

Parliamentary oversight of the security sector in Uganda

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Abstract

Oversight of the security sector cannot remain the exclusive preserve of the government alone without inviting potential abuse. In post-independence Uganda, the security sector has been at the center of political instability and human rights violations. The military has been used by various political groups to overthrow elected governments. From 1962 to 2021, Uganda has never witnessed a peaceful handover of power from one leader to another. This has largely been due to the intransigence of the security sector.

Consequently, the framers of the 1995 Uganda constitution provided that the security sector shall be subordinate to civilian authority and shall observe and respect fundamental human rights. This article articulates the various legal mechanisms at the disposal of the Parliament of Uganda to hold the security sector players accountable. While there are many oversight mechanisms, the human rights record of security sector institutions remains poor. Parliament faces many obstacles in overseeing the security sector such as the securitization of social service delivery, the privatization of security services, and the entrenched military traditions of secrecy and loyalty to the commander-in-chief. Until democratic notions such as executive accountability to Parliament, security sector political neutrality, and security sector human rights observance, are enforced politically, the dividends of parliamentary oversight of the security sector will remain low.

Keywords: *Parliament, security sector, oversight, democracy, accountability*

Introduction

Human wellbeing without security is an illusion. All human beings crave individual and collective security and abhor fear, worry, and apprehension. Security is also important for guaranteeing the economic well-being of countries. Almost all countries depend on their security sector institutions to spur and safeguard their economies.

At a national level, security sector institutions preserve law and order; protect the security of the State, persons, and property; safeguard democratic institutions and processes; and ensure the peaceful coexistence of different sections of the community. At the international level, due to global security threats, in addition to its national defense commitments, the security sector is increasingly becoming coordinated through bilateral or multilateral framework agreements and security forces may be involved in concerted or joint action under collective defense arrangements and/or international peacekeeping missions intended to prevent or settle conflicts or assist with post-conflict reconstruction. In short, security is indispensable to human happiness.

Background: The Security Sector in post-independence Uganda

Uganda was granted political independence by the British Government in 1962. Since then, Uganda has not yet witnessed a peaceful handover of power from one regime to another. At the center of political instability in Uganda has been the politicized military. The military and other security organs have been used by various political groups to overthrow elected governments or to champion partisan and regime interests rather than national or human security.

From the 1960s to 1995, Parliament, the national oversight body, was largely weak, non-existent, or a rubber stamp of the Executive branch. It could not call the security sector to account. During Amin's regime (January 1971- April 1979), Parliament was abolished and Amin ruled by decree with the help of the military that was populated by many foreigners recruited from Sudan.

Since the 1990s, there have been efforts to liberate the security sector from political actors' influence. Influenced by the democratization wave that swept through Africa at the end of the Cold War in the early 1990s, the framers of the 1995 Constitution of Uganda promised to end the misuse of the security sector by placing it under civilian control –under the oversight of the legislature. This was in recognition that there can hardly be an enduring democracy where the security sector is not under civilian control. Consequently, progressive provisions on the accountability and oversight of the security sector and respect for human rights by security agencies were inserted into the Constitution.

Article 208 provides that 'The Uganda Peoples' Defence Forces (UPDF) shall be non-partisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority.' The functions of the UPDF were also spelled out as being: to preserve and defend the sovereignty and territorial integrity of Uganda, to cooperate with the civilian authority in emergencies, and in cases of natural disasters, to foster harmony and understanding between the defense forces and civilians, and engage in productive activities for the development of Uganda. In addition, the Constitution provides that members of the UPDF shall be citizens of Uganda of good character.

Similarly, the Uganda Constitution provides that the Uganda Police Force shall be nationalistic, patriotic, professional, disciplined, competent, and productive; and its members shall be citizens of Uganda of good character. The same standards for the army and police were expected of the Uganda Prisons Service and intelligence services.

Oversight of the security sector must be underpinned by an elaborate legal framework that provides parameters for the security sector's operations and obligations. Under articles 210, 214, 217, and 218 of the Uganda Constitution, Parliament was directed to make laws to regulate the organization and administration of the military, police, and prisons. Article 221 directs all the security sector institutions to observe and respect human rights and freedoms in the performance of their functions. These provisions have been translated into policy commitments.

