

Journal of Security Sector Management

Published by:
Cranfield Security Sector Management Team
Cranfield University
Shrivenham, UK

ISSN 1740-2425

Volume 6 Number 3 – November 2008

Policing in Post-Conflict Environment: Implications for Police Reform in Uganda¹

Elijah Dickens Mushemeza

Abstract

This paper assesses attempts by Uganda to improve post-conflict policing in the greater northern region of the country. The article analyses the causes and impact of the most violent conflicts the country has experienced in recent decades. The paper then describes the current situation of relative stability as a result of peace negotiations and disarmament exercises in the Karamoja sub-region, and the requirements for post-conflict policing. It then argues that despite the few successes achieved by the police, in particular with regard to de-mining activities, there is an urgent need to reform the force if it is to cope successfully with the continued demands of the post-conflict environment. Reform of policing activities is required immediately to ensure the protection of the population's human rights, and to re-balance inequality in the provision of policing services provided to the public.

¹ This piece of work has utilized some data collected by the author for the on-going research by ACODE to support the Police Review, the first stage of Police Reform in Uganda.

Background to the Conflict Situation in Uganda

Uganda attained independence from the British in 1962, however, following a few years of relative stability the country descended into several multifaceted internal conflicts. These conflicts eventually led to a military dictatorship by Idi Amin in 1971. Today the continued insurgency by the Lord's Resistance Army (LRA) and Karamoja cattle rustling are the persistent threats to stability in the greater northern region of the country. For the past two years, the northern region has remained relatively stable, with the Government of Uganda (GoU) engaged in protracted peace negotiations with insurgents based in Juba, Southern Sudan. This period of relative stability has created the space and time for the GoU and the international community to start security sector reform (SSR) projects. One of the most complex and urgent needs for SSR projects facing Uganda is the re-establishment of policing capability so that law and order can be restored to the population within the northern region.

Conflict in Karamojong and the Teso Sub-regions

The Karamoja region, located in the border areas of northern Kenya and Uganda, has, over the last four decades, been the arena for a number of interlinked conflicts, some of which are linked to wider cross-border and regional disputes. The roots of these conflicts lie in a combination of political, socio-economic and ecological factors.

The region has suffered a history of economic and social marginalisation by the central government, as well as reduced access to land, water and other natural resources due to increasing demographic and environmental pressures. The circulation of large numbers of illicit arms and the ethnic diversity and associated tensions in the region have also fuelled the ongoing tensions and resulting conflict.

Pastoral conflict and violence in the Karamoja sub-region is historically linked to the violence that accompanied the state formation in the colonial era in Uganda and Kenya. The gazetting and appropriation of pastoralists' communal lands triggered conflict between the pastoralists and the state. The violence meted out by the central authorities has pushed the Karamojong communities to the fringes of the state and led to their marginalisation. Following a number of different state policies, a large percentage of the land area of Karamoja has become Forest Reserve, Game Reserve, Controlled Hunting Area, National Park, buffer zone, or a military region. This re-distribution of land has alienated the local Karamojong communities from the natural resources which are necessary for their daily sustenance, and which they once used and regulated using customary controls. This marginalisation has encouraged the Karimojong to continue to the struggle against the central authorities and reject the control of central government in an effort to maintain their hold over their remaining land. Furthermore as successive governments have sought political measures to deal with ecological problems also

facing the region, the resulting social crises have increasingly driven the Karamojong out of Karamoja.² Finally ongoing competition for land between the cattle herders and pastoralists during the rainy and dry seasons continues to result in violent tribal clashes.³

In addition to these underlying tensions the past history of conflicts in the country and more broadly within the region has led to large number of small arms and light weapons (SALW) remaining in circulation. As a result, in Karamoja, guns have been used by herders to defend their animals from raiders from both within and outside Karamoja, as they search for dry season grazing land.⁴ Violent crimes committed against local populations continue to be a common occurrence; these include highway robberies, cattle rustling in neighbouring districts, rape, and murder.⁵ The effects of the cattle rustling and the ensuing conflict in the Teso sub-region have been devastating. There is untold loss of life and injury from outbreaks of violence; massive internal displacements leading to over 70 camps of Internally Displaced People (IDPs) in Katakwi district alone. An indication of the scale and enduring nature of this conflict is that some of the camps are believed to be over 20 years old, and inhabited in total by 88,670 IDPs.⁶ The ongoing conflict has led to food insecurity and the collapse of social and developmental services like education, health and agriculture, while HIV/AIDS has spread quickly through rape, defilement and abductions. There are growing numbers of orphans, widows and single mother headed households which add to strain on the social services of the region and increase levels of poverty. High levels of mistrust and tension, fear, trauma, despair and uncertainty are common amongst the population. The ongoing conflict in this sub-region has led to a lack of social, political and economic development⁷ and simultaneously the impact of development initiatives such as the Northern Uganda Reconstruction Programme I (NURP I) - followed by NURP II - has faced serious limitations due to the insecurity prevalent in the region.

