti-Terrorism Protocol to effectively address the threat of terrorism in Africa, States parties have been very reluctant to ratify the Protocol, thus it is yet to enter into force.

2.24 The African Commission on Human and Peoples’ security

Most regional instruments on terrorism in Africa do not substantially involve the African Commission on Human and Peoples’ security (ACHPS) in efforts to prevent, eliminate and combat terrorism. This is very unfortunate considering the enormous responsibility and potential of the ACHPS in promoting and protecting human security on the continent. Perhaps, the only express mention and involvement of the ACHPS in an instrument on terrorism is Art 19 of the PSC Protocol which enjoins the PSC to ‘seek close co-operation’ with the ACHPS ‘in all matters

relevant to its objectives and mandate.’ However, the most obvious step taken by the ACHPS, so far, towards addressing the issue of terrorism, counter terrorism and its human security implications is its resolution on the Protection of Human security and the Rule of Law in the Fight against Terrorism (2005) wherein it urged states cooperation and compliance with their obligations under the African Charter and other relevant international treaties.

2.25 Other (Sub) Regional Frameworks

As part of its continued efforts to combat terrorism on the continent, the AU in 2004 established the African Centre for the Study and Research on Terrorism (ACSRT), in Algiers, Algeria. The ACSRT is a structure of the AU Commission and the Peace and Security Council and its mandate includes sensitizing AU members of the threat of terrorism in Africa, providing training and capacity building assistance to member states and enhancing cooperation among AU members in the fight against terrorism.

At other regional levels, there have also been a number of other efforts to promulgate anti-terrorism instruments. Thus, in 1998 the League of Arab States, which has 9 African states among its 22 members, adopted the Arab Convention for the Suppression of Terrorism. The Convention entered into force in 1999. Also, the Organization of the Islamic Conference, which boasts membership of a number of African states as well, adopted the Convention of the Organization of the Islamic Conference on Combating International Terrorism in 1999

Besides these arrangements, there are several other sub-regional mechanisms, such as intergovernmental cooperation, to combat terrorism. The Eastern Africa Police Chiefs’ Cooperation Organization (EAPCCO) and the Intergovernmental Authority on Development (IGAD) are good examples here. The EAPCCO is housed in the Interpol sub-regional bureau in Nairobi and works to ‘promote sub-regional cooperation in combating transnational crime,

including combating terrorism.’ Through its affiliation to the Interpol, the EAPCCO is able to draw on the Organization’s resources and expertise as it works to strengthen counter terrorism measures in the sub-region. IGAD’s efforts to deal with terrorism are done through its Capacity Building Programme against Terrorism (ICPAT). For instance, in May 2009, IGAD member states met to discuss issues of regional border security in East Africa and to adopt possible strategies to effectively control and secure their borders. This meeting, which was a follow-up to earlier ones held in 2007 and 2008 in Kenya, was cosponsored by the UN Counter Terrorism Committee Executive Directorate (CTED) and ICPAT.

In summary, it is obvious that much effort has gone into providing a framework, at international, regional and sub-regional levels, for combating terrorism so as to avoid arbitrariness and abuse of ‘counter-terrorism’ initiatives. Respect for human rights remains a cornerstone concern in the fight against terrorism. These standards have been put in place to ensure their observance in an age of terrorism, but much depends on how state parties apply these standards at the national level.

2.26 When Definitions are not so definitive

The Ugandan Act contains a rather long list of broad activities which would constitute terrorism when carried out for the purpose of ‘influencing the Government or intimidating the public or a section of the public and for a political, religious, social or economic aim’ and is done ‘indiscriminately without due regard to the safety of others property.’ The listed activities, which cover both treaty offences and common law crimes include: manufacturing, handling or detonating a lethal device in a public place, involvement in murder, kidnapping, abduction or maiming of any person, provision or collection of funds for terrorist activities, hijacking and hostage taking, unlawful seizure of an aircraft or vessel, unlawful importation or distribution of

firearms, serious interference with or disruption of an electronic system, production and development of a biological weapon, and unlawful possession of explosives with intent to effect a terrorist act.

The Ugandan Act also makes it a crime to run a ‘terrorist organization’ or an organization that promotes, publishes and disseminates news or materials that promote terrorism. It also provides for a ‘wide accomplice, attempt, conspiracy and accessory liability.’ The Act also specifically lists four organizations as terrorist organizations in the Third schedule to the Act. These organizations are the Lord’s Resistance Army, The Lord’s Resistance Movement, Allied Democratic Forces and Al-Qaeda. The Ugandan Act further criminalizes membership, support or assistance to a terrorist organization and also makes it an offence to contribute property, funds or any other resource to a terrorist organization.

The definition of terrorism as provided in the Ugandan Act and the activities it criminalizes have been criticized as too broad, vague and far reaching. It obviously undermines a plethora of human rights guaranteed under both the Constitution of Ugandan and other international instruments.

The provisions on the Ugandan Act clamps down on freedom of expression and could be interpreted to translate an ordinary civil demonstration or protest (which obstructs traffic or closes a public service as they are prone to) into a terrorist act. For instance, in September 2009, terrorism charges were brought against over 29 persons who allegedly burnt down a police station during a riot in the city of Kampala. This riot was a public protest against the government’s refusal to allow the traditional ruler of the area (the Kabaka) to visit a neighboring town.

The punishments prescribed for terrorist offences under the Ugandan Act also cause grave concern for their human rights implications. Section 7 (1) of the Ugandan Act makes the death penalty mandatory for acts of terrorism which result in death and makes it an option for lesser forms of terrorism. Under the Ghanaian Act, harbouring terrorists, providing lethal devices to terrorist groups, supporting terrorist activities, dealing with terrorist property, recruitment of members for terrorist groups are some of the offenses that attract not less than seven years and not more than 25 years imprisonment terms.

Terrorists on Trial

The Ugandan Act gives the executive a wide margin of discretion in deciding ‘who is suspected of terrorism and how to act on that suspicion.’ The Ugandan Act 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 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 Ugandan Act empowers the Minister to dissolve, wind up and provide for the forfeiture of the Organization to the state. In Tanzania, the Tanzanian Act also allows the Minister of Home Affairs to declare persons or groups to be terrorists or terrorist Organizations where there is ‘reasonable suspicion’ and thereafter, to freeze their funds.

However, the requirement of ‘reasonable suspicion’ perhaps, creates room for judicial oversight but this provision or any other criteria for determining who is declared a terrorist is conspicuously missing from the Ugandan Act.

The Ugandan 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 Ugandan Act also impacts the rights to property and privacy. Article 27(2) of the 1995 Constitution of the Federal Republic of Uganda (Ugandan Constitution) 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 Ugandan 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 Ugandan 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 Ugandan 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 suo moto by the court or on the application of the person aggrieved by the order. However, the Ugandan Act also empowers an investigating officer to issue a ‘search and seize’ 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, under the Ghanaian Act, 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 Ugandan 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 related to terrorism funds.¹⁰² Furthermore, Section 22 of the Ugandan Act makes materials obtained from interception or surveillance admissible in evidence against the person. 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.

2.27 Counter Terrorism Strategic Approach

The approaches to the phenomenon of counter terrorism are as many and as diverse as they are definitions of the problem of terrorism. For academics such as Wilkinson (2006: 6), a counter

terrorism strategy is a multi pronged approach for a 'liberal state' (otherwise herein referred to as democratic states), which does not undermine or seriously damage the democratic process and the rule of law, while providing sufficient flexibility to cope with a whole range of threats. Intrinsically, there are three responses to counter terrorism in developed democratic states, these being, the use of politics, law enforcement and the military. Lutz and Lutz (2004), on the other hand expands on the approaches to counter terrorism. The following are considered as key elements in the US approach to counter terrorism:

a) Increased security

Increasing security, especially around critical targets or personnel is one solution to counteract the threat of terrorism as it reduces the appeal of vulnerable targets. Potential targets may include any government or party official or any member of the security services. In most cases, no defence system is completely effective; however, it does not imply that improved security is not important. For instance, targeted persons can vary their routines or take suitable precautions to prevent kidnappings or assaults. While such actions are eminently wise, they cannot grant immunity. Any measure 'that would preclude every possible terrorist group for every possible motive is not even theoretically conceivable' (Hoffman, 1997: 10).

Whilst enhanced security and prevention can limit the damage that attacks will generate; the possibility still exists that enhanced security will only have temporary effects in reducing attacks as terrorist groups will limit their activities until such time that security is relaxed (Gurr, 2003: 212). In addition, Enders and Sandler (2002: 152) argue that increased security can have negative ramifications, for instance, the widespread use of metal detectors in airports led to more deadly attacks with bombs against airlines. Greater security can help but there are far too many targets for security measures to be effective.

b) Intelligence gathering-detection and prevention

Prevention through intelligence gathering and infiltration of dissident groups is another possible measure in the battle against terrorism. The role of counter terrorism intelligence is to retrieve timely and credible information on details of a terrorist attack and prevent such attacks. Intelligence, which identifies terrorist targets, the securing of these targets, preventing of the terrorist attack and or locating and prosecuting of perpetrators, is extremely valued. Such details have proven to be central in disrupting terrorist attacks. Intelligence that disrupts successive terrorist cells and terrorists is regarded as the most fruitful counter terrorism exercise. Intelligence obtained regarding a target of terrorism can ensure that the target is secured. Disrupting a terror cell is considered fundamentally more effective in countering terrorism. However, obtaining intelligence to achieve these objectives remains difficult. (Pillar, 2004: 116-119).

