

**AN ANALYSIS OF THE COMPLIANCE AND ENFORCEMENT MECHANISMS OF  
THE UGANDA WILDLIFE ACT**

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**UGANDA CHRISTIAN  
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## DECLARATION

I BUSINGYE IAN hereby declare that the work in this dissertation titled “An Analysis of the Compliance and Enforcement Mechanisms of the Uganda Wildlife Act, Cap. 315” has been carried out by me. The information derived from the literature has been duly acknowledged in the text and a list of references provided. No part of this dissertation was previously presented for another degree or diploma at this or any other institution.

Signed.....

BUSINGYE IAN

Date.....29/05/2025.....

## **DEDICATION**

This dissertation is dedicated to my father, Mr. Tweheyo David, my mother, Mrs. Tweheyo Betty and my brother Tusiime Leon who have helped me get this far in my education with their unwavering support both financially and emotionally.

## APPROVAL

I hereby declare that, having supervised and read through this dissertation, I believe it meets all the requirements of a scholarly dissertation for the award of a Bachelor of Laws degree from Uganda Christian University and is therefore approved for submission.

Signed.....

Supervisor: Mutesasira Peter Davis (PhD)

Date.....29/05/2025.....

## **ABSTRACT**

This dissertation provides a detailed evaluation of the compliance and enforcement mechanisms of the Uganda Wildlife Act, Cap. 315 with a view of investigating how effective they have been in promoting wildlife conservation efforts in Uganda and it suggests solutions to the challenges arising out of the gaps in these mechanisms. Wildlife is the major foreign income earner for Uganda and an important part of the biodiversity of the country with significant ecological benefits to the environment. There however are a number of challenges facing conservation efforts in Uganda including poaching and illegal wildlife trade which negatively impact species populations for example lions. This dissertation therefore draws a link between the challenges facing wildlife conservation efforts in Uganda and the gaps in the compliance and enforcement mechanisms in the Uganda Wildlife Act; it then suggest how best to close these gaps and solve these challenges.

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## **List of Abbreviations**

UWA – Uganda Wildlife Authority

USDA – United States Department of Agriculture

OECD – Organization for Economic Co-operation and Development

CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora

CBD – Convention on Biological Diversity

CMS – Convention on the Conservation of Migratory Species of Wild Animals

COP – Conference of Parties

SBI – Subsidiary Body for Implementation

ICCWC – International Consortium on Combating Wildlife Crime

UNODC – United Nations office on Drugs and Crime

INTERPOL – International Criminal Police Organization

WCO – World Customs Organization

SADC – Southern African Development Community

EIA – Environmental Impact Assessment

NEMA – National Environment Management Authority

NGOs – Non-Governmental Organizations

HWC – Human-Wildlife Conflict

GPS – Global Positioning System

## Chapter One:

### General Background

#### 1.1 Introduction

The Uganda Wildlife Act, Cap 315 is the main wildlife conservation law of Uganda; it commenced on the 27<sup>th</sup> of September, 2019 and was amended in 2024 by the Uganda Wildlife (Amendment) Act, 2024. The purpose of the amendment was to confer on the Uganda Wildlife Authority additional functions arising from the merger of the Uganda Wildlife Authority and the Uganda Wildlife Conservation Education Centre<sup>1</sup> in order to give effect to the government policy on rationalization of government agencies and public expenditure and for related purposes.<sup>2</sup> The amendment included an increase in the functions of the Uganda Wildlife Authority including the establishment and maintenance of conservation education facilities and programs<sup>3</sup> and a change to Section 86 of the Uganda Wildlife Act, 2019 to include additional regulations that may be formulated by the minister responsible for wildlife.<sup>4</sup>

However, this amendment does not make any changes to the compliance and enforcement mechanisms of the Uganda Wildlife Act, Cap 315 which include environmental impact assessments, environmental audits and monitoring, licensing, and permits and certificates. These compliance and enforcement mechanisms under the act are what give the public authorities in charge of wildlife the mandate and authority to take action aimed at wildlife conservation for example arresting people whose actions violate the provisions of the Act. It is these enforcement and compliance mechanisms which play a major role in determining whether the Act and the public authorities charged with enforcing the provisions of the act are successful in attaining the aim of wildlife conservation that is to say, a practical and effective set of enforcement and compliance mechanisms will lead to improved wildlife conservation whereas an impractical set of these mechanisms will lead to poor wildlife conservation efforts and in turn, a decline in wildlife diversity and numbers.

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<sup>1</sup> The Uganda Wildlife (Amendment) Act 2024, Sec 3

<sup>2</sup> Ibid Sec 2

<sup>3</sup> Ibid Sec 5

<sup>4</sup> Ibid Sec 6

Reports by the Uganda Wildlife Authority show that dangerous encounters between people residing at the boundaries of wildlife conservation areas especially farmers and wild animals which enter onto their gardens and destroy crops, though not steadily on the rise, are still considerably high.<sup>5</sup> Such encounters undermine conservation efforts as people are likely to resort to killing animals in an effort to protect their livelihoods. UWA reports also show that there has been a decrease in the numbers of certain species of animals mainly due to human actions like snaring and poisoning;<sup>6</sup> there is also continued illegal trade and trafficking of wildlife products, pressure from politicians and communities to degazette wildlife conservation areas and encroachment on game parks by the human population.<sup>7</sup>

It is upon a background of such issues that there is need to examine the compliance and enforcement mechanisms of the Uganda Wildlife Act so as to find out what gaps remain in the legislation and how best they may be remedied.

## **1.2 Statement of the Problem**

The Wildlife Act, Cap 315 is the principal law for the conservation of wildlife in Uganda and contains compliance and enforcement mechanisms designed to attain this goal; Ideally these mechanisms are supposed to ensure that wildlife numbers and diversity grow without human interference and that activities like poaching and trade in animal products are kept low and perhaps even reduced. However, since its enactment in 2019, there has been no substantial change in the issues facing wildlife conservation and certain issues like reduction in the number of certain species of animals like lions have persisted and even grown with research showing that lions are locally extinct in three areas and numbers are precariously low in Queen Elizabeth National Park and Kidepo Valley National Park .<sup>8</sup> There is also need to periodically review and evaluate conservation legislation in a rapidly changing and urbanizing world so as to come up with mechanisms that are capable of adapting and remaining viable in a fast paced world.

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<sup>5</sup> Uganda Wildlife Authority, *UWA Annual Physical Performance Report* (2023) Ch 2.3.1

<sup>6</sup> Ibid Ch 4.4

<sup>7</sup> Ibid Ch 4.9

<sup>8</sup> Alexander R. Braczkowski, Nicholas Elliot, Aggrey Rwetsiba, Tutilo Mudumba, Arjun M. Gopaldaswamy, Christopher J. O'Bryan, Anna Crysell, Duan Biggs, Hamish McCallum, Michael Cima, Silvan Musobozi, Lillian Namukose, Sophia Jingo, Peter Luhonda, Ralph Schenk, Patrick Okello, Innocent Komakech, Jimmy Kitembo, Keren S. Pereira, Gilbert Drileyo, Luke Gibson, 'Insights into large carnivore populations in Uganda: A participatory survey of lions, leopards, and hyenas using spatial capture-recapture,' (2024) 56 *Global Ecology and Conservation* 1-15, <https://www.sciencedirect.com/science/article/pii/S235198942400516X> accessed 24th April 2025

This study examines these issues and suggests practical and effective ways of addressing them.

### **1.3 Objectives of the Study**

#### **1.3.1 Main Objective**

The main purpose of this research is to analyze the compliance and enforcement mechanisms of the Uganda Wildlife Act, Cap 315 of Uganda.

#### **1.3.2 Specific Objectives**

The specific objectives of the study are as follows:

- To examine the provisions of the Uganda Wildlife Act providing for compliance and enforcement.
- To assess the effectiveness of the compliance and enforcement mechanisms of the Uganda Wildlife Act
- To make recommendations for improving the effectiveness of the compliance and enforcement mechanisms of the Act.

### **1.4 Research Questions**

- What are the key provisions of the Uganda Wildlife Act that provide for compliance and enforcement mechanisms?
- How effective are the compliance and enforcement mechanisms of the Uganda Wildlife Act?
- What recommendations can be made to improve the effectiveness of the compliance and enforcement mechanisms of the Uganda Wildlife Act?

### **1.5 Significance of the Study**

This research is significant for several reasons; it will contribute to the existing body of knowledge on wildlife conservation law in Uganda, it will provide practical recommendations for improving the effectiveness of the enforcement and compliance mechanisms of the Uganda Wildlife Act in tackling wildlife conservation challenges like species depletion, poaching and encroachment on gazette habitat areas and it will ensure that

conservation efforts are pursued in a sustainable manner that aims at ensuring the viable co-existence of biodiversity and human beings in a shrinking world with limited resources.