² Muhereza, F.E., "Violence and the State in Karamoja: Causes of Conflict", Initiative for Peace, Cultural Survival Quarterly Issue 22 no.4, 1999, p.61.

³ Adwok Nyaba, Peter and Otim, Peter, "Conflicts in Pastoral Areas Along Borders: The Kenya, Uganda, and Sudan." CEWARN Consultancy Report, London: FEWER, 2001.

⁴ Mwaura, Ciru "Kenya and Uganda Pastoral Conflict Case Study", Human Development Report Office, Occasional Paper, New York, p.4, 2005

⁵ *Ibid*, p.5

⁶ [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/04678346A648C087802570A7004B9719?OpenDocument&expand=2&link=49.2&count=10000#49.2](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/04678346A648C087802570A7004B9719?OpenDocument&expand=2&link=49.2&count=10000#49.2)

⁷ Inter Agency assessment mission report to Karamojong affected camps in Katakwi District under the leadership of Katakwi District Local Government coordinated by UN OCHA Teso Sub Region Office, June 2005

The Northern Conflict⁸

The northern conflict is primarily considered to have begun by armed groups of disgruntled and defeated ex-Uganda National Liberation Army (UNLA) combatants who had retreated to the northern region following the National Resistance Army (NRA) overthrow of General Tito Okello Lutwa's government. On assuming power in 1985, General Tito Okello Lutwa invited all fighting groups, including the NRA, to join together and form a united government in the spirit of reconciliation and nation building. The NRA did not respond and this led to Tito Okello's Government seeking a negotiated political settlement with the NRA. This resulted in the Nairobi Peace Agreement (17 December 1985), detailing power sharing arrangements and the composition of the Military Council. All parties also agreed to a ceasefire within forty eight hours including the UNLA and the NRA. Despite ongoing peace negotiations between the NRA and the government of General Tito Okello Lutwa, appalling violations of human rights continued to be perpetrated by the military junta. As a result the NRA disregarded the Nairobi Peace Agreement and subsequently Tito Okello Lutwa's government was overthrown by the NRA in January 1986. This sowed the seeds of mistrust between the ex-UNLA and the NRA and formed the basis for rebellion and the insurgent groupings. The UPDA cited the violation of the Nairobi Agreement as its main grievance against the NRA.

These pockets of defeated ex-combatants formed a number of armed groups in Northern Uganda such as the Uganda People's Democratic Army (UPDA), Alice Lakwena's Holy Spirit Movement (HSM), Severino Lukwoya's Lord's Army, and the LRA of Joseph Kony. These disparate groups continued to fight against the NRA. While Lakwena's HSM was militarily defeated in October 1987, and the UPDA was disarmed and demobilised through a process of political negotiations and ultimately the signing of a peace deal in May 1988, some of the remnants of both groups fed into the developing strength of the LRA.

The LRA later established bases in Southern Sudan and the eastern DRC which have provided the rebels with an opportunity to retreat, regroup and continue to launch their attacks against GoU troops and civilian populations. The Sudanese Government started supporting the LRA in 1994, including training, arming and providing logistics support on the basis that Uganda was supporting the Sudan Peoples' Liberation Army/Movement. Although the Sudanese support to the LRA was withdrawn after the LRA was declared a terrorist organization by the United States Government, it contributed greatly in turning the LRA into a dangerous fighting organization.

The LRA attacks and GoU counter-insurgency measures resulted in the displacement of nearly 87% of the ethnic Acholi population in Gulu,

⁸ This sub-section relies on the work *The Torturous Peace Process in Northern Uganda*, MACOMBA, Policy and Academic Research Series No.1, 2005, pp. 8-15. MACOMBA is a University and NGO Partnership between Makerere, MUST and Bradford Universities and ACODE promote peace studies and human rights in universities

Kitgum, and Pader districts by October 2003.⁹ In following years the LRA insurgency resulted in displacement of people in the Lango sub-region in Northern Uganda, West Nile and contributed to displacement in the Teso sub-region. LRA tactics against civilians included murder, looting, burning houses, torture, mutilation, and abduction of children for the purposes of forced conscription, labour, and sexual servitude. As a countermeasure, the NRA introduced 'tight roadblocks and punishments' in 1992 further aggravating abuses against civilian populations.¹⁰ In addition, the crisis forced the relocation of rural communities and limited freedom of movement. IDP camps were thus created as a result of a GoU policy in an effort to provide better protection for the civilian populations.

By 1998, the toll on the economic and social fabric in the northern region of Uganda had already begun to be felt. The following decade of conflict has resulted in the region becoming one of the poorest, with the worst socio-economic indicators in Uganda. Poverty levels in Northern Uganda are estimated at 64%,¹¹ HIV prevalence is averaging 12% against the national average of 6.2% (prevalence rates in some IDP camps is between 12-35%),¹² Infant mortality rates are as high as 122/1000 against the national average of 78/1000; and the situation is similar for other important social well-being indicators like safe water coverage, access to justice and protection of basic human rights.