The Uganda National Development Plan provides that the 'Defence and Security sector is responsible for defending and protecting people and their properties, the sovereignty and territorial integrity of Uganda, as well as ensuring peace and security for socio-economic development. It ensures that Ugandans enjoy freedom from threats, intimidation, and other pressures from within or outside the country that would undermine the basic rights and welfare, the territorial integrity of the state, and the functioning of the systems of governance.'

Structure of the paper

In this paper, three aspects pertaining to parliamentary oversight of the security sector in Uganda are discussed. The first is underscoring the importance of parliamentary oversight of the security sector as a precondition for socio-economic transformation.

The second is the description of the numerous parliamentary mechanisms for security sector oversight, and the third is the discussion of the challenges faced by Parliament in overseeing the security sector and holding it to account. This paper argues that while the Uganda Parliament has dense mechanisms of oversight of the security sector, there are still many challenges to overcome. The majority of these

challenges rotate around the poor democratic culture in Uganda, where the notions of democratic principles, such as executive accountability and security sector political neutrality, have not taken root. The security sector has been largely instrumentalized in how it deals with political candidates perceived to be opposing the interests of the current ruling elites.

Methods and Materials

The paper used a descriptive research design to shed light on the various legal/formal mechanisms that the Uganda Parliament uses to keep the security sector in check. Participant observation was undertaken to monitor the phenomenon of the study, namely the Uganda Parliament and the tools it uses to oversee the security sector. Since the respondents were observed in a natural environment, the characteristics observed are natural and the data collected are reliable. The paper also used the text analysis method to review the constitutional and legal frameworks for the oversight of the security sector in Uganda.

Literature Review

1. Parliamentary oversight of the security sector as a lever of democratization

The security sector is composed of all the structures, institutions and personnel responsible for security provision, management and oversight at national and local levels (DCAF, 2012). The security sector includes both actors that use force and those responsible for controlling how force is used through management and oversight (ibid). Security sector institutions such as the military, police, prisons, intelligence services and others are instituted by states to protect the state and its people from internal and external threats through the management of violence. Security sector institutions are supposed to play a vanguard role in the state that is to provide an enabling environment for other state institutions to provide social services; 2) fulfil and promote the rights of citizens; and 3) peacefully resolve conflicts. The goal of the security sector is to maintain peace and stability in a country.

Security sector institutions enjoy special powers which other public institutions do not have. These powers include:

- i. gathering of inaccessible information,
- ii. working in secrecy,
- iii. legitimately accessing, holding and using weapons of violence, and
- iv. adopting exceptional measures, which may violate the citizen's rights in exceptional circumstances.

There is always a risk of misuse or abuse of these powers by the security sector institutions. By virtue of their secret operations and access to weapons of violence, security sector institutions need to be properly controlled and held accountable by civilian authorities to guarantee that public security and stability are balanced with upholding democratic standards such as the rule of law, separation of powers, respect of human rights and political neutrality of armed forces.

Without parliamentary oversight, the security sector can cause trouble to the citizens who are supposed to be the beneficiaries of their services like guaranteeing stability, defence, peace, order and development. Consequently, parliamentary supervision of the security sector is required if potential abuse is to be abated.

In a democracy, to forestall potential abuse, no area of state activity should be a 'no-go' zone for Parliament, including the security sector. It has been asserted that "a state without parliamentary control of its security sector, especially the military, should at best be deemed an unfinished democracy or a democracy in the making" (Born & Lunn, 2003, p.7; Born et al, 2003. P.19). The fundamental role of parliament is, therefore, to ensure that security sector institutions do not misuse the privileges they enjoy, and also control and eliminate the emergence of an autocratic rule. A review of past autocratic

regimes reveals that monopoly control of the security sector sustained these regimes in power beyond their popular mandate.

Parliamentary control of the security sector is, therefore, ‘an essential element of power-sharing at the state level, and if effective, sets limits on the power of executive or president’ (Born et al, 2003. P.19). It can be asserted that the quality of democracy in a country is proportionally related to the degree of parliamentary oversight and control of the country’s security sector (DCAF, 2009). In a democracy, the security arena of the state should never be a ‘no-go’ zone for Parliament.