## 1.6 Justification of the Study

The Uganda Wildlife Act is the principal wildlife conservation law in Uganda helping curb challenges like illegal wildlife trade, poaching and encroachment that undermine the preservation of biological diversity. This biodiversity is an intrinsic good and therefore there is an obligation on human beings as stewards to preserve it for no other reason other than its intrinsic value<sup>9</sup>; this means that there is need for conservation laws that facilitate preservation of wildlife hence the need for periodical review and examination of such laws to ensure effectiveness. The Uganda Wildlife Act also needs to be analyzed because of the economic value of wildlife in terms of revenue from tourism which has seen a steady increase over the years and contributes a significant proportion of Uganda's Gross Development Product; reports show a growth in the revenue of the Uganda Wildlife Authority's revenue from 86.2 billion Uganda Shillings in 2017/2018 to 168.12 in 2023/2024<sup>10</sup>; a depletion of wildlife would lead to a reduction in this revenue. Wildlife also has great economic value to communities that depend on the animals and plants for sustenance; this could be as a source of food or medicine and preservation of such animals and plants in turn preserves these communities' way of life and livelihoods.<sup>11</sup> Therefore, by analyzing the compliance and enforcement mechanisms under the Uganda Wildlife Act, this research provides valuable insights that will inform conservation law and policy in Uganda and contribute to the development of more effective and sustainable mechanisms for wildlife conservation.

## 1.7 Scope of the Study

This study focuses on the compliance and enforcement mechanisms of the Uganda Wildlife Act, their effectiveness and how they have contributed to wildlife conservation efforts in

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<sup>9</sup> John J. Piccolo, 'Intrinsic values in nature: Objective good or simply half of an unhelpful dichotomy?' (2017) 37 *Journal for Nature Conservation* 8-11, <https://www.sciencedirect.com/science/article/pii/S1617138117300742>, accessed 26<sup>th</sup> April 2025

<sup>10</sup> Julius Luwemba (2025), 'Mwandha bows out as UWA ED, Musinguzi takes reins,' *New Vision* (Kampala, 3<sup>rd</sup> April 2025) [https://www.newvision.co.ug/category/news/mwandha-bows-out-as-uwa-ed-musinguzi-takes-re-NV\\_208130](https://www.newvision.co.ug/category/news/mwandha-bows-out-as-uwa-ed-musinguzi-takes-re-NV_208130), accessed 26<sup>th</sup> April 2025

<sup>11</sup> Samir Sinha, *Handbook on Wildlife Law Enforcement in India* (Nataraj publishers 2010) 22

Uganda. This study does not assess the impacts of other factors on wildlife conservation like climate change and funding as they are outside the scope of this research.

### **1.7.1 Subject Matter Scope**

The study covers the conservation law and its enforcement and compliance mechanisms in Uganda. It covers the provisions of international, regional and domestic wildlife conservation law that provide for compliance and enforcement mechanisms with a focus on the domestic law of Uganda.

### **1.7.2 Time Scope**

This research majorly covers the period from the commencement of the Uganda Wildlife Act, 2019 and the 1995 Constitution of the Republic of Uganda. However, there will be a brief coverage of the history of wildlife conservation regulation going as far back as when the idea was first conceived.

### **1.7.3 Geographical Scope**

This study is an assessment of the compliance and enforcement mechanisms of the Uganda Wildlife Act and therefore focuses on Uganda; this focus will involve an evaluation of how effective conservation efforts in the country have been.

## **1.8 Literature Review**

### **1.8.1 Wildlife Conservation Law**

It consists of a legal framework aimed at ensuring that species of wildlife are protected from activities and occurrences that may negatively affect them or deplete their numbers. It exists at different levels namely the international, regional and national levels. To grasp the meaning and importance of wildlife conservation law, one must first know the meaning of the term ‘wildlife.’

Miaomio, Gary and Jacob in their paper titled ‘What is “Wildlife”? Legal definitions that matter to conservation,’ explore a number of definitions of wildlife and state that legal definitions are crucial in legislation and they help determine the scope of legislation, the application of laws to cases and the enforcement of the law. They state that the term wildlife is often understood as a reference to animals, birds, insects, etc, that are wild and live in the natural environment. They further state that wildlife ecologists and conservationists tend to have similar broad definitions such as those that refer to wildlife as all living organisms out of the direct control of man, including undomesticated or cultivated plants and animals. They then posit, with reference to Usher, that wildlife should meet two criteria namely undomesticated and non-introduced.<sup>12</sup>

There is then a need to define conservation. The United States Department of Agriculture (USDA) in a short article titled ‘What does conservation mean?’ defines conservation as the protection, preservation, management, or restoration of natural environments and the ecological communities that inhabit them. It states that conservation is generally held to include the management of human use of natural resources for current public benefit and sustainable social and economic utilization. The USDA further defines conservation as the careful maintenance and upkeep of a natural resource to prevent it from disappearing.<sup>13</sup>

### **1.8.2 The Uganda Wildlife Act and Conservation efforts in Uganda**

The Uganda Wildlife Act is the main legal framework guiding wildlife conservation efforts in Uganda. Its provisions expressly provide for procedures and mechanisms which ensure that wildlife species are not only protected from depletion and extinction but are also able to flourish. The act provides for requirements like environment impact assessments aimed at ensuring that risks from projects likely to negatively impact wildlife species are identified early enough and mitigated<sup>14</sup> and environmental audits and monitoring aimed at ensuring that projects are conducted in a way that does not negatively impact wildlife.<sup>15</sup> The Act also

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<sup>12</sup> Miaomio Tian, Gary R. Potter and Jacob Phelps, ‘What is “wildlife”? Legal definitions that matter to conservation,’ (2023) 287 Biological Conservation <https://www.sciencedirect.com/science/article/pii/S0006320723004408> accessed 22nd May 2025

<sup>13</sup> USDA, ‘What does conservation mean?’ [https://www.nrcs.usda.gov/sites/default/files/2022-09/English%20Whats%20CONSERVATION%20Mean\\_4.pdf](https://www.nrcs.usda.gov/sites/default/files/2022-09/English%20Whats%20CONSERVATION%20Mean_4.pdf) accessed 22<sup>nd</sup> May 2025

<sup>14</sup> The Uganda Wildlife Act Cap. 315, Section 23

<sup>15</sup> Ibid, Section 24

establishes the Uganda Wildlife Authority<sup>16</sup> which is charged with enforcement and ensuring compliance with the provisions of the Act.

However, the challenges facing wildlife conservation efforts in Uganda still persist including poaching, encroachment on protected conservation areas, illegal trade in wildlife products and drops in species populations especially lions and avian scavengers like vultures. A report by the Uganda Wildlife Authority shows that populations of large carnivores in Uganda continue to decline with lion populations declining at a rate of 10% per year for the ten years leading up to 2010<sup>17</sup> and another report on lion conservation efforts in Queen Elizabeth National Park showed that in 2017 alone, between the months of January and September, five lions were lost to retaliatory killings by humans.<sup>18</sup> Poaching and illegal trade wildlife are still persistent problems with information from the Ministry of Tourism, Wildlife and Antiquities of Uganda showing that there is continued poaching, illegal trade and trafficking of wildlife and wildlife products despite national, regional and international prevention efforts.<sup>19</sup>

None of these reports and studies on the challenges facing wildlife conservation efforts in Uganda however discuss these challenges in relation to the compliance and enforcement mechanisms under the Uganda Wildlife Act with a focus on how the efficacy of these mechanisms affects how well these problems may be solved. No suggestion is made as to how these mechanisms under the Uganda Wildlife Act may be improved so as to enable authorities better combat these challenges.

### **1.8.3 Compliance and Enforcement Mechanisms in Wildlife Conservation Law**

Compliance is defined by the Cambridge Dictionary as the act of doing something that someone tells you or wants you to do; in the context of wildlife conservation law, compliance

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<sup>16</sup> Ibid, Section 5

<sup>17</sup> Uganda Wildlife Authority, *Strategic Action Plan for Large Carnivore Conservation in Uganda* (2010) Available at [https://ugandawildlife.org/wp-content/uploads/2022/07/UWA\\_Strategic\\_Action\\_Plan\\_for\\_large\\_Carnivore\\_Conservation\\_2010-2020.pdf](https://ugandawildlife.org/wp-content/uploads/2022/07/UWA_Strategic_Action_Plan_for_large_Carnivore_Conservation_2010-2020.pdf) accessed 14th May 2025

<sup>18</sup> Mustafa Nsubuga, Caroline Twahebwa, Geoffrey Mwedde, Benjamin Sunday, Peter N.Bisimbeko and Simon Nampindo, *Lion Conservation Crisis in Queen Elizabeth National Park* (2018) Available at <https://uganda.wcs.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=37050&PortalId=141&DownloadMethod=attachment> accessed 14<sup>th</sup> May 2025

<sup>19</sup> Ministry of Tourism, Wildlife and Antiquities, *National Strategy to Combat Poaching, Illegal Trade and Trafficking of Wildlife and Wildlife Products* (2020) Available at <https://faolex.fao.org/docs/pdf/uga222359.pdf> accessed 14th May 2025

refers to the act of abiding by the provisions of conservation laws like the Uganda Wildlife Act for example by carrying out environmental impact assessments. Enforcement on the other hand refers to the actions of government authorities geared towards ensuring compliance for example audits and monitoring. The Organization for Economic Co-operation and Development (OECD) in its publication titled ‘OECD Best Practice Principles for Regulatory Policy’ states that enforcement mechanisms carry a lot of importance in any sort of law as in their absence, the law cannot effectively achieve the goals intended by government and therefore enforcement is a major element in protecting the environment and delivering other essential public goals including wildlife conservation.<sup>20</sup> Neil Gunningham in his 2015 paper, ‘Compliance, Enforcement and Regulatory Excellence’ further states that both enforcement and compliance important because laws that are not effectively enforced and complied with rarely achieve their social and economic goals.<sup>21</sup>