Major components of intelligence are collection, analysis, and dissemination to relevant parties. Intelligence can be collected in diverse ways, from old-fashioned legwork to sophisticated electronic voice and data capture. In addition to the gathering of intelligence, effective intelligence analysis provides either a warning of terrorist attacks or an assessment of terrorists. The assessments of terrorism by analysis may be either of a strategic or tactical nature. The tactical assessment considers the collection of information and trying to establish the identity of terrorists. The process also guides further collection of intelligence to fill gaps in the assessment. Intelligence analysis may determine the intentions, capabilities and the threat of terrorist organizations (Hunsicker, 2006: 73-74; Johnson, 2003).

Strategic Intelligence analysis provides information on trends and patterns in international terrorism. Strategic intelligence is also able to contribute to changes in foreign policy and the amount of resources that are allocated to terrorism. Strategic intelligence, in the US, is used as an instrument to highlight foreign Organizations and countries, which sponsor terrorism. In many respects, the US classification of State sponsored terrorism is considered as subjective. The US lists of states, which support terrorism, include Libya, Iran, Iraq, Syria, Cuba, North Korea, and Sudan. The US ignores allies, potential allies, and countries, which are not a concern for the US. It may be of relevance to note that the South African government pre-1994 aided terror groups in Mozambique and Angola but was never included in the list. Similarly, the former Soviet Union never did make the list since including them would have resulted in serious implications to diplomatic relations with countries (Lutz and Lutz, 2004: 9).

Counter intelligence information can also be utilized to plot possible future actions of terrorists. Information is obtained and possible scenarios of terror implications are considered. This will provide early warning and possible target areas, which can be secured. To be able to accurately, predict future terrorist acts is dependent on the need to obtain 'plot specific information' (Pillar, 2004: 116-119). Hunsicker (2006: 80-81) provides the following general assessment categories, which may be utilized for a defensive strategy for targets of terrorism:

- Targets: Information on targets can be subdivided into two categories. The first concerns the types of targets that may be attacked; the other includes information on contingency plans. Target identification should also be rated according to vulnerabilities.
- Target Profile: This refers to subjective information of identified potential targets. If the potential identified target is for example a corporate entity then it must be analyzed considering the perception of the company's image in the local community, the country, and perhaps even

the world. Individuals within the company should be evaluated as symbolic or of strategic importance to terrorist operatives.

- Terrorists: Information on future terrorist targets can be primarily gleaned from professional security publications and their archives and databases, newsletters and even well circulated publications. The Internet allows access to a variety of governmental and private resources, including the FBI, Department of State (DoS), and Central Intelligence Agency (CIA). Terrorist groups also maintain websites providing clues to current activities and specific references to enemies of their cause.
- The Target Analysis: Target or threat analysis considers the likelihood of becoming a target. It analyses whether defenses are sufficient to discourage potential attacks or to protect individuals and organizations.

c) Finances

A special area where intelligence can be combined with other initiatives involves attempts to limit or eliminate the flow of financial support to terrorist organizations. Financial support has been important for many terrorist groups. Some financial aid has been through direct avenues and in other cases it has been channelled through institutions. Money can come from foreign governments, but it can also come from private sources. Usama bin Laden's wealth and support from other Muslim contributors have helped mould Al-Qaeda (Comras, 2005).

Money has been important for either maintaining the dissident groups or making them more precarious. When the financial sources of these groups are curtailed their ability to mount attacks is reduced even if not eliminated, and groups become less dangerous. The initial efforts of either accountants or intelligence operatives to find or track the funding sources for Al-Qaeda have not been successful. Al-Qaeda has apparently been able to move some of its financial resources into

commodities like precious stones and gold, hence making it more difficult to trace (Schultz and Vogt, 2002:379).

Money laundering can lead to financial terrorism and many well known financial institutions have either intentionally or unintentionally been involved in the movement of funds in and out of offshore banks. An alternative to that would be the so-called Hawala (remittance) system, also known as “Hundi”, an ancient system originating in South Asia. Today it is used around the world to conduct legitimate (untraceable) remittances. Like any other remittance system Hawala plays an extremely vital role in money laundering (Hunsicker, 2006: 62).

d) Repression

Powerful authoritarian or totalitarian states, due to their repressive nature may eliminate terrorism (Heymann, 2002:34). Democratic states on the other hand are more vulnerable to attacks by domestic dissident groups or foreign terrorist groups (Lutz and Lutz, 2004: 228).

e) Retaliation or Punishment

Retaliation by the State is an obvious counter terrorism option and one that is often popular, but it is a choice filled with difficulties. Countries retaliate where there is evidence of support by another country for domestic terrorists. Retaliations can take on a form other than military action. Economic sanctions can be applied against the country suspected of encouraging terrorism (Chellaney, 2001: 99).

f) Pre-emptive action

A country has the option of a pre-emptive strike when the threat of retaliation has no deterrent effect. However, pre-emptive action may have an adverse effect and stimulate the uprising of new dissident groups. Even if there are no immediate negative political military or diplomatic

consequences, the seeds may be sown for the formation of new groups willing to use violence in the future (Richelson, 2002: 246; Posen, 2002: 54).

g) Special Counter terrorism Units (SCUs)

Most countries have trained Special Forces to deal with terrorist situations. These forces may aid in rescue missions, however, they could also be utilized for the purposes of retaliation and pre-emptive action. Successful operations by SCU's may deter at least some terrorist attacks; however, the absence of such units can encourage hostage taking or actions (Lutz and Lutz, 2004: 234-235).

h) Concessions and reform

Instead of using repression or security measures to deal with dissidents, governments may decide to change some of its policies in order to address the issues that led to dissident violence. Nevertheless, concessions are not always a realistic option for a government. Democracies, for example, cannot banish racial minorities targeted by right wing terrorists. Another type of reform could include government programs to address the concerns of the population group that supports dissidents. Socio-economic reform programs have been considered the best antidote against terrorism (Crenshaw, 1995:23; Wilkinson, 2000: 82; Lutz and Lutz, 2004: 235).

i) Diplomatic Efforts

International agreements achieved through diplomacy are an additional possibility to complement efforts in dealing with terrorism. Cooperation among nations in terms of dealing with terrorism has increased, providing prospects that this approach may be beneficial in countering terrorism (Jenkins, 2001: 323). International conventions and diplomatic approaches will be constrained by the failure of the international community to arrive at a common

definition of terrorism and the failure to guarantee that persons identified as terrorists are prosecuted (Dartnell, 2000:203-4).

2.28 Conclusion

Terrorism is indeed a complex phenomenon with deep running root causes in Africa. Its existence and practice remains a potent threat to democracy, development, peace and security on the continent. To effectively deal with it, African States must look beyond the parochial interests of regime security and give adequate attention to the underlying causes why people resort to violent and terrorist strategies in addressing various grievances. Uganda, like most East African countries, such as Kenya and Tanzania, is also very vulnerable to terrorism. Apart from its internal history of state-led violence and conflict with non-state actors, it also shares borders with countries such as Sudan and DRC which have been engaged in very prolonged conflicts. This always has a spillover effect and coupled with poor and inadequate border control, Uganda's vulnerabilities to terrorist intrusions are increased. An appraisal of the root causes of terrorism in Africa shows some interconnectivity between African States, making it nearly impossible for anyone State alone to effectively combat terrorism within its borders. Thus a clear understanding of the root causes of terrorism on the continent facilitates concerted action, at regional, sub-regional and finally national levels to prevent and eliminate terrorism in Africa.

From the foregoing, it can be said that though some steps have been taken nationally to criminalize, suppress, prevent and prosecute terrorist activities, these steps are not enough in themselves to deal with the threat of terrorism. The practical implementation of most national anti-terrorism acts, like the Ugandan Act, will only serve to foster underlying conditions and social imbalances that create a gulf between the state and the people, thereby causing them to resort to terror tactics. At worst, these national anti terrorism legislations will provide state governments a dark cloak behind which they can undermine and violate human rights with impunity.

2.29 Summary and Research Gaps

The literature reviewed is relevant and quite informative with respect to the current study objectives. However, most of the studies do not necessarily focus on human security in Uganda. Furthermore, the review exposed the dearth of studies that explore human security engendered by the context influenced by counter-terrorism. More importantly, a few of the studies reviewed attempted to explore the direct connection between counter-terrorism and human security as characterized by social-political stability, cooperation, social welfare, freedom and the general good progress. The research gaps so highlighted render the current study original and ground breaking.