Much of the resentment in the northern region and the case for federal system in Uganda stems from the fact that the north considers that it has been deliberately marginalised and excluded from all GoU programs. This feeling is justified by politicians and the population by citing the discrepancies in poverty trends and levels in the country. While the national poverty level stands at about 38%, for the north the regional average stands at 64%, with Pader, one of the Northern districts, worst hit by poverty at 75%. The population from this region believe that they have been deliberately kept out of high level political positions in order to prevent the northern politicians from holding decision-making positions within government, thus exacerbating the differences in resource allocations across the country's regions. Furthermore, the people from this region believe that employment opportunities and educational policies introduced by the current regime to privatize university education and reduce GoU university sponsorship were all designed to exclude the poverty-ridden people from the north who cannot afford private sponsorship and thus cripple its human resource capacities. The LRA argues that such marginalisation is one of the reasons why they continue fighting. In order to re-dress such issues, the LRA suggests

⁹ Ministry of Finance, Planning and Economic development (MoFPED), Poverty Eradication Action Plan (PEAP), 2004/05 – 2007/08, p.106

¹⁰ Human Rights Watch/Africa/Human Rights Watch Children's Rights Project, New York, 1997

¹¹ MoFPED, Poverty Eradication Action Plan (PEAP), 2004/05 – 2007/08, p.13

¹² NGO Forum, A Long Way to Go – Civil Society Perspectives on the Challenges and Prospects of attaining the Millennium Development Goals in Uganda, 2005

that a national development framework defining the interests of all, and geared to address inequalities, is the only mechanism possible to explain and find alternative mechanisms to address such grievances.

Post-conflict Development Strategy in Uganda

Since the late 1990s Uganda has been engaged by the international community in a vast number of post-conflict reconstruction initiatives including such initiatives as the creation of an amnesty law, mine action programmes, human security initiatives, and livelihood recovery programmes supported by UNDP.¹³ However after almost a decade of disparate, *ad hoc* and short term projects and programmes, the GoU recognised the need to take forward the SSR initiatives in a comprehensive and joined-up manner. This has resulted in the Peace Recovery and Development Plan (PRDP) for northern Uganda for the period 2007-2010.

The PRDP sets out a commitment by the GoU to stabilise and provide post-conflict reconstruction across the northern region. It provides a single overriding framework, which all stakeholders will adopt in implementing their individual programmes. The overall goal of the PRDP is to consolidate peace and security and lay the foundations for recovery and development. The GoU aims to achieve the recovery and development through four core strategic objectives, which are mutually reinforcing.¹⁴ The four strategic objectives are set out below.

Strategic objective 1: focuses on the consolidation of state authority by ensuring a cessation of hostilities, re-stabilising the rule of law, enabling judicial and legal services to become functional, protecting human rights and strengthening local governance.

Strategic objective 2: focuses on rebuilding and empowering communities by contributing to community recovery, promoting an improvement in the conditions and quality of life of IDPs, completing return and reintegration of displaced populations, initiating rehabilitation and development activities among resident communities and ensuring the vulnerable are protected and served.

Strategic objective 3: focuses on revitalisation of the economy through re-activating the productive sectors within the region, i.e. production and marketing, services and industry. Major rehabilitation and infrastructure improvements and reinforcement of mechanisms for sound management of the environment and natural resources are also planned.

¹³ UNDP, Evaluation of the Transition to Recovery Programme, December 2006

¹⁴ Peace Recovery and Development Plan, Office of the Prime Minister, Kampala, Uganda

Strategic objective 4: focuses on peace and reconciliation by ensuring continuous prevalence of peace, increasing access to information by the population, enhancing counselling services, establishing mechanisms for inter/intra communal and national conflict resolution, strengthening local governance, strengthening informal leadership structures and reinforcing socio-economic reintegration of ex-combatants.

The PDRP states that the above strategic objectives will be achieved through 14 priority programmes that have been agreed upon by the districts as the most critical for stabilising the North. These include:

-Facilitation of Peace Agreement Initiatives; Police enhancement; Prisons enhancement; Rationalization of auxiliary forces; Judicial services enhancement; Enhancing local government; Emergency assistance; Return and resettlement of IDPs; Community empowerment and recovery; Production and marketing; Infrastructure rehabilitation; Environment and natural resource management; Public Information, Education and Communication (IEC), sensitization, and, Counselling, Amnesty, demobilisation and reintegration.

The PRDP seeks to harmonise the vast number of different initiatives currently undertaken by the international community through the 4 strategic objectives and the 14 priority programmes and provides a framework for implementation, monitoring and evaluation. It also integrates other ongoing activities and seeks to build on already existing structures and policy initiatives such as the District Disaster Management Committees and the Karamoja Integrated Disarmament and Development Plan. At the end of the three years, the targets of the PRDP will be reviewed and set in line with the national goals enshrined in the overall Development Framework – the Poverty Eradication Action Plan (PEAP).