Parliamentary oversight serves three important democratic objectives: (a) **Legality**: to oversee that the security institutions are functioning within the boundaries of the law, both municipal law and international human rights law; (b) **Legitimacy**: to oversee that the will of the majority in parliament prevails and that the human rights of individuals and minorities are protected and that the main principles of good governance are respected; and (c) **Efficiency**: to oversee that the security institutions are sufficiently resourced, that they spend their resources efficiently and that the security sector activities are geared toward the goals as designated by the elected authorities.

It should be noted that parliamentary oversight of the security sector is not meant to weaken the effectiveness of the security sector. Rather, parliamentary oversight is designed to ensure an effective and accountable security sector that operates under legal and constitutional frameworks. Parliamentary oversight also ensures the legitimate and accountable use of force in accordance with universally accepted human rights norms and standards.

2. The normative attributes of effective and accountable security sector agencies

The UN Secretary General, in his report of 2008: *Securing peace and development: the role of the United Nations in supporting security sector reform* outlines common attributes of effective and accountable security sectors. These are:

- (a) *A legal and/or constitutional framework providing for the legitimate and accountable use of force in accordance with universally accepted human rights norms and standards, including sanctioning mechanisms for the use of force and the roles and responsibilities of different actors;*
- (b) *An institutionalized system of governance and management: mechanisms for the direction and oversight of security provided by authorities and institutions, including systems for financial management and review as well as the protection of human rights;*
- (c) *Capacities: structures, personnel, equipment and resources to provide effective security;*
- (d) *Mechanisms for interaction among security actors: establishing transparent modalities for coordination and cooperation among different actors, based on their respective constitutional/legal roles and responsibilities;*
- (e) *Culture of service: promoting unity, integrity, discipline, impartiality and respect for human rights among security actors and shaping the manner in which they carry out their duties.* (UN Secretary General, 2008)

The former UN Secretary General, Kofi Annan (ibid), observed that the security sector should be subjected to the same standards of efficiency, equity and accountability as any other public service. This means that the security sector should not be treated as a special public service to forestall a feeling by the security agencies of a sense of importance and indispensability.

The European Parliament’s Office of Promotion of Parliamentary Democracy (OPPD) (2013) and Inter-Parliamentary Union & Geneva Centre for the Democratic Control of Armed Forces (2003) laid down the parliamentary oversight of the security sector best practices. These entail parliamentary verification of compliance by the security sector institutions with general policy and established laws and regulations governing their operations and scrutinizing the effectiveness and efficiency of security sector institutions.

Parliamentary oversight supplements in-house control and oversight exercised by the executive arm and armed forces command. These internal controls include; the introduction of internal codes of conduct

that clarify rules to foster respect for fundamental values, rights and obligations, adoption of models for good governance and professionalism, exacting accountability of staff for breaches of discipline, and enacting procedures for complaint handling in a timely, impartial and professional way. However, these internal control and oversight mechanisms for the security sector cannot replace parliamentary oversight.

Other best practices for overseeing the security sector as articulated by the EU - OPPD are: setting the legal framework for oversight and influencing government security policy on a broad level; using the parliamentary budget control power to scrutinize the estimates and verify the use of allocated budget; and sanction in case of excesses/illegitimate conduct by the executive; use direct oversight organs such as the parliamentary committees, independent oversight bodies to assist parliament; demand to be involved in important decisions such as: prior approval in case of: foreign missions, war, state of emergency, international treaties; *a posteriori* control of decisions (with possibility to revoke or substitute); appointment of senior officials; oversight of defence procurement; demand access to (classified) information/ document, issuing summons; conducting public hearings; Consultations with civil society actors; instituting secrecy safeguards; and exercising investigative powers (European Parliament, 2013).