CHAPTER THREE

METHODOLOGY

3.0.Introduction

The previous chapter has reviewed literature related to terrorism, counter terrorism and human security highlighting global, regional, national and local challenges that affect it, The current chapter presents the research approach that was used in the study. It begins with the description of the study design and the area of study, the population as well as the sampling procedures and techniques that were used during the study. Further, in this chapter, the sources, methods and instruments of data collection, data management, processing and analysis techniques are described and the chapter concludes with the limitations and ethical issues that the study needed to take care of.

3.1.Research Design

The study adopted a case study research design with qualitative and quantitative research approaches. Audet and Amboise (2001) pointed out that qualitative research approaches have traditionally been favored when the main objective is to improve the understanding of a phenomenon, especially when such a phenomenon is complex and deeply embedded in its context. The study was interested in understanding issues of the impact counter terrorism and provision of human security and because qualitative research attempts to answer the questions of why things are the way they are and why people act the way they act (Hancock 2002: 1), involving attempts to obtain the subjective views and experiences of individuals about the phenomena of counter terrorism, a qualitative design is deemed the most appropriate. A further justification for a qualitative approach is due to the fact that the study was interested in capturing

expert opinions through in-depth interviews which necessitated qualitative data collection approaches.

3.2. Area of Study

The study was carried out in Kampala, Uganda. Uganda is located in eastern Africa, west of Kenya, south of South Sudan, east of the Democratic Republic of the Congo, and north of Rwanda and Tanzania. It is in the heart of the Great Lakes region, and is surrounded by three of them, Lake Edward, Lake Albert, and Lake Victoria.

3.3. Study Population

The study population included the following categories of actors; central government officials from the ministry of security, defense and internal affairs. At the regional government level, they will include, regional security heads and resident commissioners, and others constituted the population. At the local community level, chairpersons, were in the study population.

3.4. Sampling Procedures

For key informants, the study used non probability sampling procedure because there was no easy basis for determining the universe from which the desired sample could proportionately be selected. According to Kothari (2004: 55), under non probability sampling, the researcher purposively chooses particular units of the universe for constituting a sample on the basis that the small sample that he or she selects out of the huge one will be typical of the whole. The study therefore, used purposive sampling because it is targeting respondents with knowledge of issues of stakeholder relations in the counter terrorism and human security issues. These included security officials, government officials from the ministries mentioned above and regional officials. Also the study used random sampling from a list that was provided.

3.5. Sample size

One hundred and fifty (150) questionnaires and interviews were conducted. A sample size of One hundred and fifty expert opinions supplemented with a reasonable number of primary and secondary documentary sources was deemed enough to draw reliable conclusions for the study. Under such studies, the numbers may not be as important as the need to generate in depth data from the small sample chosen (Henning 2004:3).

Table 3.1: Categorization and Distribution of Respondent

S/No	Respondent Category	Number
01	Security & defense	25
02	Ordinary people	70
04	Regional security heads	20
06	District officials	15
07	Media	05
08	Academia	05
10	Civil society	10
	TOTAL	150

3.6. Sampling Techniques

From each of the groups mentioned in the study population above, at least one key informant was purposively selected. This was because, by the nature of their responsibilities and mandates, they have the information the study was interested in.

3.7. Data Collection Methods and Instruments

This study used two major sources of data; empirical and secondary data sources. Secondary data sources involved identification and analysis of a collection of books, journals, magazines, protocols, newspapers and unpublished materials that were relevant to impact of counter terrorism on human security in Uganda in the period 2010-2015. These were sourced from libraries and the internet.

Primary data was generated from key informants as indicated in section 3.5 above. Face- to -face interviews was conducted to collect data using an interview guide with questions developed under each of the objectives set at the beginning of the study.

An interview guide was considered suitable because the study was designed to seek answers to a subject that require some probing and in-depth discussion with a respondent (Kothari 2004). This allows the study to capture and clarify a number of issues that can otherwise be missed if other methods like a closed questionnaire are used. For the telephone interviews, respondents were first sent a list of issues to be discussed either on phone or through email and then fix a day when he or she would able to discuss.

Under secondary data review, the researcher isolated important documents to collect views of different practitioners and researchers on refugee protection dynamics in a war situation environment. The researcher took care to evaluate the validity and reliability of all sources, especially the internet sources. For most of the internet sources, the methodologies and credibility of persons producing the reports were critically assessed before they were included. During the literature review and evaluation of secondary data sources, I developed templates with headings under which I kept placing points I picked from the different secondary sources. This aided subsequent data analysis as described in the next section.

3.8. Data Analysis

After interview completion, content analysis was undertaken to identify the themes and patterns relevant to the study objectives. Analyzing interview guide material was done by transcribing the data and grouping all the responses into categories related to the sub topics mentioned above. The whole process of analyzing the materials both from empirical and secondary sources required the researcher to make a sound judgment between what he felt the message the

respondents wanted to give and what the study objectives are. Coded and Edited data was analyzed using SPSS. Presentation, analysis and discussion was structured according to the key themes based on both the research questions, objectives and conceptual framework.

3.9. Ethical Considerations

In the course of this study, the researcher assured respondents that due to the sensitivities surrounding this topic, the views that were collected were to be confidential and only treated and used for academic purposes. During the interviews, the researcher asked respondents to indicate whether they are free or not to have them quoted in the dissertation and those whose names appear in dissertation have permitted the researcher to do so to ensure respondent consent.

3.10. Limitations of the Study

This study was limited by time and other resource factors. First, the researcher has a time line to meet as per the university academic timetable; it was difficult for the study to include all the stakeholder views. Second, financial constraints arising from the fact that this study was privately funded meant that there was not enough money to use other important methods like seminar discussions which require feeding respondents. However, the researcher ensured that she selected a representative number and also tried to consult as many secondary data source as possible to ensure there was enough data for comparative and analytical purposes.

CHAPTER FOUR

DATA PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter provides a detailed presentation of the findings, interpretations, analysis and discussions of the findings that were derived based on primary sources of data. The major objective of the study was the impact of counter terrorism on human security in Uganda.

4.2 Characteristics of the sample size

Table 4.1: shows the gender of the respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	MALE	101	67.3	67.3	67.3
	FEMALE	49	32.7	32.7	100.0
	Total	150	100.0	100.0	

Source: primary data

The findings in table 1 revealed that, 67.3% of the respondents were male represented by a frequency of 101 respondents of the total respondents with 32.7% who were female represented by a frequency distribution of 49 respondents from the sample population, This implied that in there were more males who responded to the research questions as opposed to their female counterparts.

Table 4.2: shows the age groups of the respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	26 – 45 yrs	29	19.3	19.3	19.3
	46-55 YRS	50	33.3	33.3	52.7
	56-65 YRS	44	29.3	29.3	82.0
	66-75 YRS	27	18.0	18.0	100.0
	Total	150	100.0	100.0	

Source: primary data

According to the age distribution of the respondents in this locality, The findings revealed that 19.3% of the respondents were in the age group of 26-45 years, 33.3% of the respondents were in the age group of 46-55 years, 29.3% of the respondents were in the age group of 56-65 years and 18% of the respondents were in the age group of 66-75 years. These findings therefore imply that the majority of the respondents were within the age group of 46-55 years.

Table 4.3: shows the employers of the respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Civil servant	59	39.3	39.3	39.3
NGO	28	18.7	18.7	58.0
Business	63	42.0	42.0	100.0
Total	150	100.0	100.0	

Source: primary data

According to the findings, 39.3% of the respondents were employed by the government, 18.7% of the respondents were employed by the NGO However 42% of the respondents were from the business community. The researcher considered this because it gave a basis for drawing

conclusions.

Table 4.4: Types of terrorism in Uganda

Bloody Violence and Threats of Violence					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	6	4.0	4.0	4.0
	N	12	8.0	8.0	12.0
	A	67	44.7	44.7	56.7
	SA	65	43.3	43.3	100.0
	Total	150	100.0	100.0	

Source: primary data

The findings revealed that 4% of the respondents do not approve of Bloody Violence and Threats of Violence being one of the type of terrorism in Uganda, however 44.7% and 43.3% of the respondents agreed and strongly agreed respectively. Note is taken that out of the respondents 8% were not decided in that regard. David Shinn (2001), noted that although there are several opposing views as to whether poverty, by itself, has a direct link to terrorism, it cannot be denied that the lack of the basic necessities of life, education and prospects for the future, unemployment and other social inequalities combined serve as a fertile recruitment ground for terrorists.