Post-conflict Policing

Policing is identified as a primary concern for northern Uganda under the first Strategic Objective of the PRDP and through the 14 priority programmes which have been agreed. As a result in 2007 the GoU deployed several units of the police to restore law and order in the greater northern region. This deployment was the first time in 20 years that the police officers had an active presence in northern Uganda.¹⁵ Thus far the police units have been primarily engaged in two activities. These include overseeing the resettlement of IDPs and de-mining to remove all explosive remnants of war (ERW) and remove all illegally held guns from the hands of non-security personnel.

¹⁵ See <http://www.voanews.com/english/archive/2006-10/2006-10-30-voa47.cfm>

De-mining activities have been relatively successful and, according to local leaders, the de-mining programme has impacted positively on the communities and the returnees who can now access all areas which were previously insecure. For example, all of the land that was formally occupied by the rebels and the military - camps and detachments - and was regarded as heavily mined and dangerous is now accessible and useable. It is now hoped that the released land for cultivation will translate into better welfare and improved food security through increased agriculture production and assist with the broader goal of conflict prevention by easing the tensions over land.

De-mining activities in the remotest areas of the district of Kaberamaido (Omid parish, in Anyara sub-county, bordering Lira District) has built confidence in the population to return to their homes. After the de-mining exercise, Anyara sub-county reported a significant return of IDPs; for example, 2,871 persons had resettled by June 2006.¹⁶ Furthermore, there have not been any reported incidences of ERW or mine-related accidents since the completion of the de-mining exercise in the district.¹⁷ Both military and police de-mining teams have paved the way for the regular police units to re-establish GoU presence in the areas. For example, police stations have been opened at the parish and sub-county levels to monitor and maintain law and order particularly in the villages where the IDPs have returned. There has been some limited success whereby it has been reported that the police have successfully dissolved tensions between IDPs and locals regarding land disputes.

The Ugandan police have also been involved in the fight against proliferation of SALW. The programme has been coordinated by the National Focal Point/Police under the parent Ministry of Internal Affairs. Uganda has so far carried out two rounds of weapons destruction. The first round took place in September 2005, where 3,000 SALW were destroyed at a public ceremony to launch the Uganda National Action Plan.¹⁸ The second major destruction involving over 57,000 SALW was carried out in May-June 2006.¹⁹ The by-product of the smelted SALW has been used as raw materials for construction materials and the

¹⁶ Peace Recovery and Development Plan, Office of the Prime Minister, Kampala, Uganda, p.30

¹⁷ *Ibid.*

¹⁸ Statement by Ambassador Francis K. Butagira, Permanent Representative of Uganda to the United Nations, On United Nations Conference To Review Progress Made In The Implementation Of The United Nations Programme Of Action To Prevent, Combat And Eradicate The Illicit Trade In Small Arms And Light Weapons In All Its Aspects, New York, June 27, 2006, accessed at

<http://www.un.org/events/smallarms2006/pdf/arms060628uganda-eng.pdf>, November 27, 2008

¹⁹ SaferAfrica, Uganda Destruction Report: Firearms and Ammunition Destruction in Uganda, 26 September 2006, accessed at

http://www.saferAfrica.org/progs/safetySecurity/arms_management/destructions/uganda/dest_report_26_09_2006.php, November 27, 2008

proceeds went to the Government of Uganda.²⁰ Again despite these notable successes, it has been reported that considerable numbers of SALW remain in the hands of cattle rustlers and other criminals in Karamoja sub-region along the borders of Uganda with Kenya and Sudan and in the hands of the LRA and associated ex-combatants.

However, despite these successes much work remains to be done by the police service with the collection and control of SALW and in de-mining as well as other significant areas of post-conflict policing. The on-going work of the police currently suffers from the existing weaknesses in the service both at the operational level and in the management structures. The service strength stands at 14,000, policing a population of 28 million people in Uganda. This police service is therefore overstretched with a policing/population ratio of 1:2000 as opposed to the recommended United Nations standard of 1:500. The result is limited efficiency and effectiveness across all areas of police operations.²¹

The most common complaint by the police continues to be a lack of logistics in terms of transport, communication equipment and acceptable detention cells. The capacity and numbers of police personnel remains a problem particularly in the Karamoja area. The Karamoja area is vast, and as mentioned above, suffers from high levels of crime, cattle rustling and associated violence.²² In addition to this remuneration of the police remains a problem. During a regional meeting on 17 July 2008 at the Moroto Hotel, the Chairperson of Nakapiripirit Local Council Five (LC 5) cited a case of 17 recently demobilised Local Administration police who had gone without salaries for over six months. Without a comprehensive effort to regulate and maintain adequate police remuneration, the police are likely to remain inefficient and ineffective, and of course open to bribery and corruption.