The foregoing attributes and best practices, if applied by national parliaments, have the potential of forestalling an emergence of a dictatorship where security sector institutions: operate as a state within a state; exercise undue influence over political processes; deliver security services in direct contradictions to the wishes and requirements of the people; show little or no respect for the rule of law; engage in systematic human rights violations; are misused by those in power to pursue their private and or party purposes; and are used as instruments for protecting and promoting regime security instead of human security.

Results and Discussion

1. Parliamentary mechanisms of oversight of the security sector in Uganda

Oversight is essentially about ensuring that the security sector operates according to the law, a good law at that. Recalling the history of Uganda that was characterised by political and constitutional instability, the framers of the 1995 Constitution, which Parliament has a duty to protect as per the provisions of Article 79 (3), entrenched security sector accountability in Chapter 12 of the Constitution. The targeted security sector institutions were: The Uganda People's Defence Forces (UPDF); the Uganda Police Force; the Uganda Prisons Service and intelligence services.

Article 79 of the Constitution imposes the law-making responsibility upon Parliament. In the area of lawmaking for security oversight, Parliament has enacted the requisite laws to regulate the operations, organization, and administration of the security sector. The Parliament of Uganda has also enacted two landmark pieces of legislation targeting the protection of the fundamental rights of citizens against violations by security sector actors. These are "The Prevention and Prohibition of Torture Act 2012" and "The Human Rights Enforcement Act 2019".

It can, therefore, be averred that there are legal parameters for the control and oversight of the security sector in Uganda. However, it is one thing to have the laws on security sector accountability in place and another to have those laws implemented. The Parliament of Uganda has to ensure that the laws passed it enacts are enforced and that security sector actors operate within the boundaries of such laws. Parliament also has to continuously evaluate the laws to ensure they remain relevant and effective by dint of post-legislative scrutiny processes. Therefore, in the area of post-legislative scrutiny of security sector laws, the Parliament of Uganda has not been effective.

2. Oversight through the Committee System

The Constitution, under article 90 (1) empowers Parliament to appoint committees necessary for the efficient discharge of its functions and to prescribe, by its rules of procedure, the powers, composition, and functions of these committees. With respect to the oversight of the security sector, Parliament under Rule 187 established 16 sectoral committees including two committees that specifically deal with

security sector oversight.

The two are: 1) Defence and Internal Affairs (to oversee the Ministry of Defence, Uganda People's Defence Forces, Ministry of Internal Affairs, Uganda Police Force, and Uganda Prisons Service), and 2) Presidential Affairs to oversee, among other agencies, the intelligence services (Internal Security Organization and External Security Organization).

It is incumbent upon the oversight committees to ensure on an ongoing basis through public hearings, visits to security sector premises, and interpellations that: 1) the will of the people through the majority in parliament prevails, 2) the human rights of individuals and minorities are protected, and 3) security sector institutions observe the principles of good governance such as transparency, efficiency, responsiveness and accountability in the operations.

According to Rule 189, the functions of these committees are to examine and comment on security sector policies, evaluate programs, projects, and activities of the security sector institutions; examine proposed legislation to regulate the security sector; examine recurrent and development/procurement budgets for the security sector institutions, monitor the performance of the security sector agencies; monitor the compliance of the security sector agencies with the provisions of the Constitution, approved plans and programs; and monitor the progress registered by the security sector institutions in meeting the sustainable development goals that fall within their jurisdiction.

The Constitution, under article 90 (3) (a) empowers the committees, including the security oversight committees, in the exercise of their functions, if they wish, to call any minister or any person holding a public office in the security sector or even private individuals to submit memoranda or appear before them to give evidence; employ qualified persons to assist them in their oversight work; conduct hearings and enforce the attendance of witnesses and examine them on oath; compel the production of documents; and issue a commission or request to examine witnesses abroad such as troops if deployed abroad.

The two committees of Defence and Internal Affairs and Presidential Affairs have a duty as per the provisions of Rules 159 and 189 of the Rules of Procedure of Parliament to oversee the activities of the security sector; scrutinize the annual budget estimates of the security sector institutions and advise the Parliament; conduct oversight visits to the premises of the security sector institutions (SSI); and monitor the compliance of the SSI with the relevant laws. For instance, in 2019, the Committee on Defence and Internal Affairs visited Somalia to assess the condition of Ugandan soldiers under the African Union Mission in Somalia (UNISOM) (Kazibwe, 2019).