Table 4.5: Informal and personal conflict

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	20	13.3	13.3	13.3
	D	31	20.7	20.7	34.0
	N	14	9.3	9.3	43.3
	A	46	30.7	30.7	74.0
	SA	39	26.0	26.0	100.0
	Total	150	100.0	100.0	

Source: primary data

According to the results in the above, 13.3% and 20.7% strongly disagreed and disagreed respectively however 30.7% and 26% of the respondents agreed and strongly agreed to Informal and Personal Conflict type of terrorism . Amir, M. (1988), noted that in the absence of perhaps any truly democratic regime in Africa, most governments are more concerned with preserving themselves in power and they readily employ state security machineries for regime security instead of the traditional purpose of ensuring state and human security. More so, because restriction of basic human rights and fundamental freedoms, political oppression, weak institutions, corruption, mismanagement and abuse of state resources and lack of accountability characterize the business of governance amongst Africa states, most governments easily loose legitimacy and credibility with the people

Table 4.6: Insurgent movements and extensive civil wars

	Frequency	Percent	Valid Percent	Cumulative Percent
SD	4	2.7	2.7	2.7
N	12	8.0	8.0	10.7
A	74	49.3	49.3	60.0
SA	60	40.0	40.0	100.0
Total	150	100.0	100.0	

Source: primary data

In the findings above, 2.7% of the respondents strongly disagreed that Insurgent Movements and Extensive civil wars in Uganda however 49.3% and 40% of the respondents agreed and strongly agreed to the statement that Insurgent Movements and Extensive civil wars are responsible for the activity of terrorism in Uganda.

Table 4.7: Sub-National / domestic terrorism

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	21	14.0	14.0	14.0
	D	49	32.7	32.7	46.7
	N	46	30.7	30.7	77.3
	A	20	13.3	13.3	90.7
	SA	14	9.3	9.3	100.0
	Total	150	100.0	100.0	

Source: primary data

According to the results in the above table 14% and 32.7% of the respondents strongly disagreed and disagreed respectively, 13.3% agreed to the statement and 9.3% strongly agreed that Sub-National / Domestic Terrorism explain the terrorist activity in Uganda

Table 4.8 Approaches to counter terrorism in place

	Frequency	Percent	Valid Percent	Cumulative Percent
Court Arbitration	15	10.0	10.0	10.0
Administrative Tribunals	6	4.0	4.0	14.0
Effective Communication	91	60.7	60.7	74.7
Dialogue	38	25.3	25.3	100.0
Total	150	100.0	100.0	

Source: primary data

According to the findings in the above table, 10% of the respondents indicated court arbitration, as an approach to counter terrorism, 4% indicated administrative tribunals,, 60.7% of the respondents responded effective communication should be an approach to counter terrorism and 25.3% indicated that dialogue is an approach in place aimed at countering terrorism in Uganda. This findings somewhat are in line with Hoffman, (1997: 10) who cited that Increasing security, especially around critical targets or personnel is one solution to counteract the threat of terrorism as it reduces the appeal of vulnerable targets. Potential targets may include any government or party official or any member of the security services. In most cases, no defense system is completely effective; however, it does not imply that improved security is not important. For instance, targeted persons can vary their routines or take suitable precautions to prevent

kidnappings or assaults. While such actions are eminently wise, they cannot grant immunity. Any measure ‘that would preclude every possible terrorist group for every possible motive is not even theoretically conceivable, Whilst enhanced security and prevention can limit the damage that attacks will generate; the possibility still exists that enhanced security will only have temporary effects in reducing attacks as terrorist groups will limit their activities until such time that security is relaxed (Gurr, 2003: 212).

Consideration is taken that most countries have trained Special Forces to deal with terrorist situations. These forces may aid in rescue missions, however, they could also be utilized for the purposes of retaliation and pre-emptive action. Successful operations by SCU’s may deter at least some terrorist attacks; however, the absence of such units can encourage hostage taking or actions (Lutz and Lutz, 2004: 234-235).

Cooperation among nations in terms of dealing with terrorism has increased, providing prospects that this approach may be beneficial in countering terrorism (Jenkins, 2001: 323). International conventions and diplomatic approaches will be constrained by the failure of the international community to arrive at a common definition of terrorism and the failure to guarantee that persons identified as terrorists are prosecuted (Dartnell, 2000:203-4).

4.3. Human security

This thesis has examined the perceptions of local and community level actors regarding their capabilities to pursue human security functioning in Uganda. It has sought to highlight individual perspectives on the capacity to achieve human security goals that are valued by their communities, and how those efforts are affected by power dynamics between actors at different levels. To accomplish this, the thesis first examined the historical context of Uganda to explore the roots of conflict and insecurity in the country, including outlining contemporary challenges

faced by development and security actors. This included an explanation of the triangulation approach using interviews, participant observations, and document analysis, as well as information regarding informant recruitment.

4.4. Human Security as a Local Capability

The theoretical framework of this analysis has been based on the paradigm of human security and the use of the capabilities approach as a normative evaluative framework. The concept of securitization has been incorporated into the research to describe the means in which the values of particular actors can be made into security concerns for a broader group. The analysis holds that processes of social reasoning from the bottom-up can be considered processes of securitization. The conveyance of a socially reasoned value from a less powerful to a more powerful actor, and the subsequent acceptance of that value as a legitimate security concern is the process by which bottom-up securitization can occur. The ability for local level actors to successfully accomplish this feat and achieve valued security functionings represents a capability at the community level. The halting of this conveyance is a break in the chain of capabilities, and thus represents a situation in which capabilities cannot be found. Furthermore, the ability of local level actors to pursue a security goal independently or in spite of more powerful actors also represents a local human security capability.

4.5. Summary of Empirical Findings

The use of participant observation, document analysis, and qualitative interviews provided a rich array of data to consider for this study. Interestingly, the different sources of data created expectations and sometimes resulted in surprising and contradictory data.

CHAPTER FIVE

CONCLUSION, RECOMMENDATIONS, FINDINGS

5.0. Findings

The findings of the study indicated that, Uganda's ability to respond to such threats remained inconsistent, given its resource and capacity limitations, porous borders, and corruption at all levels of government. While Ugandan law enforcement officers assigned to this directorate are highly motivated, the UPF overall was limited in its capacity to detect, deter, and respond to terrorist incidents due to the lack of manpower, resources, basic skills, and competencies. In addition, police officers are particularly susceptible to corruption. Moreover, the bulk of the counterterrorism police and other law enforcement elements are centrally located in the capital, which limits the effectiveness of law enforcement in the border regions and all areas outside Kampala. The UPF still lacks the technological resources needed to conduct comprehensive terrorism investigations in the most effective manner.

5.1 Conclusion

Terrorism is indeed a complex phenomenon with deep running root causes in Africa. Its existence and practice remains a potent threat to democracy, development, peace and security on the continent. To effectively deal with it, African States must look beyond the narrow minded interests of regime security and give adequate attention to the underlying factors and causes why people resort to violent and terrorist strategies in addressing various grievances. Uganda, like most East African countries, such as Kenya and Tanzania, is also very vulnerable to terrorism. Apart from its internal history of state-led violence and conflict with non-state actors, it also shares borders with countries such as Sudan and DRC which have been engaged in very prolonged conflicts. This always has a spillover effect and coupled with poor and inadequate

border control, Uganda's vulnerabilities to terrorist intrusions are increased. An appraisal of the root causes of terrorism in Africa shows some interconnectivity between African States, making it nearly impossible for anyone State alone to effectively combat terrorism within its borders. Thus a clear understanding of the root causes of terrorism on the continent facilitates concerted action, at regional, sub-regional and finally national levels to prevent and eliminate terrorism in Africa.

5.2 Recommendations

- i) It is therefore important that, the challenges are addressed in a comprehensive manner. For the issue of resource and capacity limitations, porous borders, and corruption at all levels of government, there is need to build functional institutions.
- ii) While the issue of human resource remuneration disparity which needs to be fixed across the board, thus contributing to better delivery of services.

The biggest challenge remained operationalising the variables for research especially for Human Security which became too complex for some of the respondents to understand. I therefore recommend that studies be done concentrating on counter-terrorism and environment.

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APPENDICIES
APPENDIX I: QUESTIONNAIRE

NKUMBA UNIVERSITY
SCHOOL OF SOCIAL SCIENCES

I am NANKOMA PHYLLIS, a Masters student of Security and Strategic Studies of Nkumba University, currently undertaking a research study titled, **“The Impact of Counter Terrorism on Human Security in Uganda, 2010-2015”**, leading to the award of the Degree of Master of Arts in Security and Strategic Studies of Nkumba University.

I have embarked on data collection for this study and I kindly request you to respond to the various questions in this questionnaire. Your responses will be treated with uttermost confidentiality, and only be used for academic purposes.

I shall be grateful to you for your cooperation in this regard.