In support of the PRDP, the Netherlands government has provided three million Euros (about Shs4billion) to improve on community policing and provide efficient resource support to the service in the region.²³ So far, over 1000 police personnel have been deployed including Anti-Stock Theft Units. More Anti Stock Theft Units have also been earmarked for Chepsukunya and Amudat in South Karamoja and Morulem in the north to check increasing cases of cattle theft. The government of the Netherlands is providing support to the police which is expected to be utilised to train and deploy more intelligence police personnel to track criminal elements in the region. It is also expected that a police post will be established at each of the 43 sub-counties in the sub-region with 30 constables at each of the posts. The funds are also earmarked to construct four police headquarters and barracks in the districts of Moroto, Kotido, Abim and Kaabong.²⁴ Although this programme funded by the

²⁰ Midterm Review – National Focal Point-Small Arms and Light Weapons, Minutes, July 2006

²¹ Ugandan Police, Uganda Police Review Feasibility Study Report, 2007, p.31

²² Daily Monitor 8 August 2008

²³ Daily Monitor, 8 August 2008

²⁴ Newvision 20 July 2008

Netherlands is timely and important in achieving the aims and objectives of the PRDP, the programme remains just one small step in re-establishing law and order and bringing to an end the rule of the gun in Karamoja sub-region.

One of the greatest challenges to the police service remains the poor human rights track record of the police and the associated legacy of mistrust between the police and the population. In a survey conducted by the Uganda Bureau of Statistics for the National Commission during the Uganda Africa Peer Review Mechanism (UAPRM) process,²⁵ and the Uganda Police Review Feasibility Study Report 2007,²⁶ the police have been rated poorly in protecting citizens' rights. According to the UAPRM report, the police service is viewed by the general public as an instrument of coercion, with a high proportion of corrupt officers.²⁷ Recent police actions in cracking down on peaceful demonstrators in a harsh and unwarranted manner have left the image of the police seriously damaged. Furthermore, continued reports of human rights violations, police misconduct and extortion tarnish the credibility and reputation of the police service. Large sections of the public perceive the police as being corrupt, militarised, partisan and a leading violator of people's rights. This sentiment is also collaborated by evidence gathered by the Uganda Human Rights Commission's Annual Reports since 2003.²⁸ The facts on the ground reveal that there are cases of detention beyond 48 hours (which is illegal), inadequate feeding of suspects, torture in detention cells, and delayed justice arising from prolonged investigations and prosecution. The Uganda Police Force ranks highly among the institutions that have been recorded as violators of human rights in Uganda.²⁹ Overall, the police were rated poorly by 1600 Households spread over 69 out of 80 Districts of Uganda as depicted in Figure 1 below.

²⁵ UAPRM; 2007, The Uganda Country Self-Assessment Report and Programme of Action

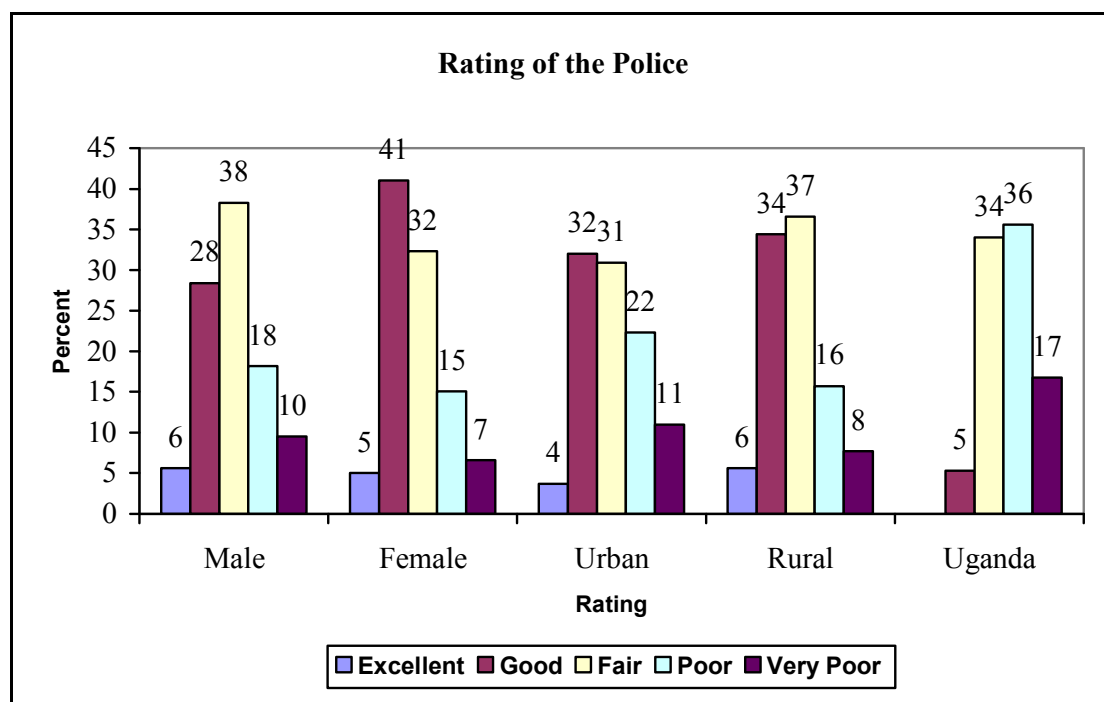
²⁶ Ugandan Police, Uganda Police Review Feasibility Study Report, 2007