In addition, the parliamentary standing committee on human rights contributes to the oversight of the security sector institutions with regard to human rights performance through the scrutiny of the annual reports by the Uganda Human Rights Commission. The annual reports by the Uganda Human Rights Commission that are made for Parliament under Article 52 (2) are analyzed by the Committee on human rights which in turn recommends to Parliament to undertake legislative measures to take on the said reports. The committee also acts on the reports by whistle-blowers on the allegations of human rights abuses by the security sector institutions.

The Human Rights Committee, in 2019, carried out surprise inspection visits to 'safe houses' which some whistle-blowers referred to as 'torture chambers.' However, the Internal Security Organization (ISO), Uganda's intelligence-gathering agency blocked the committee from accessing the so-called 'safe houses' due to 'security reasons' (URN, 2019). While parliamentary committees have the right to inspect security sector premises, industries, and businesses, it would appear that they (committees) have not routinely visited and inspected military industries and business enterprises owned by the military and prisons on account of fear of reprisals from the security institutions

3. Committee scrutiny of the budget estimates of the security sector institutions

The resources used by the security sector institutions are public resources that must be appropriated by Parliament after a rigorous process and applied for the intended purposes without unauthorized variations. Article 156 of the Constitution vests in Parliament the power to scrutinize draft budget estimates of government and appropriate funds to the Government to provide social services, including security services.

To that end, security sector leaders always present before Parliament - and its security sector oversight

committees - the budget estimates with detailed work plans, recruitment plans, and procurement plans. During the budget scrutiny process by the parliamentary committees, security sector ministers justify the security sector budget before it is appropriated by the Parliament. Once the security sector budget has been agreed to, it forms the performance contract between the Parliament and the security sector institutions, violation of which attracts sanctions.

Whenever the security of Uganda has been threatened, requiring additional funding, a supplementary budget request has been made to Parliament and if properly justified, Parliament has always appropriated supplementary budgets for the security sector, in some cases by cutting or suppressing expenditures of other government departments. The approval of annual and supplementary budgets depends on the satisfactory explanation rendered by the security sector leaders on how the previously appropriated funds were utilized and the activities were undertaken.

There is a parliamentary mechanism for examining classified budgets and accounts. The Public Finance Management Act (section 24) requires that a 3-member committee be set up to scrutinize classified budgets of the security sector. The committee consists of the chairperson of the budget committee; the chairperson of the defense and internal affairs committee and another person appointed by the Speaker.

However, the same law provides that the classified budget shall be presented as a single line item, with no details. The special committee does not report to the House. It conducts its work in secrecy. It is doubtful that this method of work deepens the tenet of legitimacy. For the committees to be effective mechanisms of security sector oversight, they require specialized knowledge to interrogate the complexities of military operations, arms markets, and military procurements. However, this capacity is still lacking within the security sector oversight committee secretariats

4. Scrutiny of the accounts of the security sector institutions by Parliament

The Auditor-General, on behalf of Parliament, audits/scrutinizes the accounts of the security sector institutions to confirm that the appropriated funds granted by Parliament were used for the intended and agreed upon security purposes. This audit takes place three months after the end of the financial year. During the audit, the accounting officers of security sector institutions must provide the auditor with all the required information.

Upon completing the audit, the Auditor General submits a report to Parliament which report is studied by the Public Accounts Committee, and by the sub-committee for the classified audited accounts. This sub-committee conducts its meetings on camera. In addition, the sub-committee does not report to Parliament its findings. The reason for the camera meetings and non-reporting to the House is to guard against exposing security secrets.

The Public Accounts Committee (PAC) usually summons the security sector accounting officers to explain the matters or answer queries raised by the Auditor General before the committee makes its recommendations to the House. At times, the reports by the Auditor General are used as guidelines by the Public Accounts Committee to conduct further inquiries into the queries. Once the recommendations of the PAC are adopted by Parliament, they are forwarded to Government for action.