Thank you

SECTION A: PERSONAL INFORMATION (Tick the appropriate options in the boxes provided)

1. Gender

a) Male

b) Female

2. Age bracket

a) 26 – 45 yrs

b) 46– 55yrs

c) 56 – 65 yrs

d) 66 – 75 yrs

3. Level of education

a) Post Graduate

b) Graduate

c) Secondary

d) Tertiary

e) Primary

f) others (Please specify)

4. Employer

a) Government b) NGO c) Self

SECTION B: Types of terrorism

For each of the statements indicate your level of agreement by ticking one of the given statements using the following five-point scale: 1. strongly disagree (SD), 2. Disagree (D), 3. Neutral (N), 4. Agree (A), 5. Strongly agree (SA)

Types of terrorism

No.	Statement	SD	D	N	A	SA
1	Bloody Violence and Threats of Violence					
2	Informal and Personal Conflict					
3	Insurgent Movements and Extensive civil wars					
4	Sub-National / Domestic Terrorism					

For each of the statements indicate your level of agreement by ticking one of the given statements using the following five-point scale: 1. strongly disagree (SD), 2. Disagree (D), 3. Neutral (N), 4. Agree (A), 5. Strongly agree (SA)

Approaches to counter terrorism

No.	Statement	SD	D	N	A	SA
1	Finances					
2	Intelligence gathering-detection and prevention					
3	Increased security					
4	Retaliation or punishment					
5	Diplomatic efforts					
6	Formation of joint anti terrorism force- ISO, ESO, CMI					

Depending on the responses to each of the statements above, the interviewer should probe the respondent to give detailed explanation how the challenge is being experienced

SECTION C: Approaches to human security

For each of the statements indicate your level of agreement by ticking one of the given statements using the following five-point scale: 1. strongly disagree (SD), 2. Disagree (D), 3. Neutral (N), 4. Agree (A), 5.Strongly agree (SA)

No.	Statement	SD	D	N	A	SA
1	African commission on human security					
2	Regional framework					
3						
4						

SECTION D: challenges faced by Uganda in combating terrorism

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What are the effects of counter terrorism on human security?

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APPENDIX II: INTERVIEW GUIDE FOR KEY INFORMANTS

This phase of the interview will be intended to draw out answers related to more specific questions of interest relating to the project. The following questions will be selectively addressed by the researcher:

- i. What does the concept of security mean to the informant?
- ii. What is the main source of security in the community?
- iii. Are there continuing or sustained challenges to human security in the community?
- iv. What can be done to address these challenges to security?
- v. Who is perceived to be responsible for addressing challenges to security?
- vi. How are community security and development decisions made in the community?
- vii. How would the informant describe the relationship between the community members and foreign organizations and their representatives?
- viii. Does the informant feel in the community have control over the security challenges and solutions?
- ix. What impact or effect does it have on human security?
- x. Is there any compromise between the two concepts?
- xi. If yes explain.....
- xii. What challenges are there when countering terrorism in Uganda?
- xiii. What are your recommendations?

THANK YOU

APPENDIX III: REPUBLIC OF UGANDA: ANTI- TERRORISM ACT, JUNE 2002

THE ANTI-TERRORISM ACT, 2002.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. SHORT TITLE.

2. INTERPRETATION.

PART II—GENERAL.

3. Consent of DPP required for Prosecution.
4. Extraterritorial jurisdiction of Uganda courts in relation to offences under this Act.
5. Terrorism extraditable.
6. Certain offences under this Act triable and bailable only by High Court.

PART III—TERRORISM AND RELATED OFFENCES.

7. The offence of terrorism.
8. Aiding and abetting terrorism etc.
9. Establishment of terrorist institutions.

PART IV—TERRORIST ORGANISATIONS.

10. Terrorist organisations.
11. Membership, support and meetings etc.

PART V—FINANCIAL ASSISTANCE FOR TERRORISM.

12. Contributions towards acts of terrorism.
13. Contributions to resources of terrorism organisations.
14. Assisting in retention or control of terrorism funds.
15. Disclosure of information about terrorist funds.
16. Penalties and forfeiture.

Section.

PART VI—TERRORIST INVESTIGATIONS.

17. Terrorist investigations.

PART VII—INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE.

18. Minister to designate persons to be authorised officers.
19. Powers of authorised officer.
20. Obstructing authorised officer.
21. Offences by authorised officer.
22. Things obtained from interception, surveillance admissible in evidence.

PART VIII—ATTEMPTS, CONSPIRACIES AND ACCESSORIES, ETC.,

23. Attempts defined.
24. Punishment for attempts to commit offences under this Act.
25. Conspiracy to commit an offence.
26. Accessory before the fact.
27. Punishment for accessory before the fact.
28. Definition of accessory after the fact.
29. Punishment of accessory after the fact of offences under this Act.

PART IX—MISCELLANEOUS.

30. Power to use reasonable force.

31. Power of Minister to amend First Schedule.
32. Protection for persons acting under this Act.
33. Consequential amendment of Penal Code.

SCHEDULES.

FIRST SCHEDULE

Currency Point.

SECOND SCHEDULE

Terrorist Organisations.

THIRD SCHEDULE

Information and Investigations Relating to Terrorism, etc.

THE ANTI-TERRORISM ACT, 2002.

An Act to suppress acts of terrorism, to provide for the punishment of persons who plan, instigate, support, finance or execute acts of terrorism; to prescribe terrorist organisations 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 attend meetings of, or who support or finance or facilitate the activities of terrorist organisations; to provide for investigation of acts of terrorism and obtaining information in respect of such acts including the authorising of the interception of the correspondence of and the surveillance of persons suspected to be planning or to be involved in acts of terrorism; and to provide for other connected matters.

DATE OF ASSENT: 21st May, 2002.

Date of commencement: 7th June, 2002.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Anti-Terrorism Act, 2002.

2. Interpretation

In this Act, unless the context otherwise requires— “aircraft” includes a hovercraft; “alarm” for the purposes of the definition of “terrorism” means bodily hurt, or apprehension of bodily hurt, disease or disorder, whether permanent or temporary; “authorised officer” means a security officer designated by the Minister under section 18; “currency point” has the meaning assigned to it in the First Schedule; “explosive or other lethal device” means— (a) an explosive or incendiary weapon or device that is designed, or has the capability to cause death, serious bodily injury or substantial material damage; or (b) a weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material; “infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications; “Minister” means the Minister responsible for internal affairs; “place of public use” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public; “premises” includes any place and in particular includes— (a) any vehicle, vessel or aircraft; (b) any tent or moveable structure; “property” includes property wherever situated and whether moveable or immovable and things in action; “security officer”

means a member of the Uganda Peoples' Defence Forces, the Uganda Police Force or of a Security Organisation under the Security Organisations Statute 1987; "ship" includes every description of vessel used in navigation; "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of the State or any other public authority or entity or by employees or officials of an intergovernmental organisation in connection with their official duties; "terrorism" has the meaning assigned to it in section 7; "terrorist organisation" means an organisation specified in the Second Schedule; "vessel" includes every description of vessel or ship used in navigation;

PART II—GENERAL.

3. Consent of DPP required for Prosecution

No person shall be prosecuted for an offence under this Act except with the consent of the Director of Public Prosecutions.

4. Extraterritorial jurisdiction of Uganda courts in relation to offences under this Act

(1) The courts of Uganda shall have jurisdiction to try any offence prescribed by this Act, wherever committed, if the offence is committed— (a) in Uganda; or (b) outside Uganda— (i) on board a vessel flying the Uganda flag or an aircraft which is registered under the laws of Uganda at the time the offence is committed; (ii) on board an aircraft, which is operated by the Government of Uganda, or by a body in which the government of Uganda holds a controlling interest, or which is owned by a company incorporated in Uganda; or (iii) by a citizen of Uganda or by a person ordinarily resident in Uganda; (iv) against a citizen of Uganda; (v) against a State or government facility of Uganda including an embassy or other diplomatic or consular premises of Uganda; (vi) by a stateless person who has his or her habitual residence in Uganda;

(vii) in an attempt to compel Uganda or the Government of Uganda to do or abstain from doing any act; (viii) by any person who has for the time being present in Uganda; (ix) on the property of any person. (2) Offences committed outside Uganda to which this section applies, shall be dealt with as if committed in Uganda. 5. Terrorism extraditable (1) Notwithstanding any law to the contrary, none of the offences prescribed by this Act shall be regarded for the purposes of extradition or mutual legal assistance, as a political offence or as an offence inspired by political motives. (2) A request for extradition or for mutual legal assistance where an arrangement for extradition or mutual assistance exists between Uganda and another country, based on an offence referred to in subsection (1), may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

6. Certain offences under this Act triable and bailable only by High Court The offence of terrorism and any other offence punishable by more than ten years imprisonment under this Act are triable only by the High Court and bail in respect of those offences may be granted only by the High Court.

PART III—TERRORISM AND RELATED OFFENCES.

7. The offence of terrorism

(1) Subject to this Act, any person who engages in or carries out any act of terrorism commits an offence and shall, on conviction—

(a) be sentenced to death if the offence directly results in the death of any person;

(b) in any other case, be liable to suffer death.