The compliance and enforcement mechanisms in wildlife conservation law are largely similar to and borrowed from the mechanisms under environmental conservation. Stark examples of this relation can be seen in the provisions of the Uganda wildlife Act<sup>22</sup> that make reference to the National Environment Act like the provision on environmental impact assessments that stipulates that impact assessments shall be carried out in accordance with the provisions of the National Environment Act.<sup>23</sup> Jennifer N. Solomon, Michael C. Gavin and Meredith L. Gore in their article ‘Detecting and Understanding Non-Compliance with Conservation Rules’ state that compliance is essential to conservation efforts of any kind and non-compliance undermines conservation efforts and threatens biodiversity,<sup>24</sup> this is where the aspect of enforcement comes in to ensure compliance. Jay P Shimshack and Michael B. Ward further argue in their article titled ‘Enforcement and Over-Compliance’ that the two mechanisms go hand in hand and studies have showed that enforcement can significantly increase the degree of statutory over-compliance with environmental regulations including

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<sup>20</sup> OECD, Regulatory Enforcement and Inspections, OECD Best Practice Principles for Regulatory Policy (2014), OECD Publishing, [https://www.oecd.org/content/dam/oecd/en/publications/reports/2014/05/regulatory-enforcement-and-inspections\\_g1g3b1b4/9789264208117-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2014/05/regulatory-enforcement-and-inspections_g1g3b1b4/9789264208117-en.pdf) accessed 29th April 2025

<sup>21</sup> Neil Gunningham Compliance, Enforcement, and Regulatory Excellence, (2015) <https://www.law.upenn.edu/live/files/4717-gunningham-ppr-bicregulatorexcellence-06> accessed 29th April 2025

<sup>22</sup> The Uganda Wildlife Act Cap. 315, Sec 23

<sup>23</sup> National Environment Act Cap. 181, Part X

<sup>24</sup> Jenniifer N. Solomon, Michael c. Gavin, Meredith L. Gore “Detecting and understanding non-compliance with conservation rules”, (2015) 189 *Biological Conservation* 1-4 <https://www.sciencedirect.com/science/article/pii/S0006320715001822> accessed 29th April 2025

those aimed at conservation.<sup>25</sup> However, Jenniifer N. Solomon, Michael c. Gavin, Meredith L. Gore observe that compliance with conservation law is still a serious challenge and non-compliance is getting increasingly more complex <sup>26</sup> with offenders getting creative and therefore there is a need to come up with equally creative solutions to this challenge on top of traditional enforcement mechanisms.

## 1.9 Methodology

The research methodology for this study mainly consisted of desktop review with emphasis on a critical examination of primary and secondary sources of law. Primary sources examined include acts of Parliament mainly the Uganda Wildlife Act and the 1995 Constitution of Uganda and Secondary sources include text books, case law and journal articles on the internet.

## 1.10 Chapter Synopsis

Chapter one of this research shall be the research proposal consisting of aspects like the introduction, the research objectives, the statement of the problem, the research questions and the scope of the study. Chapter two will cover the background of the study with an emphasis on the legal regulation of conservation and a focus on the international, regional and domestic legal framework for wildlife conservation. Chapter three will consist of a detailed evaluation of the compliance and enforcement mechanisms under the Uganda Wildlife Act including environmental impact assessments and licensing. Chapter four will be a summary of the findings of the research and will include the conclusion and recommendations of the research.

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<sup>25</sup> Jay P. Shimshack, Michael B. Ward “Enforcement and over-compliance”, (2008) 55 *Journal of Environmental Economics and Management* 90-105 <https://www.sciencedirect.com/science/article/abs/pii/S0095069607000800> accessed 29th April 2025

<sup>26</sup> Jenniifer N. Solomon, Michael c. Gavin, Meredith L. Gore “Detecting and understanding non-compliance with conservation rules”, (2015) 189 *Biological Conservation* 1-4 <https://www.sciencedirect.com/science/article/pii/S0006320715001822> accessed 29th April 2025

## **Chapter Two:**

### **Background to the Study**

#### **2.1 Introduction**

Wildlife conservation efforts are not a nascent activity and have been around for a long time. They have evolved primarily from community practices aimed at preventing over exploitation of natural resources to national efforts to protect nature from the effects of fast paced economic development and more recently, international efforts that involve environmental and wildlife conservation treaties. This chapter will focus on this on the legal framework used in wildlife conservation at international, regional and national levels and will analyze the mechanisms involved at each level to ensure compliance and enforcement of wildlife conservation laws.

#### **2.2 Background of Wildlife Conservation Regulation**

Wildlife conservation regulation started in a less than formal setting with ancient communities establishing practices to prevent over hunting<sup>27</sup> and allow animal stocks to replenish naturally. In most communities, mechanisms for enforcement and compliance were not written down in legal instruments but existed in the form of cultural practices like totemism in which tribal communities associated their clans with particular animals or plants and members of those clans were prohibited from eating these animals and plants; this practice was common amongst tribes like the Baganda and the Banyankole of Uganda. However, in other communities like India, laws relating to wildlife conservation were codified as early as the 3<sup>rd</sup> century BC during which king Ashoka introduced the 5<sup>th</sup> pillar edict which strictly prohibited the killing of certain bird species and mammals on certain days.<sup>28</sup>

With the development of nation states, wildlife conservation rules were codified into laws by a number of countries. This practice began with European countries and was later exported to others through colonialism in the late nineteenth century<sup>29</sup> with this kind of legislation

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<sup>27</sup> History and Philosophy of Science and Technology vol II

<sup>28</sup> Siddharth Rajak, Prof. Kalpana Chatruvedi “The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis” (2023) 8 *International Journal of Novel Research and Development* <https://www.ijnrd.org/papers/IJNRD2305048.pdf> accessed 5th May 2025

<sup>29</sup> History and Philosophy of Science and Technology vol II

persisting even after former colonies had gained independence. Legislation for wildlife conservation at this time mainly consisted of the creation of protected areas and prohibition of activities involving the killing of wildlife.<sup>30</sup> This period saw the creation of the world's first national park in 1872, Yellowstone Park in the United States of America.<sup>31</sup> In Uganda which was a British colony, Murchison Falls National Park which was the first national park was created in 1952 by the National Parks Act of Uganda after being gazetted as a game reserve in 1926.<sup>32</sup>

Today, efforts to preserve wildlife and species diversity have transcended borders with the signing of international conservation treaties like the Convention on International Trade in Endangered Species (CITES) of 1975 which is considered the first and only treaty to ensure that global trade in wild plants and animals does not threaten their survival in the wild.<sup>33</sup> It was later followed by a number of treaties like the Convention on Biological Diversity of 1992 with a major aim of ensuring the sustainable use of the world's biological diversity;<sup>34</sup> it is one of the major international species conservation treaties. Conservation at all these levels currently involves use of diverse mechanisms with some specifically designed to suit certain levels and others shared amongst the national, regional and international levels of conservation.

### 2.3 In-situ and Ex-situ Conservation

Wildlife Conservation is essential for the maintenance of ecological balance and it provides numerous benefits such as economic value, promotion of scientific research and the preservation of cultural heritage. There are two major methods used in biodiversity conservation namely in situ and ex situ conservation.<sup>35</sup> Each has its strengths and weaknesses but both are aimed at ensuring that species are preserved effectively and are crucial for

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<sup>30</sup> Paul Munro, *Colonial Conservation and National Parks in Sub-Saharan Africa* (2021) <https://oxfordre.com/africanhistory/display/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-195> accessed 5th May 2025

<sup>31</sup> History and Philosophy of Science and Technology vol II

<sup>32</sup> <https://ugandawildlife.org/national-parks/murchison-falls-national-park/> accessed 5th May 2025

<sup>33</sup> <https://www.fws.gov/sites/default/files/documents/2024-04/factsheet-cites-overview-2024.pdf> accessed 5th May 2025

<sup>34</sup> Convention on Biological Diversity Art 1

<sup>35</sup> Daniel J.F. Moloney, Courtney Collins, Paul Holloway, Ruth O'Riordan "The Conservationist's Toolkit: A critical review of the need for a conceptual framework of both in-situ and ex-situ conservation strategies to ensure the success of restoration ecology" (2023) 287 *Biological Conservation* <https://www.sciencedirect.com/science/article/pii/S0006320723004469#bbb0445> accessed 5<sup>th</sup> May 2025

protecting biodiversity and ensuring the sustainable use of natural resources. In the absence of conservation, biodiversity would be depleted to dangerously low levels which would eventually result in the extinction of certain species of animals. Such extinction may have severe effects on both ecosystems and human beings for example bees play a vital role in the production of food as they are responsible for the pollination of plants; if they were to go extinct, there would be a huge impact on food security and disasters such as famine would become more frequent and wide spread.<sup>36</sup>

### 2.3.1 In-situ Conservation

This refers to the conservation of wildlife in its natural habitat or the wild. It has been defined as the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings.<sup>37</sup> In-Situ conservation is specially provided for in international legal instruments like the CBD which defines it as conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.<sup>38</sup> The CBD further provides that parties shall set up protected areas and procedures for the creation of protected areas as part of In-Situ conservation.<sup>39</sup> Uganda having ratified the CBD on the 8<sup>th</sup> of September 1993 has passed legislation providing for In-Situ conservation as required in the CBD; The Uganda Wildlife Act provides for the creation and management of wildlife protected areas and stipulates the procedure for the declaration of designated areas as protected.<sup>40</sup> In-Situ conservation is a widely used with Uganda alone having 10 National Parks, 12 Wildlife Reserves and 5 Community Wildlife Management Areas<sup>41</sup> and countries like Japan having as many as 35 National Parks.<sup>42</sup> In-Situ conservation is important because it maintains ecological interactions and evolutionary processes, is cost-effective and encourages the public and local communities to participate in conservation