Within 6 months upon receipt of the resolutions of Parliament on the audit, the Government is obligated to present to Parliament a Treasury Memorandum, which is a report showing action taken. If no action is taken by the Government, a member may request the Prime Minister, who is also the Leader of Government Business in Parliament by virtue of article 108A (2) (a), to render an explanation, failure of which could lead to the censure of the Prime Minister by Parliament.

5. Parliamentary vetting of persons nominated to head the Uganda Police Force and Uganda Prisons Services

Pursuant to articles 213 (2) and 216 (1) of the Constitution, the Inspector General and Deputy Inspector General of Police are appointed by the President with the approval of Parliament. The approval by Parliament comes from a vetting process conducted by the Appointments Committee of Parliament. This committee is chaired by the Speaker. During vetting, comments on the suitability of the nominated persons from the public are welcomed and considered. The purpose of the vetting process is to establish whether the nominated persons have the minimum qualifications, understand the requirements of the

offices, and whether their past public or private conduct and behaviors are consistent with the demands of the offices to which they are being appointed.

6. Questions to the Prime Minister and Ministers on the Security Sector

Questioning ministers on the floor of Parliament is one of the ways of holding the executive accountable. Any Parliamentarian can demand the minister in charge of defense or security or internal affairs to explain the performance of the security sector. In this regard, parliamentarians have on numerous occasions raised questions on police brutality, corruption in police, and security involvement in the destruction of wetlands and forest cover and misuse of firearms.

7. Parliamentary debate on peace missions and visits to troops abroad

According to Section 39 of the UPDF Act, 2005, the President is empowered to deploy troops outside the country for peacekeeping and peace enforcement missions. The deployment of troops outside Uganda for purposes of peacekeeping is to be carried out with the approval of Parliament. Since the mid-2000s, Uganda has deployed troops in Somalia and South Sudan. However, these peacekeeping deployments, though approved by Parliament, were not preceded by adequate parliamentary debate on the mandate of the mission, budget, risks of the military personnel, rules of engagement, chain of command, duration of the mission, and Parliament's right to visit troops deployed abroad.

Parliament has a mandate to carry out field visits / fact-finding missions to places where Uganda's troops are deployed as part of its oversight mechanisms. In 2019, the Parliamentary Committee on Defence and Internal Affairs undertook a guided tour of Somalia to assess the performance of the Ugandan troops under AMISOM. The delegation also met with the local leaders who gave testimonies on peace brought about by AMISOM, of which the UPDF is part. The team was also briefed about a range of medical services the UPDF offers to the troops and the community in Mogadishu (Kazibwe, 2019).

8. Oversight of military procurements

Due to reasons of security concerns, Parliament appropriates the classified budget for defense procurement as a line item. In the same vein, Parliament does not approve military procurements unlike in some countries such as the Netherlands. In the Netherlands (Willen, 2013, p.16), the process starts with the preparation of defense procurement beginning with the determination of the operational requirements.

This includes the type of equipment, number of equipment, technical specifications, the market explored and list of suppliers drawn, whether the equipment needed is in use by other countries and what their experiences regarding performance is, the life cycle costs or maintenance, etc. This information is presented to Parliament. Also presented to Parliament in the Netherlands are the feasibility of co-production by the domestic industry and complementary compensation (we buy yours; you buy ours). Decision-makers are invited to visit the suppliers and or attend demonstrations. However, these decision-makers have to be extra careful not to accept favors that might influence their judgment. Uganda should adopt the Netherlands' practice of obtaining parliamentary approval for defense procurements

Challenges and Recommendations

The agenda for parliamentary oversight in Uganda remains unfinished. In spite of the numerous mechanisms that are at the disposal of Parliament to oversee the security sector, numerous challenges impede effective oversight of the sector. Secrecy of the operations of the security sector is one of them. Parliament has not given adequate oversight to the military industries, classified budgets, and accounts. These areas remain a 'black box.' Parliament treads carefully, with a lot of caution, when handling security sector affairs. Some commentators in Parliament aver that instead of asking critical questions pertaining to the operations of the security sector and the conduct of some officers, parliamentarians, in most cases are advocating for more resources for the security sector during the budget approval process.