²⁷ UAPRM; 2007, The Uganda Country Self-Assessment Report and Programme of Action

²⁸ Uganda Human Rights Commission, Annual Reports, 2003, 2004, 2005, 2007

²⁹ Uganda Human Rights Commission 9th Annual Report, 2007, p.24

FIGURE 1: OVERALL PERFORMANCE OF THE POLICE *



***Source: UAPRM; 2007, the Uganda Country Self-Assessment Report and Programme of Action. p.73**

Similarly, the Uganda Police Review Feasibility Study Report states that:

The general picture indicated a lack of public trust in the police; constrained and poor management of public order, crime, intelligence as well as an inability to effectively prevent crime. Coupled with the above was a lack of training, poor staffing, poor working environment, concerns by the public that related to long detention, torture, children in custody, less disciplined force, no clear human resource policy and less interaction between the upper layers with the lower layers of the police.³⁰

It is clear that many key areas of police reform still remain untouched by the international community and the GoU under the PDRP. The police and the GoU have recognised this gap and, as a result, the police have embarked on the process of a reform beginning with a review. The police review is in its early stages and is currently in the process of identifying the key challenges to the police. It is the author's contention that unless the reform of the police is driven forwards in a timely manner in several key areas, post-conflict policing in Northern Uganda will not achieve its intended objectives particularly of re-establishing law and order and changing the negative image of the police. These areas of

³⁰ Uganda Police Review Feasibility Study Report, 2007, p.41

reform are key to achieving the stated strategic objectives of the PDRP particularly with regards to preventing the resurgence of conflict.

This paper proposes a number of key areas for reform of the police, which must be prioritised under the police review and as part of the ongoing PDRP. The priority activities include: providing an appropriate legal framework for the police force, establishing community policing, reform of the management of the police service and gender mainstreaming and the creation of independent oversight mechanisms.

The Legal Framework

The Uganda Police Force was established by Article 211 and 212 of the Constitution and The Police Act (as well as the Amendment Act, 2006). The functions of the police according to the Constitution include:

- To protect life and property;
- To preserve law and order;
- To prevent and detect crime; and
- To co-operate with the civilian authority and other security organs established under this Constitution and with the population in general.

The Police Act expands these functions in section 4(1) to include performing the services of a military force and any other functions assigned to it under this Act. The Police Act Chapter (CAP) 303 of the laws of Uganda makes provisions for the composition and functions of the police force and the Force Command. The Act also outlines specific procedures for discipline within the police force under Part IV.

There are, however, sections of The Police Act that are contrary to the Constitution. For example, the recent Constitutional Court judgement dated 27 May 2008 ruled against Section 32(1) of The Police Act which states that “In case of any gathering of more than 25 people, the inspector general of police has to be informed seven days in advance to decide whether he grants permission or not”. This was found to contravene section 29 (a) (b) and (c) of the Constitution of Uganda which grants the right to assemble or demonstrate under the protection of police. In May 2008, the Constitutional Court declared that “that such law has no place in a functioning democracy”.³¹ The Police Act is also criticised for Section 35 which gives the Prime Minister powers to declare particular areas “gazetted” in order to limit freedom of assembly.

These are just two anomalies which are a legacy of the long running conflict and which therefore the legacy of the legal framework which was aimed at dealing with a conflict through draconian policing measures. In the post-conflict environment there is an urgent need to reform these overarching legal frameworks which underpin the actions of the police

³¹ *Muwang Kivumbi vs Attorney General* (Constitutional Petition No. 9 of 2005) [2008] UGCC 4 (27 May 2008)
<http://www.saflii.org/ug/cases/UGCC/2008/4.html>

and in theory support individual human rights. The legal frameworks also must underpin moves towards democratic policing practices.