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<sup>36</sup> Petrina Darrah, 'How endangered Species Affect the Environment' (*gvi*, 3<sup>rd</sup> May 2023) <https://www.gvi.co.uk/blog/smb-how-endangered-species-affect-the-environment/> accessed 22<sup>nd</sup> May 2025

<sup>37</sup> Nigel Maxted "EX Situ, In Situ Conservation" *Encyclopedia of Biodiversity* (2001) 683-695 <https://www.sciencedirect.com/science/article/abs/pii/B0122268652001152> accessed 5<sup>th</sup> May 2025

<sup>38</sup> Convention on Biological Diversity Art 2

<sup>39</sup> Ibid Art 8(a) and (b)

<sup>40</sup> Uganda Wildlife Act Cap 315, Sec 25

<sup>41</sup> <https://ugandawildlife.org/> accessed 6<sup>th</sup> May 2025

<sup>42</sup> <https://www.japan.travel/national-parks/#:~:text=Delve%20into%20the%20history%2C%20environment,most%20precious%20geology%20and%20wildlife> accessed 6<sup>th</sup> May 2025

efforts.<sup>43</sup> In-Situ conservation however faces a number of challenges including human land use, climate change, invasive species and social, political and economic limitations.<sup>44</sup>

### 2.3.2 Ex-situ Conservation

It is a kind of conservation that involves the preservation of wildlife in captivity for example in places like zoos and aquariums. It is also provided for in the CBD which defines it as the conservation of components of biological diversity outside their natural habitats.<sup>45</sup> The CBD also states that ex-situ conservation will majorly be for the purpose of complementing in-situ measures and that parties shall adopt measures for ex-situ conservation and put in place facilities for ex-situ conservation of plants, animals and micro-organisms.<sup>46</sup> In Uganda, ex-situ conservation has not yet been fully embraced with very few ex-situ facilities in place and only one catering to wildlife conservation;<sup>47</sup> the Uganda Wildlife Conservation Education Centre previously known as the Uganda Wildlife Education Centre and popularly known as the Entebbe zoo was founded in 1952 for the purpose of sheltering rescued wildlife<sup>48</sup> but its role has since grown to include active conservation activities like conservation education and the breeding of endangered species of wildlife so as to enable species recovery.<sup>49</sup> Ex-situ conservation becomes more important as in-situ conservation faces a number of challenges including human land use and climate change which make it hard for it to hit its conservation targets.<sup>50</sup> However, funding remains a major challenge facing ex-situ conservation as wild animals require specialized round the clock care once in captivity which is not cheap.<sup>51</sup>

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<sup>43</sup> Bhaskar Mahanayak, Ex-situ and in-situ conservation of wildlife (2024) [https://www.researchgate.net/publication/382074396\\_Ex-situ\\_and\\_in-situ\\_conservation\\_of\\_wild\\_life#:~:text=In%2Dsitu%20conservation%20allows%20species,ecological%20interactions%20and%20evolutionary%20processes](https://www.researchgate.net/publication/382074396_Ex-situ_and_in-situ_conservation_of_wild_life#:~:text=In%2Dsitu%20conservation%20allows%20species,ecological%20interactions%20and%20evolutionary%20processes) accessed 6<sup>th</sup> May 2025

<sup>44</sup> Samuel Hoffmann, 'Challenges and opportunities of area-based conservation in reaching biodiversity and sustainability goals' (2022) 31 *Biodiversity and Conservation* 325-352 <https://link.springer.com/article/10.1007/s10531-021-02340-2> accessed 6<sup>th</sup> May 2025

<sup>45</sup> Convention on Biological Diversity Art 2

<sup>46</sup> Ibid Art 9(a) and (b)

<sup>47</sup> The Republic of Uganda, *First National Report on the Conservation of Biodiversity in Uganda* (1998), <https://www.cbd.int/doc/world/ug/ug-nr-01-en.pdf> accessed 9<sup>th</sup> May 2025

<sup>48</sup> <https://uwec.ug/about/history/> accessed 9<sup>th</sup> May 2025

<sup>49</sup> <https://uwec.ug/about/what-we-do/> accessed 9<sup>th</sup> May 2025

<sup>50</sup> Samuel Hoffmann, 'Challenges and opportunities of area-based conservation in reaching biodiversity and sustainability goals' (2022) 31 *Biodiversity and Conservation* 325-352, <https://link.springer.com/article/10.1007/s10531-021-02340-2> accessed 9<sup>th</sup> May 2025

<sup>51</sup> John W. Wilson & Richard B. Primack, *Conservation Biology in Sub-Saharan Africa* (Open Book Publishers, 019) [https://bio.libretexts.org/Bookshelves/Ecology/Conservation\\_Biology\\_in\\_Sub-Saharan\\_Africa\\_\(Wilson\\_and\\_Primack\)/11:\\_Preventing\\_Extinctions/11.05:\\_Ex\\_Situ\\_Conservation\\_Strategies](https://bio.libretexts.org/Bookshelves/Ecology/Conservation_Biology_in_Sub-Saharan_Africa_(Wilson_and_Primack)/11:_Preventing_Extinctions/11.05:_Ex_Situ_Conservation_Strategies) accessed 9<sup>th</sup> May 2025

## 2.4 Overview of Legal Framework

A legal framework is a set of legal documents that sets forth the rules, rights and obligations of companies, governments, and citizens and includes documents like a country's constitution, legislation, policy and regulations.<sup>52</sup> In the context of wildlife conservation, a legal framework refers to a set of legal documents or instruments that provide for the protection of wildlife from activities that may negatively impact it. Conservation efforts around the world are currently managed and directed basing on a number of legal instruments. These instruments are formulated at the domestic, regional and international levels. Each of these instruments provide for compliance and enforcement mechanisms aimed at ensuring that their provisions are effectively implemented.

### 2.4.1 International Legal Framework

International law has become increasingly important in the conservation of wildlife as ecosystems are inextricably interconnected across borders.<sup>53</sup> This means that conservation of these delicate ecosystems requires collective cross-border action and international law provides the legal framework that guides such action. The international legal framework on wildlife conservation mainly consists of international treaties including the Convention on the Conservation of Migratory Species of Wild Animals (CMS) also known as the Bonn convention, the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Floral (CITES). Many other international conventions are relevant to wildlife conservation including the Convention on Wetlands of International Importance especially as Waterfowl Habitat also known as the Ramsar Convention and the Convention Concerning the Protection of the World Cultural and Natural Heritage also known as the World Heritage Convention. However, there are two main conventions that are specially geared towards wildlife conservation and those are the

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<sup>52</sup> Natural Resource Governance Institute, 'Legal Framework: Navigating the Web of Laws and Contracts Governing Extractive Industries' (2015) NRG Reader [https://resourcegovernance.org/sites/default/files/nrgi\\_Legal-Framework.pdf](https://resourcegovernance.org/sites/default/files/nrgi_Legal-Framework.pdf) accessed 22nd May 2025

<sup>53</sup> Lewis and Clark Law School, 'International Wildlife Law: Protecting Global Biodiversity' (14<sup>th</sup> October 2024) <https://environmentallaw.lclark.edu/blog/international-wildlife-law-protecting-global-biodiversity/#:~:text=These%20treaties%20establish%20legal%20frameworks,and%20conserve%20species%20and%20ecosystems.&text=CITES%2C%20established%20in%201973%2C%20is,treaty%20in%20international%20wildlife%20law>. Accessed 22<sup>nd</sup> May 2025

CBD which provides for in-situ and ex-situ conservation and the CITES which prohibits illegal trade of wildlife.

### **A. Convention on Biological Diversity (CBD)**

The Convention was signed by 150 government leaders at the 1992 Rio Earth Summit with and is dedicated to promoting sustainable development.<sup>54</sup> The CBD has 3 main objectives, the conservation of biological diversity, the sustainable use of components of biological diversity and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.<sup>55</sup> It provides for both in-situ and ex-situ conservation of wildlife and requires parties to the Convention to put in place facilities and procedures to promote these modes of conservation.<sup>56</sup> There are also two protocols to the convention, the Cartagena Protocol which provides for the safe transfer, handling and use of living modified organisms resulting from modern biotechnology<sup>57</sup> and the Nagoya Protocol which provides for the fair and equitable sharing of the benefits arising from the utilization of genetic resources.<sup>58</sup> The CBD is the first framework convention that seeks to conserve the existing biological diversity as a whole without focusing on specific ecosystems or species.<sup>59</sup> It however provides for only one mechanism to ensure compliance; the Convention requires parties to file periodic reports showing the measures adopted for the implementation of the provisions of the Convention and their effectiveness in achieving the objectives of the Convention.<sup>60</sup> There are however no mechanisms for enforcing this requirement and oversight bodies like the Conference of Parties (COP) and the Subsidiary Body on Implementation (SBI)<sup>61</sup> only play a support role and have no powers to take legal action<sup>59</sup> against parties that do not comply with the provisions of the CBD. This lack of enforcement has negatively impacted the implementation of the CBD and this is evidenced by the continued loss of biodiversity<sup>62</sup> which necessitated the adoption of the Kunming-Montreal Global Biodiversity Framework. Overall, parties to the