The second challenge is the militarisation of service delivery. Since 2010, Uganda's executive branch has progressively deployed security personnel in civilian domains to render social services. Army officers have been deployed in the departments of agriculture (NAADS), operation wealth creation, and in the

health sector especially to combat the COVID 19 pandemic.

In 2019, the Head of State directed that the UPDF should be engaged in the construction of public works in government ministries. The deployment of the military in almost all the ministries creates a challenge for parliamentary oversight. It essentially calls for a counter-revolution in Parliament, what one would call ‘the securitization of all the parliamentary committees,’ where all committees would have a security oversight perspective. Currently, this is not the case.

The third challenge relates to the multiplicity of security sector providers, which include the reserve force, the local defense force, the private security providers, and security companies. There are around 60 registered private security companies in Uganda and up to 20,000 private security personnel (Commonwealth of Nations, n.d). This state of affairs is a result of the policy of privatization of public service delivery to reduce public expenditure. This privatization has seen the government delegate some security functions to private security companies. While the private security actors can be controlled by Parliament through the Inspector General of Police, who, by virtue of statutory instrument No. 11 of 2013, is responsible for the control of private security agencies, the policy of privatization of security services has affected the traditional mechanism of parliamentary oversight of budget appropriation to security sectors and asking them to account.

It is widely believed that some of the mushrooming private security enterprises are linked to high-level political and security elites. These elites have a lot of influence on who is elected and re-elected to Parliament through campaign financing (Kupferschmidt, 2009). They can also buy off oversight committees not to focus on them or to produce favorable comments on the enterprises.

The presence of 10 military officers in Parliament as representatives of the Uganda Peoples Defence Forces has not helped to deepen the parliamentary oversight of the security sector. The President of Uganda once commented that the army representatives in Parliament are supposed to be ‘listening posts’ (Bwire, 2021) This means that they are not supposed to critically scrutinize the security sector. The Rules of Procedure prohibit military representatives in Parliament from leading the committee on defense and internal affairs. One respondent, who asked to remain anonymous, asserted that ‘the military representatives, instead, tend to cushion the security sector, especially the military, from legislative scrutiny.’

Another respondent observed that ‘With the presence of military representatives in Parliament that are supposed to be the listening posts, security sector was more of the overseer of Parliament than the reverse.’ These assertions are corroborated by the fact that Parliament has not held accountable the Minister responsible for security agencies for the allegations of torture of civilians by the said agencies (The Independent, 2022).

While the ‘listening posts’ in Parliament may not stop other members from conducting oversight of the security sector, they most likely have an implicit influence on the will of the individual members of the oversight committees to effectively discharge their oversight functions. The Commander-in-Chief of the listening posts (so-called) is also the founder and chairman of the largest political party in Parliament over which he has firm control. The Members of Parliament who subscribe to the ruling party are encumbered by the political climate in which the president controls the ruling party and may be reluctant to question how the security sector is managed, in the presence of the “listening posts”.

There has been an overt demonstration by the security sector that paints a gloomy picture of the accountability relationship between the legislature and the security sector. In 2017, security operatives invaded Parliament when parliamentarians were debating the Constitution Amendment Bill. Again, in 2018, the Minister of Security directed the blocking of the parliamentary committee on human rights from accessing the alleged ‘safe houses’ where suspects were allegedly being tortured.

Those two incidents demonstrate that the relationship between parliament and the security sector has not been without hitches. Partisan policing of multiparty electoral activities and police brutality towards actors suspected to be from political parties opposed to the ruling party (the NRM) is another critical challenge that “factionalizes” and politicizes parliamentary oversight of the security sector because of vested interests. Some MPs are beneficiaries of police brutality during general elections.

Another challenge has emerged from the new threats to human security such as international terrorism, organized transboundary crime, environmental calamities, etc, that have necessitated inter-governmental collaboration for security, for example, the establishment of the East African Standby Force, AMISOM,

et cetera.