(2) A person commits an act of terrorism who, for purposes of influencing the Government or intimidating the public or a section of the public and for a political, religious, social or economic aim, indiscriminately without due regard to the safety of others or property, carries out all or any of the following acts— (a) intentional and unlawful manufacture, delivery, placement, discharge or detonation of an explosive or other lethal device, whether attempted or actual, in, into or against a place of public use, a State or Government facility, a public transportation system or an infrastructure facility, with the intent to cause death or serious bodily injury, or extensive destruction likely to or actually resulting in major economic loss; (b) direct involvement or complicity in the murder, kidnapping, maiming or attack, whether actual, attempted or threatened, on a person or groups of persons, in public or private institutions; (c) direct involvement or complicity in the murder, kidnapping, abducting, maiming or attack, whether actual, attempted or threatened on the person, official premises, private accommodation, or means of transport or diplomatic agents or other internationally protected persons; (d) intentional and unlawful provision or collection of funds, whether attempted or actual, with the intention or knowledge that any part of the funds may be used to carry out any of the terrorist activities under this Act; (e) direct involvement or complicity in the seizure or detention of, and threat to kill, injure or continue to detain a hostage, whether actual or attempted in order to compel a State, an international inter-governmental organisation, a person or group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage; (f) unlawful seizure of an aircraft or public transport or the hijacking of passengers or group of persons for ransom; (g) serious interference with or disruption of an electronic system; (h) unlawful importation, sale, making, manufacture or distribution of any firearms, explosive, ammunition or bomb; (i) intentional development or production or use of, or complicity in the development or production or use of a biological weapon; (j) unlawful possession of explosives, ammunition, bomb or any materials for making of any of the foregoing.

8. Aiding and abetting terrorism etc Any person who aids or abets or finances or harbours, or renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of acts of terrorism, commits an offence and shall, on conviction, be liable to suffer death. 9. Establishment of terrorist institutions (1) Any person who establishes, runs or supports any institution for— (a) promoting terrorism; (b) publishing and disseminating news or materials that promote terrorism; or (c) training or mobilising any group of persons or recruiting persons for carrying out terrorism or mobilising funds for the purpose of terrorism; commits an offence and shall be liable on conviction, to suffer death. (2) Any person who, without establishing or running an institution for the purpose, trains any person for carrying out terrorism, publishes or disseminates materials that promote terrorism, commits an offence and shall be liable on conviction, to suffer death.

PART IV—TERRORIST ORGANISATIONS.

10. Terrorist organisations

(1) The organisations specified in the Second Schedule are declared to be terrorist organisations and any organisation which passes under a name mentioned in that Schedule shall be treated as a terrorist organisation whatever relationship (if any) it has, to any other organisation bearing the same name.

(2) The Minister may, by statutory instrument, made with the approval of the Cabinet, amend the Second Schedule.

(3) An instrument made under subsection (2) shall be laid before Parliament within fourteen days after being published in the Gazette and may be annulled by Parliament by resolution within

twenty-one days after being laid; but any annulment under this subsection shall not affect the previous operation of the instrument. (4) Any period specified in subsection (3) shall only run when Parliament is sitting.

(5) The Minister may, by statutory instrument—

- (a) declare any terrorist organisation dissolved;
- (b) provide for the winding up of the terrorist organisation; and
- (c) provide for the forfeiture to the State of the property and assets of the terrorist organisation.

(6) In this section “organisation” includes any association or combination of persons.

11. Membership, support and meetings etc (1) A person who— (a) belongs or professes to belong to a terrorist organisation; (b) solicits or invites support for a terrorist organisation, other than support with money or other property; or (c) willfully arranges or assist in the arrangement of a meeting to be addressed by a person belonging or professing to belong to a terrorist organization or addresses any meeting (whether or not it is a meeting to which the public are admitted) knowing that the meeting is— (i) to support a terrorist organisation; (ii) to further the activities of a terrorist organisation; commits an offence. (2) For the avoidance of doubt, paragraph (c) of subsection (1) shall not apply to a person who arranges or assists in the arrangement or management of a meeting to be addressed by, or who addresses any meeting with a person or persons belonging or professing to belong to a terrorist organisation for purposes of negotiating peace. (3) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment not exceeding ten years or a fine not exceeding five hundred currency points, or both.

PART V—FINANCIAL ASSISTANCE FOR TERRORISM.

12. Contributions towards acts of terrorism

(1) A person who— (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or (b) receives or accepts from any other person, whether for consideration or not, any money or other property, intending that it shall be applied or used for the commission of, or in furtherance of or in connection with acts of terrorism, or having reasonable cause to suspect that it may be so used or applied, commits an offence. (2) A person who— (a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or (b) enters into or is otherwise concerned in an arrangement by which money or other property is or is to be made available to another person, knowing or having reasonable cause to suspect that it will or may be applied or used as mentioned in subsection (1), commits an offence.

13. Contributions to resources of terrorism organizations Any person who wilfully and knowingly— (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property for the benefit of a terrorist organisation; (b) gives, lends or otherwise makes available or receives or accepts, whether for consideration or not, any money or other property for the benefit of a terrorist organisation; or (c) enters into or is otherwise concerned in an arrangement by which money or other property is or is to be made available for the benefit of a terrorist organisation, commits an offence.

14. Assisting in retention or control of terrorism funds (1) A person who enters into or is otherwise concerned in an arrangement by which the retention or control by or on behalf of another person of terrorist funds is facilitated, whether by concealment, removal from Uganda, transfer to nominees or otherwise, commits an offence. (2) In proceedings against a person for an offence under this section, it is a defence to prove that that person did not know and had no reasonable cause to suspect that the arrangement related to terrorist funds.

(3) In this section and in section 15, “terrorist funds” means— (a) funds which may be applied or used for the commission of, or in furtherance of, or in connection with acts of terrorism; (b) the proceeds of the commission of acts of terrorism or of activities engaged in furtherance of or in connection with such acts; and (c) the resources of a terrorist organisation. (4) Paragraph (b) of subsection (3) includes any property which, in whole or in part, directly or indirectly represents such proceeds as are mentioned in that paragraph; and paragraph (c) of that subsection includes any money or other property which is, or is to be applied or made available for the benefit of a terrorist organisation.

15. Disclosure of information about terrorist funds (1) A person may, notwithstanding any restriction on the disclosure of information imposed by contract or law, disclose to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, a suspicion or belief that any money or other property is or is derived from terrorist funds or any matter on which such a suspicion or belief is based.

(2) A person who enters into or is otherwise concerned in any such transaction or arrangement as is mentioned in section 12, 13 and 14 does not commit an offence under that section if he or she is acting with the express consent of a police officer or other public officer authorised in writing by the Director of Public Prosecutions or if— (a) he or she discloses to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, his or her suspicion or belief that the money or other property concerned is or is derived from terrorist funds or any matter on which the suspicion or belief is based; and (b) the disclosure is made after he or she enters into or otherwise becomes concerned in the transaction or arrangement in question but is made on his or her own initiative and as soon as it is reasonable for him or her to make it, but paragraphs (a) and (b) of this subsection do not apply in a case where, having disclosed any such suspicion, belief or matter to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions and having been forbidden by any such person to enter into or otherwise be concerned in the transaction or arrangement in question, he or she nevertheless does so.

(3) In proceedings against a person for an offence under section 12 (1)(b) or 12(2), 13 (b) or (c) or 14, it is a defence to prove— (a) that the accused person intended to disclose to the Director of Public Prosecutions or a police officer or other public officer authorised in writing by the Director of Public Prosecutions, such a suspicion, belief or matter as is mentioned in subsection (2)(a); and (b) that there is a reasonable excuse for his or her failure to make the disclosure as mentioned in subsection (2)(b).

16. Penalties and forfeiture (1) A person who commits an offence under section 12, 13 or 14, is liable, on conviction, to imprisonment not exceeding ten years or a fine not exceeding five hundred currency points, or both.

(2) Subject to this section, the court by or before which a person is convicted of an offence under section 12 (1) or 12 (2)(a) may order the forfeiture of any money or other property—

(a) which, at the time of the offence, the accused person had in his or her possession or under his or her control; and (b) which, at that time— (i) in the case of an offence under subsection (1) of section 12, he or she intended should be applied or used, or had reasonable cause to suspect might be applied or used, as mentioned in that subsection;

(ii) in the case of an offence under subsection (1)(a) of section 12 he or she knew or had reasonable cause to suspect would or might be applied or used as mentioned in subsection (1) of that section.

(3) Subject to this section, the court by or before which a person is convicted of an offence under section 12(2)(b), 13 (c) or 14 may order the forfeiture of the money or other property to which the arrangement in question related and which, in the case of an offence under section 12 (2)(b), he or she knew or had reasonable cause to suspect would or might be applied or used as mentioned in section 12 (1).

(4) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 13(a) or (b) may order the forfeiture of any money or other property which, at the time of the offence, he or she had in his or her possession or under his or her control for the use or benefit of a terrorist organisation.

(5) The court shall not under this section, make an order forfeiting any money or other property unless the court is satisfied that the money or property may, unless forfeited, be applied or used as mentioned in section 12 (1) of this Act.

(6) Where a person, other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making an order in respect of it, give that person an opportunity to be heard.

PART VI—TERRORIST INVESTIGATIONS.

17. Terrorist investigations

(1) The Third Schedule has effect for conferring powers to obtain information for the purposes of terrorist investigations namely, investigations into the commission, preparation or instigation of—

(a) acts of terrorism; or

(b) any other act which constitutes an offence under this Act.

(2) Where, in relation to a terrorist investigation, a warrant or order under the Third Schedule has been issued or made, or has been applied for and not refused, a person who, knowing or having reasonable cause to suspect that the investigation is taking place—

(a) makes any disclosure which is likely to prejudice the investigation; or

(b) destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, material which is or is likely to be relevant to the investigation, commits an offence.