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<sup>54</sup> <https://www.cbd.int/convention> accessed 10th May 2025

<sup>55</sup> Convention on Biological Diversity Art 1

<sup>56</sup> Ibid Art 8 and 9

<sup>57</sup> The Cartagena Protocol on Biosafety Art 1

<sup>58</sup> The Nagoya Protocol Art 1

<sup>59</sup> Felix Ekardt, Philipp Gunther, Katharina Hagemann, Beatrice Garske, Katharine Heyl and Raphael Weyland “Legally binding and ambitious biodiversity protection under the CBD, the global biodiversity framework, and human rights law” (2023) 35 *Environmental Sciences Europe* 80 <https://enveurope.springeropen.com/articles/10.1186/s12302-023-00786-5#citeas> accessed 10th May 2025

<sup>60</sup> Convention on Biological Diversity Art 26

<sup>61</sup> Decision XII/26 of COP 12

<sup>62</sup> Kunming-Montreal Global Biodiversity Framework, Preamble para 7

convention have taken steps to implement its requirements for example Uganda has included a provision for Environmental Impact Assessments in the Uganda Wildlife Act<sup>63</sup> as required by the Convention.<sup>64</sup>

## **B. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

This Convention entered into force in 1975 and was the only treaty that provided for the regulation of international trade in plants and animals so as to ensure that it did not threaten their survival in the wild.<sup>65</sup> It provides for three categories of endangered species of animals listed in three appendices; appendix I includes all species threatened with extinction which are or may be affected by trade, appendix II includes all species which although not necessarily now threatened with extinction may become unless trade in specimens of such species is subject to strict regulation and appendix III includes all species which any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation.<sup>66</sup> CITES has the most comprehensive compliance and enforcement mechanism of all wildlife conservation treaties and additional backing from treaties put in place to tackle international crime.<sup>67</sup> The convention stipulates that any person attempting to trade in endangered species requires an export permit and that the permit shall include the title of the Convention and the mark of the issuing authority.<sup>68</sup> It also provides for measures to be taken by states to enforce the provisions of the Convention including penalties and confiscation of endangered species and it provides for the establishment of state bodies charged with enforcement of the Convention.<sup>69</sup> Failure to meet obligations stipulated by CITES and the resolutions of the Conference of Parties may lead to the suspension of commercial or all trade in specimens of one or more CITES-listed species.<sup>70</sup> Enforcement of the convention is also promoted by collaboration through the International Consortium on Combating Wildlife Crime (ICWC) which includes the United Nations Office on Drugs and

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<sup>63</sup> Uganda Wildlife Act, Cap 315 Sec 23

<sup>64</sup> Convention on Biological Diversity Art 14

<sup>65</sup> <https://www.fws.gov/sites/default/files/documents/2024-04/factsheet-cites-101-2024.pdf> accessed 11th May 2025

<sup>66</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora Art 2

<sup>67</sup> United Nations Convention against Transnational Organized Crime, Preamble para 10

<sup>68</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora Art 6

<sup>69</sup> Ibid Art 8

<sup>70</sup> Ibid, COP19, Doc.29.1 para 5 <https://cites.org/sites/default/files/documents/E-CoP19-29-01.pdf> accessed 11th May 2025

Crimes (UNODC), INTERPOL, the World Bank and World Customs Organization (WCO).<sup>71</sup> The comprehensive and strict compliance and enforcement mechanisms of CITES have produced positive results and countries like Uganda have put in place laws regulating the international trade in species and specimens.<sup>72</sup>

## 2.4.2 Regional Legal Framework

Different regions of the world have formulated legal instruments for the purpose of conserving wildlife native to particular regions around the globe. In Africa and East Africa, regional legislation includes the African Convention on the Conservation of Nature and Natural Resources also known as the Algiers Convention, the Protocol on Wildlife Conservation and Law Enforcement to the Southern African Development Community Treaty (SADC) also known as the SADC Protocol (2003), the SADC Law Enforcement and Anti-Poaching Strategy (2017), the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (1994), the Arusha Declaration on Regional Conservation and Combating Wildlife/Environmental Crime and the East African Community Treaty. Uganda is a major party to the Treaty of the East African Community and a party to the African Convention on the Conservation of Nature and Natural Resources; it is also a member of the Arusha Declaration on Regional Conservation and Combating Wildlife/Environment Crime. Uganda withdrew from the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora with effect from 10<sup>th</sup> September 2021.

### A. The African Convention on the Conservation of Nature and Natural Resources

The treaty was adopted on the 15<sup>th</sup> of September 1968 and entered into force on the 16<sup>th</sup> of June 1969.<sup>73</sup> It was later revised and the revised version was adopted on the 11<sup>th</sup> of July 2013 and entered into force on the 23<sup>rd</sup> of July 2016.<sup>74</sup> Its main objectives are to enhance

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<sup>71</sup> Roz Price, 'National and Regional Legal Frameworks to control the illegal Wildlife Trade in Sub Saharan Africa,' (2017) K4D Helpdesk Report. Brighton, Uk <https://www.gsdr.org/wp-content/uploads/2017/07/147-Enforcement-and-Regulation-IWT.pdf> accessed 11th May 2025

<sup>72</sup> Uganda Wildlife Act, Cap 315 Part IX

<sup>73</sup> <https://au.int/en/treaties/african-convention-conservation-nature-and-natural-resources> accessed 12th May 2025

<sup>74</sup> <https://au.int/en/treaties/african-convention-conservation-nature-and-natural-resources-revised-version> accessed 12th May 2025

environmental protection, foster the conservation and sustainable use of natural resources and to harmonize and coordinate policies in these fields.<sup>75</sup> The convention has special provisions for flora, fauna and protected species<sup>76</sup> and additionally provides for the regulation of wildlife trade and the creation of wildlife conservation areas.<sup>77</sup> However, there is a visible lack of mechanisms to ensure that states strictly comply with the provisions of the treaty and this has rendered the Convention largely ineffective with some researchers stating that a cursory evaluation of African regional environmental norms, including the Convention, prompts an impression of ineffectiveness and it's apparent that the current normative approach to environmental protection has not produced viable results.<sup>78</sup>

## **B. Treaty of the East African Community**

The East African Community is a regional intergovernmental organization founded in 1999 and comprising eight partner states.<sup>79</sup> It was established by treaty in 2000 and the treaty provides for wildlife conservation. The treaty stipulates that states undertake to develop a collective and coordinated policy for the conservation and sustainable utilization of wildlife and other tourist sites in the community. It requires, among others, that countries in the bloc harmonize their policies for wildlife conservation and that there be coordinated efforts to control and monitor encroachment and poaching activities.<sup>80</sup> However, there are no mechanisms to ensure compliance to these provisions of the treaty and this makes it difficult to assess the effectiveness of its provisions.

### **2.4.3 Domestic Legal Framework**

At this level, legislation driving conservation efforts consists of the municipal law of Uganda which includes the 1995 Constitution of Uganda, acts of parliament and other subsidiary laws. There have been changes to the Wildlife laws of Uganda and the government recently also released a guide for the prosecution on wildlife offences in Uganda.<sup>81</sup> Wildlife law

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<sup>75</sup> African Convention on the Conservation of Nature and Natural Resources Art 2

<sup>76</sup> Ibid Art 8,9 and 10

<sup>77</sup> Ibid Art 11 and 12

<sup>78</sup> Morne Van der Linde (2002) "A review of the African convention on Nature and Natural Resources" *African Human Rights Law Journal* 33-59

<sup>79</sup> <https://www.eac.int/about-eac> accessed 12th May 2025

<sup>80</sup> East African Community Treaty Art 116

<sup>81</sup> Uganda Wildlife Authority, 'Wildlife Offences in Uganda, "Points to Prove"- A Guide for Prosecutors and Investigators including the new Uganda Wildlife Act' (2020), Sample Charges and

enforcement in Uganda is experiencing a fast-paced evolution with the introduction of bodies like the Wildlife Court<sup>82</sup> and the Uganda Wildlife Crime Unit.<sup>83</sup>

### A. The 1995 Constitution of Uganda

The 1995 Constitution of the Republic of Uganda is the Supreme law of the country and provides the foundation for all other laws. This means it touches upon every aspect of society including the conservation of nature which includes wild flora and fauna. The Constitution of Uganda stipulates that the state shall create and develop parks, reserves and recreation areas and ensure the conservation of natural resources and promote the rational use of natural resources so as to safeguard and protect the biodiversity of Uganda.<sup>84</sup> The Constitution of Uganda also provides for the protection and preservation of the environment and stipulates that parliament shall provide for measures to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development and promote environmental awareness.<sup>85</sup> These provisions ensure that wildlife is protected from activities like poaching and illegal trade in wildlife and also facilitate the conservation of the areas which provide habitats for wildlife. The Constitution further provides for the organs of government which are charged with the responsibility of ensuring compliance and enforcing the provisions of the Constitution. The bodies include the police, the army and most importantly, the courts that interpret the law, hear cases and defend the rights of nature.<sup>86</sup> The Constitution of Uganda therefore lays a firm legal foundation for conservation for wildlife Conservation in Uganda.