Oversight of these inter-governmental security arrangements has tended to be problematic from the point of view of democratic oversight that is traditionally state-centric. Parliamentary oversight of international projects remains a challenge. Moreover, the instruments being used in the fight against threats like international terrorism such as international rendition practices, and the use of unmanned aerial vehicles – drones – for purposes of ‘targeted killings’ evade traditional mechanisms for parliamentary oversight.

All these challenges lead to an oversight deficit. The international dimension of the security sector oversight deficit could be mitigated through the help of international parliamentary institutions, regional parliaments, and legislative networks, but there is no adequate investment in these mechanisms through regular subscriptions.

Parliamentary oversight of the security sector is also compromised by the traditions of militaries that tend to emphasize loyalty of the forces to the Command-in-Chief than to civilian authorities. In the case of Uganda, the President is the founder of the National Resistance Army, which is now the UPDF. Accordingly, by virtue of the fact that he founded it, the President enjoys immense loyalty from the military. The importance of civilian control of the security sector can only be appreciated after a lot of sensitization of the security sector players by the civil society and building a culture of democracy that emphasizes the political neutrality of the security sector.

If there were to be paralysis in the legislature-executive relations, most likely, the military would take orders from the President rather than from Parliament. It appears that President Museveni, the Commander-in-Chief, does not condone impunity of the security sector as he occasionally calls for enforcement of discipline of the military according to the UPDF code of conduct and very well knows, from Uganda’s political history, the consequences of an undisciplined and uncontrolled army. He sometimes comes out to warn the security agencies against human rights abuse and the use of torture (Lumu, 2021).

There are also internal weaknesses that the Uganda Parliament has to address in its quest for effective oversight of the security sector, namely; inadequate appropriated budget for conducting inquiries, public hearings, and hiring experts in security sector governance as well as addressing staff shortages to support security sector oversight committee secretariats as well as building the analytical capacity of MPs and staff in matters of security oversight.

To this end, the Parliament of Uganda should consider adopting the Netherland’s parliamentary approval of military procurements practice for its adoption. Given that securitization of service delivery is slowly becoming the policy of the government, Parliament should quickly capacitate all its committees with security sector oversight skills. In the same vein, Parliament should seek and partner with security sector think tanks, researchers, and scholars to build a critical mass of advocates to make the security sector a vehicle for deepening democratization in Uganda instead of being a tool for the torture of Ugandans.

Conclusion

There is no doubt that the 1995 Constitution created a legal framework for security sector oversight which has enabled Parliament to keep an eye on the security sector institutions and enacted laws and appropriated resources for the sector. As a result, the security sector is currently devoid of impunity.

However, in spite of these important interventions by Parliament, a lot remains to be desired. There is still inadequate legislative oversight of the security sector and as a result, the security sector operations at times lead to the violations of human rights as frequently reported by the human rights watchdog, the Uganda Human Rights Commission. In addition, due to the secrecy of the security sector operations, there are doubts that the substantial public resources invested in the security sector contribute to the socioeconomic transformation of the country. In a nutshell, the quest for effective parliamentary oversight of the security sector appears to be an unfinished agenda mainly because of the democratic culture in Uganda that is still evolving.

Political willingness of parliamentarians is paramount in exacting security sector oversight. But where the acquisition of the political seat/office depends on the support of the security sector, the political will of the politician to push for security sector accountability becomes greatly impaired. Ultimately,

effective parliamentary oversight of the security sector can only be a product of political/democratic reform.

The security sector cannot be effective and accountable to civilian authority when the political process/democratic path that brings in the civilian authorities is riddled with contradictions.

However, the good news is that there is hope for the better. The discourse about security sector oversight and accountability in Uganda is beginning to take shape. In September 2021, Nkumba University organized a National Security Studies Conference that brought together more than 100 participants from different universities and institutions.

That is an important development that will energize the struggle for the enhancement of parliamentary oversight of the security sector. Slowly, a family of security sector practitioners, researchers, think tanks and civil society organizations will coalesce. This will be an important resource that Parliament could benefit from in its quest for effective and improved oversight of the security sector. This family will provide the much needed social support to Parliament to improve its capacity to oversee the security sector. In addition, this family should be ready to push for political and democratic reforms in the country if there is to be effective oversight of the security sector.

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