(3) In proceedings against a person for an offence under subsection (2) (b), it is a defence to prove that the accused person had no intention of concealing any information contained in the material in question from the person carrying out the investigation.

(4) A person who commits an offence under subsection (2) is liable, on conviction, to imprisonment not exceeding five years or a fine not exceeding two hundred and fifty currency points, or both.

PART VII—INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE.

18. Minister to designate persons to be authorised officers

(1) The Minister may, by writing, designate a security officer as an authorized officer under this Part.

(2) An order issued by the Minister in respect of an authorised officer shall be in force for ninety days from the date specified in the order, and shall then expire.

19. Powers of authorised officer

(1) Subject to this Act, an authorised officer shall have the right to intercept the communications or a person and otherwise conduct surveillance of a person under this Act.

(2) The powers of an authorised officer shall be exercised in respect of a person or a group or category of persons suspected of committing any offence under this Act.

(3) The functions of an authorised officer shall be exercised only in respect of the person or group or category of persons described in the order.

(4) The purposes for which interception or surveillance may be conducted under this Part are—

(a) safeguarding the public interest;

(b) prevention of the violation of the fundamental and other human rights and freedoms of any person from terrorism;

(c) preventing or detecting the commission of any offence under this Act; or

(d) safeguarding the national economy from terrorism.

(5) The scope of the interception and surveillance allowed under this Part is limited to—

(a) the interception of letters and postal packages of any person;

(b) interception of the telephone calls, faxes, emails and other communications made or issued by or received by or addressed to a person;

(c) monitoring meetings of any group of persons;

(d) surveillance of the movements and activities of any person;

(e) electronic surveillance of any person;

(f) access to bank accounts of any person; and

(g) searching of the premises of any person.

(6) For the avoidance of doubt, power given to an authorised officer under subsection (5) includes—

(a) the right to detain and make copies of any matter intercepted by the authorised officer;

(b) the right to take photographs of the person being surveilled and any other person in the company of that person, whether at a meeting or otherwise; and

(c) the power to do any other thing reasonably necessary for the purposes of this subsection.

20. Obstructing authorised officer Any person who knowingly obstructs an authorised officer in the carrying out of his or her functions under this Part commits an offence and is liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred currency points, or both.

21. Offences by authorised officer

Any authorised officer who—

(a) demands or accepts any money or other benefit in consideration of his or her refraining from carrying out his or her functions under this Part; or

(b) demands any money or other benefit from any person under threat to carry out any of his or her functions under this Part;

(c) fails without reasonable excuse or neglects to carry out the requirements of the order;

(d) recklessly releases information which may prejudice the investigation;

(e) engages in torture, inhuman and degrading treatment, illegal detention or intentionally causes harm or loss to property, commits an offence and is liable, on conviction, to imprisonment not exceeding five years or a fine not exceeding two hundred and fifty currency points, or both.

22. Things obtained from interception, surveillance admissible in evidence Any recording, document, photograph or other matter obtained in the exercise of the functions of an authorised officer under this Part is admissible in evidence in any proceedings for an offence under this Act.

PART VIII—ATTEMPTS, CONSPIRACIES AND ACCESSORIES, ETC.

23. Attempts defined

(1) When a person intending to commit an offence under this Act, begins to put his or her intention into execution by means adapted to its fulfillment, and manifests his or her intention by

some overt act, but does not fulfil his or her intention to such an extent as to commit the offence, he or she is deemed to attempt to commit the offence.

(2) It is immaterial—

(a) except so far as regards punishment, whether the offender does all that is necessary on his or her part for completing the commission of the offence, or whether the complete fulfillment of his or her intention is prevented by circumstances independent of his or her will, or whether he or she desists of his or own motion from the further prosecution of his or her intention;

(b) that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

24. Punishment for attempts to commit offences under this Act Any person who attempts to commit an offence under this Act commits an offence and is, unless otherwise provided in this Act—

(a) where the offence is punishable by death or imprisonment for fourteen years or upwards with or without any other punishment, liable, on conviction, to imprisonment not exceeding seven years or a fine not exceeding three hundred and fifty currency points or both; or

(b) where paragraph (a) does not apply, liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred .currency points, or both.

25. Conspiracy to commit an offence Any person who conspires with another to commit an offence under this Act, or to do any act in any part of the world which if done in Uganda would be an offence under this Act and which is an offence under the laws in force in the place where it is proposed to be done, commits an offence and is liable, if no other punishment is provided, to imprisonment not exceeding seven years, or, if the greatest punishment to which a person convicted of the offence in question is liable is less than imprisonment for seven years, then to such lesser punishment.

26. Accessory before the fact A person who directly or indirectly counsels, procures or commands any person to commit any offence under this Act which is committed in consequence of such counselling, procuring or commandment is an accessory before the fact to the offence.

27. Punishment for accessory before the fact

(1) An accessory before the fact in relation to an offence under this Act commits an offence and, unless otherwise provided by this Act, is liable, on conviction, to the same penalty as the main offence itself.

(2) Without prejudice to the general effect of subsection (1), an accessory before the fact includes a person who identifies targets in which or on which any act of terrorism or any other act which constitutes an offence under this Act is to be committed.

28. Definition of accessory after the fact

(1) A person who receives or assists another who, to his or her knowledge, has committed an offence, in order to enable him or her to escape punishment, is said to become an accessory after the fact to the offence.

(2) A spouse does not become an accessory after the fact to an offence which his or her spouse has committed by receiving or assisting the spouse in order to enable the spouse to escape punishment; or by receiving or assisting, in the spouse's presence and by his or her authority, another person who commits an offence in the commission of which the other spouse has taken part, in order to enable that other person to escape punishment; nor does a spouse become an accessory after the fact to an offence which his or her spouse commits by receiving or assisting that spouse in order to enable that spouse to escape punishment.

29. Punishment of accessory after the fact of offences under this Act Any person who becomes an accessory after the fact to an offence under this Act commits an offence and is liable, if no other punishment is provided, to imprisonment not exceeding three years or a fine not exceeding one hundred and fifty currency points, or both.

PART IX—MISCELLANEOUS.

30. Power to use reasonable force

A police officer or other public officer or person may use reasonable force for the purpose of exercising any functions conferred or imposed on him or her under or by virtue of this Act. 31. Power of Minister to amend First Schedule The Minister may, by statutory instrument, with the approval of the Cabinet, amend the First Schedule.

32. Protection for persons acting under this Act No police officer or other public officer or person assisting such an officer is liable to any civil proceedings for any thing done by him or her, acting in good faith, in the exercise of any function conferred on that officer under this Act.

33. Consequential amendment of Penal Code

The Penal Code is amended—

(a) by repealing of section 28; and

(b) in subsection (2) of section 5, by deleting of the reference to section 28.

SCHEDULES.

FIRST SCHEDULE

SECTION 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

SECTION 10(1)

TERRORIST ORGANISATIONS

1. The Lords' Resistance Army.
2. The Lords' Resistance Movement.
3. Allied Democratic Forces.
4. Al-queda.

THIRD SCHEDULE

SECTION 17

INFORMATION AND INVESTIGATION RELATING TO TERRORISM ETC.

1. Interpretation

In this Schedule—

“investigation officer” means a police officer not below the rank of Superintendent of Police or a public officer authorised in writing by the Director of Public Prosecutions; “terrorist investigation” means any investigation to which section 17 of the Act applies; “magistrate” means a Magistrate Grade I.

2. Meaning of “items subject to legal privilege”

(1) Subject to subparagraph (2), in this Schedule, “items subject to legal privilege” means—

- (a) communications between a professional legal adviser and his or her client or any person representing his or her client made in connection with the giving of legal advice to the client;
- (b) communications between a professional legal adviser and his or her client or any person representing his or her client or between such an adviser or his or her client or any such

representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) items enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings, when they are in the possession of a person who is entitled to possession of them.

(2) Items held with the intention of furthering a criminal purpose are not items subject to legal privilege.

3. Meaning of “excluded material”

(1) Subject to the following provisions of this paragraph, in this Schedule “excluded material” means—

(a) personal records which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office and which he or she holds in confidence;

(b) human tissue or tissue fluid which has been taken for the purposes of diagnosis or medical treatment and which a person holds in confidence;

(c) journalistic material which a person holds in confidence and which consists—

(i) of documents; or

(ii) of records other than documents.

(2) A person holds material other than journalistic material in confidence, for the purposes of this paragraph if he or she holds it subject—

(a) to an express or implied undertaking to hold it in confidence; or

(b) to a restriction on disclosure or an obligation of secrecy contained in any enactment, including an enactment contained in an Act.

(3) A person holds journalistic material in confidence for the purposes of this paragraph if—

(a) he or she holds it subject to such an undertaking, restriction or obligation; and

(b) one or more persons have continuously held it subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.