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Standard Operating Procedures <https://www.hawen.info/index.php/documents/12-wildlife-offences-in-uganda-points-to-prove/file> accessed 12th May 2025

<sup>82</sup> 'Uganda's Pioneering Wildlife Court is Deterring Crime' (*adf Magazine* 12<sup>th</sup> December 2023) <https://adf-magazine.com/2023/12/ugandas-pioneering-wildlife-court-is-deterring-crime/> accessed 12<sup>th</sup> May 2025

<sup>83</sup> <https://focusedconservation.org/uganda-wildlife-crime-unit/> accessed 12th May 2025

<sup>84</sup> National Objectives and Directive Principles of State Policy, Objective XXVII (iv)(a) and (b)

<sup>85</sup> The 1995 Constitution of Uganda, Art 245

<sup>86</sup> Ibid Art 211, 208 and 129. See also Samantha Atukunda K. Mwesigwa and Dr. Peter Davis Mutesasira, 'Climate Litigation as a Tool for Enforcing Rights of Nature and Environmental Rights by NGOs: Security for Costs and Costs Limitations in Uganda,' (2021) 15 *Carbon and Climate Law Review* 139-149

## **B. The Uganda Wildlife Act, Cap 315**

The Act is the main law for wildlife conservation in Uganda. It regulates activities involving wildlife including hunting and export and import of wildlife.<sup>87</sup> The Act provides for the Uganda Wildlife Authority<sup>88</sup> and stipulates its functions which include among others, to ensure the sustainable management of wildlife conservation areas and to propose policies on wildlife management to the minister.<sup>89</sup> The Act provides for the principle that the ownership of wildlife in Uganda is vested in the Government<sup>90</sup> which is the basis of the government's power to arrest and prosecute offenders for wildlife related crimes like poaching and illegal trade in wildlife. To further extend the role of the government in protecting wildlife, the Act vests it with power to create wildlife conservation areas<sup>91</sup> like national parks and game reserves. The Uganda Wildlife Act provides a comprehensive system of compliance and enforcement mechanisms including Environmental Impact Assessment, Environmental Audit and Monitoring, licensing and permits and certificates.<sup>92</sup> The compliance and enforcement mechanisms in the Act have remained largely unchanged since the 1996 Uganda Wildlife Act, Cap 200 which was repealed by the Uganda Wildlife Act 2019 which was recently amended by the Uganda Wildlife (Amendment) Act. Amendments have focused on administrative provisions and provisions creating offences and penalties with the overall structure of core compliance and enforcement mechanisms seeing very little to now change. There is also a lack of innovation in the drawing up of new legal provisions for wildlife conservation. This has led to the persistence of challenges like poaching and illegal trade in wildlife in Uganda.

## **2.5 Conclusion**

Wildlife conservation has always been a part of human society even before the introduction of formal legal systems and different societies had customs and practices aimed at preserving wildlife. With the development of nation states and formal legal systems, the responsibility to conserve wildlife was largely shifted to the government and this led to the formulation of wildlife conservation laws and special governmental bodies to ensure compliance and enforce these laws. More recently, the need for conservation of wildlife has become an international

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<sup>87</sup> Uganda Wildlife Act Cap 315, Sec 35 and 51

<sup>88</sup> Ibid Sec 5

<sup>89</sup> Ibid Sec 6(1)(a) and (b)

<sup>90</sup> Ibid Sec 3

<sup>91</sup> Ibid Sec 25

<sup>92</sup> Ibid Sec 23, 24, 51, 53, 62 and 77

issue and this has led to the development of regional and international legal frameworks for the conservation of wildlife. These frameworks take on the form of international and regional treaties providing measures that parties are obligated to take to ensure that wildlife species of flora and fauna are not depleted and that their habitats are protected from destruction. Conservation efforts have also evolved into types namely in-situ conservation which involves the conservation of wild plants and animals in their natural habitats and ex-situ conservation which refers to the conservation of wildlife outside of its natural habitat. There has also been development of different compliance and enforcement mechanisms aimed at ensuring that wildlife conservation laws are adhered to and achieve their goals. These mechanisms differ at each level of conservation and are most effective at the national level where the enforcement apparatus is most readily available. However, these mechanisms have remained largely unchanged for a considerable length of time and with the persistence of challenges like poaching, illegal trade in wildlife and human wildlife conflict, there is need to examine the effectiveness of these mechanisms in a rapidly changing world.

## **Chapter Three:**

### **Compliance and Enforcement Mechanisms of the Uganda Wildlife Act, Cap 315**

#### **3.1 Introduction.**

In Uganda, efforts to preserve wildlife are guided by the Uganda Wildlife Act and the long title of the Act states that it's an Act to provide for the conservation and sustainable management of wildlife; to strengthen wildlife conservation and management; to provide for the roles and responsibilities of institutions involved in wildlife conservation and management and for related matters. The Act provides for the bodies responsible for and how they will carry out their duty of ensuring and promoting wildlife conservation. It further provides for the different compliance and enforcement mechanisms that will facilitate the preservation of wild fauna and flora in Uganda. These mechanisms have hardly changed since the 1996 Uganda Wildlife Act and in light of the challenges facing wildlife conservation in Uganda, especially poaching and illegal trade in wildlife, there is urgent need to review these mechanisms so as to assess their efficacy and make necessary legal changes and adjustments so as to ensure the effective conservation of wildlife in Uganda.

#### **3.2 Environmental Impact Assessment (EIA)**

This is an enforcement and compliance mechanism aimed at ensuring that any activity or project that may affect wildlife is evaluated before it commences so as to limit its negative impacts; in other words, it ensures that all activities are carried out in accordance with the provisions of the Uganda Wildlife Act which prohibit harm to wildlife. An Environmental Impact Assessment (EIA) is defined in the National Environment Act as an analytical process that systematically examines the likely environmental and social impacts of a proposed project, evaluates alternatives and designs appropriate mitigation, management and monitoring measures, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse.<sup>93</sup> The Uganda Wildlife Act stipulates that a developer desiring to undertake a project which may have a significant effect on any wildlife species or community shall undertake an environmental impact assessment in accordance with the National Environment Act.<sup>94</sup> An assessment is also required before any area is declared a wildlife conservation area.<sup>95</sup> It further provides that the EIA is to be carried out by

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<sup>93</sup> The National Environment Act Cap.181, Sec 2

<sup>94</sup> The Uganda Wildlife Act Cap.315, Sec 23(1)

<sup>95</sup> Ibid Sec 25(2)

the Uganda Wildlife Authority in accordance with the National Environment Act and any regulations made under the National Environment Act unless the Authority is the developer.<sup>96</sup> An EIA involves different steps provided for under the National Environment (Environmental and Social Assessment) Regulations<sup>97</sup> which repealed the Environmental Impact Assessment Regulations of 1998. The steps include submission of the project brief containing information about the proposed project,<sup>98</sup> screening which determines whether a certain project should be subjected to an EIA,<sup>99</sup> scoping which involves identifies potential environmental impacts of a proposed project which should be taken into account by the EIA,<sup>100</sup> the study itself which is an evaluation of the type of likely impacts of a proposed project and the preparation of an environmental impact statement<sup>101</sup> and finally the making of a decision either approving or rejecting the proposed project which involves consultations with other lead agencies and stakeholders in the review of the environmental findings.<sup>102</sup>

However, the effectiveness and adequacy of EIA in Uganda has come under scrutiny by scholars with one study showing that the studies have given an emphasis to biophysical issues with social issues being under considered; the lack of clear instructions on how to assess social impacts and the positioning of EIA too late in the project cycle limit the ability to properly consider all pertinent social issues.<sup>103</sup> This has led to continuous incidents of human-wildlife conflict as the needs of people are not adequately considered before the declaration of conservation areas and animals and humans are left to compete for limited resources.

### **3.3 Environmental Audit and Monitoring**

An environmental audit is an assessment of a project with a view of finding out how environmentally friendly it is and whether it is in compliance with the provisions of laws protecting the environment and wildlife. The Uganda Wildlife Act provides for environmental audits and stipulates that the Uganda Wildlife Authority (UWA) shall in

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<sup>96</sup> Ibid Sec 23(2)

<sup>97</sup> The National Environment (Environmental and Social Assessment) Regulations, S.I No.143 of 2020, Available at <https://faolex.fao.org/docs/pdf/uga203439.pdf> accessed 14th May 2025

<sup>98</sup> Ibid Reg 7

<sup>99</sup> Ibid Reg 9(6)

<sup>100</sup> Ibid Reg 13

<sup>101</sup> Ibid Reg 15

<sup>102</sup> Ibid Reg 20

<sup>103</sup> Pius Kahangirwe and Frank Vanclay, 'Evaluating the effectiveness of a national environmental and social impact assessment system: lessons from Uganda' (2021) 40 *Impact Assessment and Project Appraisal* 75-87 <https://www.tandfonline.com/doi/full/10.1080/14615517.2021.1991202#abstract> accessed 14<sup>th</sup> May 2025

consultation with the national Environment Management Authority carry out audits and monitoring or cause audits and monitoring of projects that impact on wildlife to be carried out in accordance with the National Environment Act and any regulations made under the Act.<sup>104</sup> An environmental audit is defined by the National Environment Act as a systematic, documented, periodic evaluation used to determine how well specified projects or an organization's management system, facilities and equipment are performing in conserving the environment and its resources and conform to the requirements of this Act and any other applicable law.<sup>105</sup> It may be conducted by a government authority or the authority may instruct the project developer to carry out an environmental compliance audit.<sup>106</sup> Audits are mandatory for particular projects whereas they may only be carried out at the instruction of UWA for others.<sup>107</sup> The Audit is carried out in accordance with environmental audit guidelines issued by NEMA and the terms of reference developed by the developer in consultation with the environmental audit team<sup>108</sup> and upon completion of a compliance audit, a developer must submit an environmental compliance audit report to the National Environment Management Authority (NEMA) and UWA and undertake mitigation measures to address and rectify any non-compliance detected.<sup>109</sup>

On the other hand, environmental monitoring involves assessment of a whole system instead of specific projects and how to manage their impacts. It is provided for under the Uganda Wildlife Act which requires that projects that impact wildlife be subjected to monitoring in accordance with the provisions of the National Environment Act and its regulations.<sup>110</sup> Environmental monitoring is by way of inspections carried out by inspectors designated by NEMA<sup>111</sup> and who have the powers, among others, to enter upon land, premises or vehicles for inspection, seize any equipment used in violation of conservation laws and require the production of and inspect any licenses, registers or records.<sup>112</sup> In circumstances where a project or activity violates the provisions of conservation laws, the inspector has powers to issue environmental notices and orders; these include environmental improvement notices,

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<sup>104</sup> The Uganda Wildlife Act Cap.315, Sec 24

<sup>105</sup> National Environment Act Cap.181, Sec 2

<sup>106</sup> Ibid, Sec 126(1)(a) and (b)

<sup>107</sup> Ibid, Sec 126 (2) and (3).