Community Policing

The management and executive levels of the police organisation understand the philosophy of community policing, which is conceptualised as a proactive approach, (as opposed to the traditional reactive approach to policing), in which the police builds partnerships across a range of GoU departments, NGOs, and the wider community. The objectives of detecting crimes, criminals and addressing the root causes of crime, as well as the fear of crime is drawn from a community-centred perspective.³² For the last five years, the Ugandan public has been slowly growing in its appreciation of the role and operations of the police and small steps have been made towards a community policing approach. However, continuing incidents of police violence and corruption and in particular police violence aimed at political assemblies and rallies have seriously damaged the image of the police. In some cases, enforcement of the law has not taken into account respect for human rights or the principles of equality before the law. The Uganda Police Force, like other security agencies in Uganda, are yet to internalise their responsibility to operate in a non-partisan and non-coercive manner. In a recent interview with the Independent Magazine, the Inspector General of Police, Major General Kale Kayihura made the following observation:

We are building a force that is technically competent and ideologically very close to the people in all senses; respecting the people, partnering with people and delivering to them. We are addressing the technical requirements to build the capabilities necessary to achieve the Constitutional mandate and also this ideological re-orientation of the force to be close to the people.³³

Despite these positive statements, community policing has not yet been operationalised by the police force. It appears that community policing remains the business of the Department of Community Affairs and a few executives at the centre of the police service. As yet the community policing ethos has not spread effectively across all ranks of the police. Furthermore it is not yet effectively embedded in a relationship between the police and the public.

The police, the GoU and the international community must address this issue of community policing through the PDRP as a guiding philosophy underpinning the reform process. This will necessitate integrating the principles of community policing across the whole spectrum of police training programmes and operational activities of the police.

³² Kasingye, A., "Implementing Community Policing: Uganda's Experience" A paper presented at the Police Executive Symposium 2003.

³³ The Independent, Issue 015, 27-3 July 2008, p.11.

Human Resource Development and Management

In order for the police to function properly officers must be properly managed, trained and motivated. Currently two departments, Human Resource Development and Human Resource Management under the Directorate of Administration, handle all police personnel. The portfolios of these departments deal with training, deployment, promotions and welfare. Currently there are overlaps between the functions of the two departments. For example, it is still not clear which department should handle the issue of recruitment procedures.

There is an urgent need to reform the management structures and systems with regards to human resources. There are few properly trained and equipped police officers. It is rare for police personnel to undergo refresher courses or even induction courses before embarking on new assignments or postings. There is currently no approved curriculum for training and there are limited funds available to support workshops and training programmes. Furthermore the police often go unpaid for months at a time or receive varying amounts of remuneration.

The training of officers needs to be undertaken in the context of a human resources development strategy supported by sound financial management. The training programmes for all ranks of police need to be provided with a rationalised financial budget which is assured and not subsequently diverted to other emergency activities or operations. Proper financial management is crucial for every institution of the state and is a key area requiring reform within the police. Whilst a draft strategic training plan has been created, it does not have the funding and commitment by the international community, the GoU and the police to convert the training plan into practice at the earliest opportunity.

Gender Mainstreaming

Uganda has a National Gender Policy which was developed in 1997 and a National Gender Action plan which followed in 1999.³⁴ The strategic objective of both documents is to mainstream gender concerns in the national development process in order to improve social, legal/civic, political, economic and cultural conditions of the Ugandan people, and in particular, women. Uganda is also a signatory to various international laws and instruments that promote gender equality. Integrating gender equality into the process of police reform is therefore necessary to comply with international laws including the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Beijing Declaration and Platform for Action (1995), and the United Nations Security Council Resolution 1325 on Women, Peace and Security (2000). Mainstreaming gender as part of police reform is therefore an all encompassing process of assessing the implications for women and men of all planned reform activities, including reforming

³⁴ Available at <http://www.ilo.org/public/english/employment/gems/eco/guide/uganda/mglsd.htm>

legislation, policies and operation based activities in all areas and at all levels.

As police are responsible for the maintenance of public order and protection of people as a pre-condition for development, the police need to understand and address security threats facing the community they serve, recognising that men and women are affected by violence and discrimination in very different ways and to different degrees. For example, crimes against women, such as domestic violence, often happen in private spaces, a realm that many state institutions do not consider themselves responsible for.³⁵ The Uganda Police Force is yet to appreciate the reality of gender mainstreaming and to address gender issues effectively in its activities and policies particularly in post-conflict policing.

Currently the police show a lack of gender sensitivity, which is underscored at a basic level by the inclusion and use of sexist language in police documents (e.g. words like manpower, dog master etc).³⁶ There are no gender-responsive codes of conduct and the Uganda Police Force lack specific recruitment and retention policies and procedures aimed at the individual needs of police women within the service. As a result of a lack of women in the higher ranks of the police force, committees such as The Police Council which remains dominated by men.

Currently gender mainstreaming in the police service is lacking at all levels and in all areas. It is important therefore for the reform process to include gender mainstreaming as a fundamental and underlying principle that will embed gender equality across the service both as regards to its female employees and also to the female population the police seek to serve. It is imperative that an initial gender assessment is undertaken in order to provide an understanding and appreciation of the current gender inequalities in the police. This will highlight areas needing immediate attention and those areas which can be part of a longer term reform process. It is essential that, as part of the human resources reform process mentioned above, institutional codes of conduct and policies on discrimination and sexual harassment are established. It is also essential that the recruitment and retention of female police officers be given a high priority, alongside specialist training such as investigating and counselling skills with regard to cases of rape, defilement, child abuse, and domestic violence.