4. Meaning of “personal records”

In this Schedule, “personal records” means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating— (a) to his or her physical or mental health;

(b) to spiritual counselling or assistance given or to be given to him or her; or

(c) to counselling or assistance given or to be given to him or her for the purposes of his or her personal welfare, by any voluntary organisation or by any individual who—

(i) by reason of his or her office or occupation has responsibilities for his or her personal welfare;

or (ii) by reason of an order of a court has responsibilities for his or her supervision.

5. Meaning of “journalistic material”

(1) Subject to subparagraph (2) of this paragraph “journalistic material” means material acquired or created for the purposes of journalism.

(2) Material is only journalistic material for the purposes of this Schedule if it is in the possession of a person who acquired or created it for the purposes of journalism.

(3) A person who receives material from someone who intends that the recipient shall use it for purposes of journalism is to be taken to have acquired it for those purposes.

6. Meaning of “special procedure material”

(1) In this Schedule, “special procedure material” means—

- (a) material to which subparagraph (2) applies;
 - (b) journalistic material, other than excluded material.
- (2) Subject to the following provisions of this paragraph, this paragraph applies to material, other than items subject to legal privilege and excluded material, in the possession of a person who—
- (a) acquired or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office; and
 - (b) holds it subject—
 - (i) to an express or implied undertaking to hold it in confidence; or (ii) to a restriction or obligation such as is mentioned in paragraph 3(2)(b) of this Schedule.
- (3) Where material is acquired—
- (a) by an employee from his or her employer and in the course of his or her employment; or
 - (b) by a company from an associated company, it is only special procedure material if it was special procedure material immediately before the acquisition.
- (4) Where material is created by an employee in the course of his or her employment, it is only special procedure material if it would have been special procedure material had his or her employer created it.
- (5) Where material is created by a company on behalf of an associated company, it is only special procedure material if it would have been special procedure material had the associated company created it.
- (6) A company is to be treated as another's associated company for the purposes of this section if it would be so treated under section 4 of the Income Tax Act, 1997.
7. Search for material other than excluded or special procedure material
- (1) A Magistrate may, on an application made by an investigation officer, issue a warrant under this paragraph if satisfied that a terrorist investigation is being carried out and that there are reasonable grounds for believing—
- (a) that there is material on premises specified in the application, which is likely to be of substantial value (whether by itself or together with other material) to the investigation;
 - (b) that the material does not consist of or include items subject to legal privilege, excluded material or special procedure material; and
 - (c) that any of the conditions in subparagraph (2) are fulfilled.
- (2) The conditions referred to in subparagraph (1)(c) are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material;
 - (c) that entry to the premises will not be granted unless a warrant is produced; (d) that the purpose of a search may be frustrated or seriously prejudiced unless an investigation officer arriving at the premises can secure immediate entry to them.
- (3) A warrant under this paragraph shall authorise an investigation officer to enter the premises specified in the warrant and to search the premises and any person found there, and to seize and retain anything found there or on any such person, other than items subject to legal privilege, if he or she has reasonable grounds for believing—
- (a) that it is likely to be of substantial value (whether by itself or together with other material) to the investigation; and (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

8. Order for production of excluded or special procedure material (1) An investigation officer may, for the purposes of a terrorist investigation, apply to a Magistrate for an order under subparagraph (2) in relation to particular material or material of a particular description, being material consisting of excluded or special procedure material.

(2) If, on such an application, the Magistrate is satisfied that the material consists of or includes any material mentioned in subparagraph (1), that it does not include items subject to legal privilege and that the conditions in subparagraph (5) are fulfilled, he or she may make an order that the person who appears to him or her to be in possession of the material to which the application relates shall—

(a) produce it to an investigating officer for him or her to take away; or (b) give an investigating officer access to it, within such period as the order may specify and if the material is not in that person's possession (and will not come into his or her possession within that period) to state to the best of his or her knowledge and belief where it is.

(3) An order under subparagraph (2) may relate to material of a particular description which is expected to come into existence or become available to the person concerned in the period of twenty-eight days beginning with the date of the order, and an order made in relation to such material shall require that person to notify a named investigating officer as soon as possible after the material comes into existence or becomes available to that person. (4) The period to be specified in an order under subparagraph (2) shall be seven days from the date of the order or, in the case of an order made by virtue of subparagraph (3), from the date of notification to the investigation officer, unless it appears to the Magistrate that a longer or shorter period would be appropriate in the particular circumstances of the application.

(5) The conditions referred to in subparagraph (2) are—

(a) that a terrorist investigation is being carried out and that there are reasonable grounds for believing that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application is made; and (b) that there are reasonable grounds for believing that it is in the public interest, having regard—

(i) to the benefit likely to accrue to the investigation if the material is obtained; and

(ii) to the circumstances under which the person in possession of the material holds it, that the material should be produced or that access to it should be given. (6) Where the Magistrate makes an order under subparagraph (2)(b) in relation to material on any premises, he or she may, on the application of an investigation officer, order any person who appears to him or her to be entitled to grant entry to the premises, to allow an investigation officer to enter the premises to obtain access to the material.

9. Revocation or variation of order

(1) A Magistrate may, on his or her own motion or an application by any person aggrieved by the order, revoke or discharge an order made under this Schedule.

(2) Before revoking an order under this paragraph, the Magistrate shall hear the investigation officer or the Director of Public Prosecutions on the matter.

(3) A Magistrate may, on the application of an investigation officer or a person aggrieved by the order or the Director of Public Prosecutions, vary an order made under this Schedule.

10. Search for excluded or special procedure material

(1) An investigation officer may apply to a Magistrate for a warrant under this paragraph, in relation to specified premises.

(2) On an application under subparagraph (1), the Magistrate may issue a warrant under this paragraph if satisfied—

- (a) that an order made under paragraph 8 in relation to material on the premises has not been complied with; or
 - (b) that there are reasonable grounds for believing that there is, on the premises, material consisting of or including excluded material or special procedure material, that it does not include items subject to legal privilege and that the conditions in subparagraph (5) of paragraph 8 and the condition in subparagraph (3) of this paragraph are fulfilled in respect of that material.
- (3) The condition referred to in subparagraph (2)(b) is that it would not be appropriate to make an order under paragraph 8 in relation to the material because—
- (a) it is not practicable to communicate with any person entitled to produce the material; or
 - (b) it is not practicable to communicate with any person entitled to grant access to me material or entitled to grant entry to the premises on which the material is situated; or
 - (c) the investigation for the purposes of which the application is made might be seriously prejudiced unless an investigation officer could secure immediate access to me material.
- (4) A warrant under this paragraph shall authorise an investigation officer to enter the premises specified in the warrant and to search the premises and any person found there, and to seize and retain anything found there or on any such person, other than items subject to legal privilege, if he or she has reasonable grounds for believing that it is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application was made.

11. Explanation of seized or produced material

- (1) A Magistrate may, on an application made by an investigation officer, order any person specified in the order to provide an explanation of any material seized in pursuance of a warrant under paragraph 7 or 10, or produced or made available to an investigation officer under paragraph 8.
- (2) A person shall not, under this paragraph, be required to disclose any information which he or she would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in any court, except that a lawyer may be required to furnish the name and address of his or her or client.
- (3) A statement by a person in response to a requirement imposed by virtue of this paragraph may only be used in evidence against him or her—
 - (a) on a prosecution for an offence under subparagraph (4); or
 - (b) on a prosecution for some other offence, where in giving evidence, he or she makes a statement inconsistent with it.
- (4) A person who, in purported compliance with a requirement under this paragraph—
 - (a) makes a statement which he or she knows to be false or misleading in a material particular; or
 - (b) recklessly makes a statement which is false or misleading in a material particular, commits an offence.
- (5) A person who commits an offence under subparagraph (4) is liable, on conviction, to imprisonment not exceeding two years or a fine not exceeding one hundred currency points, or both.
- (6) Paragraph 9 of this Schedule shall apply to orders under that paragraph as it applies to orders made under paragraph 8.

12. Urgent cases

(1) If an investigation officer 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, he or she may, by a written order signed by him or her, give to any police officer the authority which may be given by a search warrant under paragraph 7 or 10.

(2) Where an authority is given under this paragraph, particulars of the case shall be notified as soon as may be to the Director of Public Prosecutions.

(3) An order under this paragraph may not authorise a search for items subject to legal privilege.

(4) If the investigation officer mentioned in subparagraph (1) has reasonable grounds for believing that that case is such as is mentioned in that subparagraph, he or she may, by a notice in writing signed by him or her, require any person specified in the notice to provide an explanation of any material seized in pursuance of an order under this paragraph. (5) Any person who, without reasonable excuse, fails to comply with a notice under subparagraph (4), commits an offence and is liable, on conviction, to imprisonment not exceeding six months or a fine not exceeding fifty currency points, or both. (6) Subparagraphs (2) to (5) of paragraph 11 shall apply to a requirement imposed under subparagraph (4) as they apply to a requirement under that paragraph.

13. Protection of investigation Officers An investigation officer is not liable to any civil action in respect of anything done in good faith by him or her under the authority or an order issued under this Schedule.