<sup>108</sup> The National Environment (Audit) Regulations, S.I No 47 of 2020, Reg 13

<sup>109</sup> National Environment Act Cap.181, Sec 126(6)(a) and (b). See also The National Environment (Audit) Regulations S.I No.47 of 2020, Reg 16

<sup>110</sup> The Uganda Wildlife Act Cap.315, Sec 24

<sup>111</sup> National Environment Act Cap.181, Sec 127(1)

<sup>112</sup> Ibid, Sec 128(1)(a), (h) and (b)

environmental compliance notices, environmental restoration orders, prohibition orders and stop orders.<sup>113</sup>

However, challenges remain with there being a shortage of inspectors and auditors to carry out monitoring and audits. This makes it difficult to ensure compliance of all projects and activities and negatively impacts conservation efforts.<sup>114</sup>

### **3.4 Licensing and Permits**

In the Uganda Wildlife Act, licenses are required for a number of activities including professional hunting and trapping. This license is provided by UWA upon payment of a prescribed fee and fulfillment of stipulated terms and conditions and may be suspended or cancelled if the licensee is convicted of an offence or is conducting business in a manner contrary to the conditions specified in the license. It is an offence to carry out the business of professional and trapping without a license.

On the other hand, permits are required for international trade in species and they are granted by the CITES Management Authority on the advice of the CITES Scientific Authority. A person who carries out international trade in species without a permit commits an offence.

This mechanism of compliance and enforcement still requires fine tuning as it faces a number of challenges including corruption. There have been instances where government officials abused the procedure for the issuance of permits with 5 UWA staff reportedly dismissed for this kind of scandal in 2024.<sup>115</sup>

### **3.5 Offences and Penalties**

This is an enforcement mechanism which ensures that persons that violate the provisions of the Uganda Wildlife Act are punished. Offences created by the Act include offences relating to protected species,<sup>116</sup> operating without licenses or permits<sup>117</sup> and entering into conservation areas without permission.<sup>118</sup> Penalties include fines, forfeitures and prison sentences.<sup>119</sup> However, certain scholars have argued that the system of offences and penalties under the

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<sup>113</sup> Ibid Sec 129(1)(a) and (b) and (2)(a), (b) and (c)

<sup>114</sup> Christine Echookit Akello, 'Environmental Regulation in Uganda: Successes and Challenges' (2007) 3 Law Environment and Development Journal 20-25 <https://doaj.org/article/91b2410efc774d979ab69f16f16f693f> accessed 14th May 2025

<sup>115</sup> Franklin Draku, 'UWA fires over gorilla permits scandal,' *Daily Monitor* (Kampala, 21st February 2024) <https://www.monitor.co.ug/uganda/news/national/uwa-fires-five-staff-over-gorilla-permits-scandal-4531938> accessed 14th May 2025

<sup>116</sup> The Uganda Wildlife Act Cap.315, Sec 71

<sup>117</sup> Ibid, Sec 77

<sup>118</sup> Ibid, Sec 30

<sup>119</sup> Ibid, Sec 70 and 73

Uganda Wildlife Act is still full of gaps mainly because judges do not completely grasp the weight of wildlife offences.<sup>120</sup> Though courts have played a major role in the conservation of wildlife evidenced by cases like *Greenwatch v Uganda Wildlife Authority*<sup>121</sup> in which the court granted an injunction halting the export of pangolin scales stating that there was need for the licensing process to be reviewed, there is still a need for specialized training so as to ensure that court officials have the capacity to effectively handle wildlife cases.

### **3.6 Conclusion**

Wildlife conservation law in Uganda provides for a wide range of compliance and enforcement mechanisms include EIAs and environmental monitoring and audits; however. There are a number of issues still plaguing these mechanisms and therefore a need to revisit the law so as to come up with creative and effective solutions to these challenges.

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<sup>120</sup> J. Musinguzi and B.C. Basheka, 'The Efficacy of the Legal Framework in the Management of Wildlife Trade in Uganda: A Public Participation Approach' (2018) <https://journals.co.za/doi/pdf/10.10520/ejc-adminpub-v26-n4-a13> accessed 14th May 2025

<sup>121</sup> Civil Suit No.027 of 2015

## **Chapter Four: Overall Conclusions and Recommendations**

### **4.1 Overall Conclusion**

The compliance and enforcement mechanisms in conservation law have evolved over time from the early ages basing on the structure of society and the change towards formal legal systems. These mechanisms differ at different levels of conservation law namely the international, regional and national levels; however, there is a clear lack of effectiveness of compliance and enforcement mechanisms at the international and regional levels due to a general absence of bodies charged with law enforcement. The mechanisms at the national level are the most effective and in Uganda in particular, the courts, police, UWA and other authorities and the army work jointly to ensure that the law on conservation is strictly adhered to. In spite of these combined efforts of the different law enforcement bodies in Uganda, the legal framework for compliance and enforcement still leaves a lot to be desired and there is a need for the law to be amended so as to close the gaps and curb the challenges facing conservation efforts in Uganda.

There is also an urgent need to ramp up conservation efforts so as to stem the loss of biodiversity which has adverse effects on the livelihoods of people and the environment as it distorts ecosystems. Solutions to conservation challenges have to be creative and adaptive as challenges evolve faster due to factors like climate change and accelerated population growth which leads to competition for resources between humans and wildlife.

### **4.2 Recommendations**

Several suggestions may be embraced that may close the gaps in the enforcement and compliance mechanisms of the Uganda Wildlife Act and help conservation efforts in Uganda; these suggestions include:

**a) A major shift from government centered conservation compliance and enforcement mechanisms to a shared role with civil society and non-government organizations (NGOs).**

NGOs need to be given a bigger role in wildlife conservation efforts so as to reduce the financial and logistical burden on the government; this will significantly improve the effectiveness of conservation laws in Uganda. This can be done by drawing up a law or amending the Uganda Wildlife Act to provide for conditional leasing of conservation areas or parts of them or areas containing wildlife habitats to NGOs and allowing them to set up nature reserves; the conditions of the lease will ensure that no activities are carried out on the land that may harm wildlife. This system of private ownership and control of wildlife and its habitats has already shown positive results in countries like South Africa where private wildlife ranching has led to an increase in the numbers of particular species.<sup>122</sup> Nature reserves set up by NGOs compliment those managed by the government and increase the total area dedicated to wildlife conservation.<sup>123</sup> This effectiveness is attributable to the fact that private land owners are more rigorous when it comes to fighting problems like trespass and encroachment; There is also a considerable number of conservation NGOs in Uganda with some online directories showing as many as 20<sup>124</sup> specializing in wildlife conservation. These NGOs have a considerable work force that can effectively carry out conservation work and compliment the efforts of government thereby reducing the the need for a large number of game rangers and other officers to carry out conservation work as this task will be left to the NGOs with government mainly playing a supervisory role.

The participation of NGOs also greatly improves accountability in wildlife conservation. Where people would have no recourse in instances of government mismanagement of wildlife as government itself would have the responsibility to correct the fault, people would be able to appeal to government where an NGO fails in its responsibility to conserve wildlife and such an NGO would be forced to rectify its mistakes or suffer a penalty.