Civilian Oversight Bodies

Within Parliament, the activities of the police are overseen by the Committee of Defence and Internal Affairs to which the Ministry of Internal Affairs reports. The police service in Uganda is housed in the GoU executive arm under the Ministry of Internal Affairs.

³⁵ GTZ, Security Sector Reform and Gender: Concept and Points of Entry for Development Co-operation, GTZ: Germany, 2007

³⁶ Uganda Police, Uganda Police Review Feasibility Study Report, 2007.

There are no other oversight bodies that bring actors from outside the state to advise the police and enhance the philosophy of community policing. With input from and collaboration and partnership with civil society and local communities, the reform process can help to re-build the traditional police-civilian relationships which in present-day Uganda have become characterised by distrust and fear.

The Police Reform and Gender Toolkit proposes three forms of civilian oversight which Uganda should emulate.³⁷ A national-level police liaison board, which will include representatives from civil society such as representatives of NGOs and women's organisations, academics, lawyers and human rights activists to advise the police on community needs. A local-level liaison board, including local government representatives, local police representatives and civil society groups which will serve to assess and report on local security issues. This local level committee will also feed back information to the local police on the behaviour of the police and assist in creating a plan for reform at the local level. Finally an independent police ombudsperson is necessary to investigate more serious cases of police abuse.

Effective civilian oversight mechanisms will help the police service to re-establish a relationship of trust between the service and the community it serves. The public will be granted a formal mechanism for recourse and airing grievances and a mechanism for input into the reform process of the police. Oversight mechanisms are essential to enhance the capabilities of the police particularly, the image of the force, and its respect for human rights.

Conclusion

This paper argues that although the Uganda Police Force has attained some limited successes in terms of de-mining activities, destruction of SALW, and deployment of Anti-Stock Theft Units in Karamoja, there is much more to be done in terms of re-establishing post-conflict law and order in the northern region. Effective post-conflict policing will not be possible unless the Uganda Police Force undertakes a comprehensive reform in both operational and non-operational capabilities.

The police reform and the PDRP must be mutually supportive. Furthermore the GoU and the international community must fully support both the PDRP and the police reform. If Uganda is to achieve successful security and justice sector reform, reforms must be undertaken not only in the defence and police sector, but also in other related security departments and Ministries, including paramilitary forces, intelligence services, judiciary, governmental departments such as the treasury, legislative and oversight bodies. Such an inclusive approach is necessary

³⁷ Denham, Tara "Police Reform and Gender" Gender and Security Sector Reform Toolkit. UN-INSTRAW, Eds. Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008,

as all the institutions impact on the functioning of the justice system and more broadly on the ongoing democratisation of Uganda.

A comprehensive reform programme will entail increasing the size of the police service, but also providing proper and timely training, equipping the police with the correct tools and equipment and underpinning this with the appropriate policing philosophy. On the non-operational side, the service must reform key areas, particularly the legal framework, public relations, community, policing, logistics and supplies, human resource development and management, financial management, gender mainstreaming, and establishment of civilian oversight bodies. These reforms are long term, even generational, but only if a comprehensive series of reform are carried out can Uganda have a professional efficient and effective police which will uphold the rule of law and contribute to stabilising the northern region of Uganda.

References

Adwok Nyaba Peter, and Otim Peter, “Conflicts in Pastoral Areas along Borders: The Kenya, Uganda, and Sudan”. CEWARN Consultancy Report, London: FEWER, 2001.

Denham, Tara “Police Reform and Gender” Gender and Security Sector Reform Toolkit. UN-INSTRRAW, Eds. Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRRAW, 2008

GTZ, Security Sector Reform and Gender: Concept and Points of Entry for Development Co-operation, GTZ: Germany, 2007

Human Rights Watch/Africa/Human Rights Watch Children's Rights Project, New York, 1997.

Kasingye, A., “Implementing Community Policing: Uganda’s Experience” A paper presented at the Police Executive Symposium 2003.

Ministry of Finance, Planning and Economic development (MoFPED), Poverty Eradication Action Plan (PEAP), 2004/05 – 2007/08.

Ugandan National NGO Forum, A Long Way to Go – Civil Society Perspectives on the Challenges and Prospects of attaining the Millennium Development Goals in Uganda, Kampala, April 2005.

Muhereza, F.E.,”Violence and the State in Karamoja: Causes of Conflict”, Initiative for Peace, Cultural Survival Quarterly Issue 22 no.4, 1999.

Mwaura, Ciru, Kenya and Uganda Pastoral Conflict Case Study, Human Development Report Office, Occasional Paper, New York, 2005.

Uganda Police, Uganda Police Review Feasibility Study Report, 2007.