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<sup>122</sup> <https://ewt.org/science-snippets-wildlife-ranches/> accessed 15th May 2025

<sup>123</sup> Lorena Pasquin, James A. Fitzsimons, Stuart Cowell, Katrina Brandon and Geoff Wescott, 'The establishment of large private nature reserves by conservation NGOs: key factors for successful implementation' (2011)

[https://www.researchgate.net/publication/231824050\\_The\\_establishment\\_of\\_large\\_private\\_nature\\_reserves\\_by\\_conservation\\_NGOs\\_Key\\_factors\\_for\\_successful\\_implementation](https://www.researchgate.net/publication/231824050_The_establishment_of_large_private_nature_reserves_by_conservation_NGOs_Key_factors_for_successful_implementation) accessed 22nd May 2025

<sup>124</sup> <https://ngobase.org/cswa/UG/ANM.WL/wildlife-uganda> accessed 22nd May 2025

**b) Periodic training of government officials involved in the enforcement of wildlife laws.**

This will increase their capacity and effectiveness in handling wildlife related offences and strengthen conservation efforts in Uganda. The compliance and enforcement mechanisms of the Uganda Wildlife Act are only as effective as the bodies charged with law enforcement; if these bodies are not effective then the mechanisms are ineffective as well. The training of government officials is essential to conservation efforts as it equips enforcement bodies with the knowledge and skills necessary to promote effective enforcement and compliance with wildlife laws.<sup>125</sup> The training should touch upon aspects such as the significance of wildlife law enforcement, the negative effects of poaching and illegal wildlife trade, the local and international wildlife laws, investigation of wildlife crimes and effective collaboration of enforcement agencies in fighting wildlife crime.<sup>126</sup>

**c) There should also be an increased emphasis on legal research with a focus on wildlife conservation.**

This enables the development of creative and innovative solutions to challenges facing the legal framework for conservation in Uganda. Think tanks should be created by both the government and the private sector with an aim of developing new procedures, laws, policies and strategies for wildlife conservation. They should well-funded and equipped and should have the creative freedom to pursue any avenues within the law they consider fitting for the development of effective conservation strategies. The absence of research fosters the perpetuation of mechanisms that do not work and it has been stated by researchers that having no law, or having ineffective laws is unhelpful and may even be counter-productive and injurious to conservation efforts.<sup>127</sup>

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<sup>125</sup> Zheng Youmiao and Gideon Chikanya, 'Assessing How Effective Capacity Building has been in Strengthening Coordination Among CITES Enforcement Agencies in Zambia,' (2014) *Texila International Journal of Academic Research* 007 [https://www.texilajournal.com/thumbs/article/7\\_TJ3198.pdf](https://www.texilajournal.com/thumbs/article/7_TJ3198.pdf) accessed 22nd May 2025

<sup>126</sup> Arvind Kumar Chaurasia, 'Capacity Building of Wildlife Law Enforcement Agencies' (Wildlife Trade and Crime 2<sup>nd</sup> December 2020) <https://wildhub.community/posts/capacity-building-of-wildlife-law-enforcement-agencies> accessed 2nd May 2025

<sup>127</sup> Nixon Sifuna, 'The Use of Law in Wildlife Management,' (2021) 12 *Beijing Law Review* 3 <https://www.scirp.org/journal/paperinformation?paperid=112144> accessed 22<sup>nd</sup> May 2025

**d) Establishing measures to counter corruption in wildlife management authorities.**

Wildlife enforcement mechanisms like the issuance of permits have been plagued by corruption in Uganda as evidenced by the UWA permit scandal of 2024.<sup>128</sup> Such corruption scandals undermine the effectiveness of the enforcement and compliance mechanisms of the Uganda Wildlife Act as they enable perpetrators of wildlife crime circumvent the preventive measures aimed at life conservation and this negatively impacts wildlife in Uganda. To solve this challenge, wildlife management authorities should undertake risk management processes; furthermore, punishment of corrupt officials should not end at the institutional level with actions like dismissal and there should be criminal prosecution in the courts of law.<sup>129</sup>

**e) Regular review and amendment of wildlife conservation law.**

Laws like the Uganda Wildlife Act should be regularly examined and amended so as to cater for new challenges to wildlife conservation efforts. These challenges exploit loopholes in existing laws and if these are not plugged, the unlawful exploitation of and negative effects on wildlife will persist unchecked for long periods of time posing a serious risk to wildlife. The fast-paced change of wildlife crime and other factors that affect wildlife crime make it necessary to consistently review and improve the provisions of wildlife law and the compliance and enforcement mechanisms thereunder. Wildlife conservation law can never be truly exhaustive and allowance must be made for the periodic addition of provisions on issues like ecosystems, damage to habitats, knowingly introducing invasive alien species, biopiracy and torture and indiscriminate destruction of wildlife and its habitats.<sup>130</sup>

**f) Investing in state-of-the-art technology for wildlife conservation.**

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<sup>128</sup> Franklin Draku, 'UWA fires over gorilla permits scandal,' *Daily Monitor* (Kampala, 21st February 2024) <https://www.monitor.co.ug/uganda/news/national/uwa-fires-five-staff-over-gorilla-permits-scandal-4531938> accessed 14th May 2025

<sup>129</sup> United Nations Office on Drugs and Crime, *Scaling Back Corruption: A guide on Addressing Corruption for Wildlife Management Authorities* (2020) [https://www.unodc.org/documents/Wildlife/19-08373\\_Scaling\\_Back\\_Corruption\\_ebook.pdf](https://www.unodc.org/documents/Wildlife/19-08373_Scaling_Back_Corruption_ebook.pdf) accessed 22nd May 2025

<sup>130</sup> United Nations Office on Drugs and Crime, *Guide on Drafting Legislation to Combat Wildlife Crime* (2018) <https://cites.org/sites/default/files/eng/prog/iccwc/UNODC%20Guide%20on%20Drafting%20Legislation%20to%20Combat%20Wildlife%20Crime.pdf> accessed 22<sup>nd</sup> May 2025

Reports by UWA have noted that one of the challenges facing enforcement efforts by wildlife management authorities is the shortage of Technology for wildlife conservation and the organization has stated that there is a lack of equipment for use in data collection like GPS units and Satellite phones.<sup>131</sup> Technology has rapidly advanced with the development of systems for tracking animals and in-vitro fertilization of wildlife to aid in the conservation of endangered species. There has also been development of technologies for species detection, patrols and wildlife crime investigation.<sup>132</sup> Adequate investment in these technologies would greatly increase the effectiveness of enforcement operations and in turn, increase the effectiveness of the compliance and enforcement mechanisms of the Uganda Wildlife Act.

**g) Focusing on the sustainable co-existence of humans and wildlife rather than their separation.**

Human-wildlife conflict is a major challenge facing wildlife conservation in Uganda. In spite of the efforts of wildlife management authorities, dangerous encounters between humans and wildlife have persisted and frequently end in the death of wild animals including endangered species like lions.<sup>133</sup> These continued occurrences bring into question the viability of laws prohibiting the killing of wild animals and endangered species of wild animals and providing for compensation for damage done by wild animals<sup>134</sup> including whether these laws are enough to deal with the issue. To solve this issue, holistic and integrated approaches should be employed in the development of wildlife conservation laws, policies and strategies; these require consideration of a number of factors including human aspirations and sociocultural contexts, mitigation of the impacts of Human Wildlife Conflict (HWC) and monitoring the effectiveness of HWC management interventions.<sup>135</sup> These measures will compliment the compliance and enforcement mechanisms of the Uganda Wildlife Act and significantly increase their effectiveness.

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<sup>131</sup>Uganda Wildlife Authority, *UWA Annual Physical Performance Report (2023)* Ch 4.11

<sup>132</sup> Vaishani Narreddy and Shashidhar E, 'Wildlife crime: causes, consequences and countermeasures: A review' (2024) 11(01) *International Journal of Science and Research Archive* [https://www.researchgate.net/publication/378291846\\_Wildlife\\_crime\\_causes\\_consequences\\_and\\_countermeasures\\_A\\_review](https://www.researchgate.net/publication/378291846_Wildlife_crime_causes_consequences_and_countermeasures_A_review) accessed 22nd May 2025

<sup>133</sup> Uganda Wildlife Authority, *UWA Annual Physical Performance Report (2023)* Ch 2.3.1

<sup>134</sup> The Uganda Wildlife Act Cap 315, Sec 29, 56 and 83

<sup>135</sup> Gross E, Jayasinghe N., Brooks A., Polet G., Wadhwa R. and Hilderink-Koopmans F., *A Future for All: The Need for Human-Wildlife Coexistence*. (WWF, Gland, Switzerland 2021) 46

## **h) Investing more in the development of ex-situ conservation facilities and laws.**

Majority of the challenges facing conservation efforts in Uganda are in the context of in-situ conservation. Such challenges are nearly impossible to solve completely and therefore extra measures must be taken to ensure biodiversity will be maintained even in the face of these issues. The best way to ensure the continuity of wildlife species is by preserving and breeding a given number of selected species particularly species in special facilities and systematically releasing them into the wild to replenish numbers; this form of conservation, ex-situ conservation, provides a safety backup for in situ conservation techniques where they cannot guarantee long-term security for a given species.<sup>136</sup> However for there to be effective ex situ conservation, there need to be a comprehensive legal framework governing the entire process. The CBD provides some bit of a legal basis for ex-situ conservation and stipulates that parties shall regulate and manage collection of biological resources from natural habitats for ex-situ conservation purpose so as not to threaten ecosystems and in-situ populations of species.<sup>137</sup> Such regulations have to take into consideration factors like the circumstances of a species and general conservation needs.<sup>138</sup> These ex-situ conservation measures will make up for the gaps in the compliance and enforcement mechanisms of the Uganda Wildlife Act and in doing so, increase their effectiveness.

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<sup>136</sup> Encyclopedia of Applied Plant Sciences (2<sup>nd</sup> edn, 2017) Vol 2 Available at <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/ex-situ-conservation> accessed 22nd May 2025

<sup>137</sup> Convention on Biological Diversity Art 9(d)

<sup>138</sup> IUCN, *IUCN Technical Guidelines on the Management of Ex-situ Populations for Conservation* (Gland, Switzerland 2002) <https://portals.iucn.org/library/efiles/documents/Rep-2002-017.pdf> accessed 22nd May 2025

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