

**THE EFFECTIVENESS OF THE LAW IN THE PROTECTION OF MOUNTAIN
GORILLAS IN UGANDA : A CASE STUDY ON BWINDI IMPENETRABLE
NATIONAL PARK**

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**UGANDA CHRISTIAN
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DECLARATION

I, GUMA PERSEY PRUDENCE declare that this work and study is my own original production. It has neither been published nor submitted for any other degree or purpose to any other University or Institution of learning before.

SIGNATURE.....

DATE.....26/05/2025.....

APPROVAL

I certify that this dissertation has been supervised, approved and submitted to UGANDA CHRISTIAN UNIVERSITY in line with the university guidelines under my expert supervision and approval.

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ABSTRACT

This dissertation critically examines the effectiveness of the legal framework in the protection and conservation of mountain gorillas in Bwindi impenetrable national park, Uganda. It explores how domestic, regional and international legal instruments and policies contribute to gorilla conservation with a particular focus on Uganda's policy developments . This dissertation evaluates the strengths and weaknesses of key instruments like the Uganda wildlife policy 2014,the Uganda Wildlife act as revised , the national environmental act as revised and the 1995 constitution of the republic of Uganda as amended while integrating doctrines like the public trust doctrine, environmental social impact assessment and community participation principles. It also assesses the role of regional protocols such as the East African Community Treaty (EAC) And International Instruments like the Convention on Biological Diversity(CBD).By analysing the different instruments in the protection of mountain gorillas, this study also proposes recommendations for a more inclusive and adaptive frame work that enhances the protection of endangered species.

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DEFINITION OF KEY TERMS

1. IUCN-International union for conservation of nature. It's an international organisation focused on nature conservation and sustainable use of natural resources.it is also known for the IUCN red list of threatened species.
2. Gorilla beringei beringei-this is a group of eastern subspecies found both in the Virunga massifs and Bwindi impenetrable park. Listed as critically endangered and threatened by poaching, disease and human wildlife conflict.
3. CITES-Covention on international trade in endangered species of wild fauna and flora. This is a global agreement that aims prevent the extinction of wildlife species by regulating international trade in endangered species including both animals and plants.
4. ICD-Integrated conservation and development. The ICD interventions aim to reduce conflict between local communities and park authorities, improve local livelihoods and support conservation efforts. These efforts include interventions like tourism development, revenue sharing and livelihood support programmes.
5. Virunga massifs- this is a chain of 8 volcanoes located in east central Africa along the borders of Rwanda, Uganda and the democratic republic of congo.it is a vital habitat for mountain gorillas.
6. Critically Endangered-in the context of conservation it means a species that faces an extremely high risk of extinction in the wild

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Bwindi impenetrable national park, a United Nations educational, scientific and cultural organisation (UNESCO) world heritage site is a critical biodiversity site facing ongoing threats despite the laws put in place to protect it.¹ It is located in south western Uganda, Bwindi has over 32000 hectares of montane and lowland forest, supporting over 400 plant species, 120 mammals and 350 birds including 23 Albertine rift endemics.² Central to its existence are endangered species classified by the international union for conservation of nature (IUCN) red list as endangered or critically endangered facing a high-risk of extinction due to habitat loss and poaching or other threats. Examples include the mountain gorilla with approximately 50 percent of its global population.³ Uganda's laws aim to conserve Bwindi's Mountain gorillas while addressing community needs however their effectiveness remains unstudied. This research seeks to evaluate the effectiveness and gaps in the legal framework by focusing on Bwindi as a case study.

1.1 Background of the Study

Mountain gorillas (*gorilla beringei beringei*) is the world's smallest population of gorillas a subspecies of the eastern gorilla which is split into two they are found in the Virunga massif that stretches across Uganda, Rwanda and the republic of Congo

¹IUCN, World heritage nomination- IUCN summary: Bwindi impenetrable national park(Uganda) (UNESCO 1994)<https://whc.unesco.org/document154019> accessed 13 May 25 2025

² Uganda wildlife authority Bwindi impenetrable national park general management park plan (2014-2023).

³ 'IUCN, The IUCN Red list of threatened species: Reintroduced or returned species records (IUCN 2023)<https://www.iucnredlist.org>

and the remainder can be found in Bwindi impenetrable national park⁴. Uganda is blessed with different conservation areas managed by Uganda wildlife authority. Our main study is on the protection of mountain gorillas in Bwindi impenetrable national park. It was established as a forest reserve in 1932 and gazetted as a park in 1991. Its global significance stems from hosting approximately 50 percent of the worlds critically endangered mountain gorilla's population hence it's a corner stone of Uganda's conservation efforts.

Historically Bwindi's Biodiversity faced threats from agricultural encroachment and poaching particularly before it received its status. The gazettelement came with expulsion of the Batwa communities and it sparked tensions within the community. This continues to exert pressure on the park through illegal resource extraction and human wildlife conflict. ⁵ Uganda's legal framework has evolved. The 1995 constitution enshrines the states duty to protect natural resources based on the principle of the public trust doctrine and it gives parliament powers to enact laws suitable for the protection of wildlife.⁶ The Uganda Wildlife act empowers the Uganda wildlife authority to manage protected areas, enforce anti-poaching measures and share tourism revenue⁷ and The National Environmental act mandates environmental socio impact assessments in order to not only conserve this critical areas but also involve the community in whatever projects they seek to undertake.⁸ Regardless of these laws being put in place challenges persist. The Convention on Biological diversity urges nations to strengthen legal frameworks to

⁴ World Wildlife Fund, Living Mountain gorillas : a conservation success story(WWF 2023)<https://www.worldlife.org/species/mountain-gorilla>

⁵ Uganda wildlife authority Bwindi impenetrable national park general management park plan (2014-20243).

⁶Constitution of the republic of Uganda 1995 ,Article 79

⁷ Uganda wildlife act cap 315

⁸ The national environmental act

meet the sustainable goals.⁹ The protection of these gorillas is important not only for ecological balance but socio-economic purposes. The purpose of this study is to assess how effective the law has been in the protection of these species and the main aim is to identify the strengths and gaps in the current frameworks.

1.2 Statement of the Problem

Gorillas are one of the most endangered species in the world and their home being Uganda's Bwindi impenetrable national park. The IUCN red listed eastern gorillas as being critically endangered species meaning there is a gap to be addressed. Despite many laws being put in place like the legal frameworks, the wildlife act, international treaties like CITES and various conservation policies. Gorillas still remain vulnerable to threats such as poaching, habitat encroachment and illegal trade. The recent poaching incident of rafiki the silver back gorilla shows the persistent threats and this raises serious concern about the effectiveness of existing laws and how they protect gorillas.

Uganda has made efforts in the protection of wildlife through conservation policies and wildlife laws however there are still existing gaps in the law especially with the enforcement of these laws. Issues like weak enforcement of the law, limited community involvement, and resource constrains hinder the full realization of legal protections for the gorillas. On the aspect of limited community involvement, they are one of the major key holders in gorilla conservational and they often experience tensions between livelihoods and conservation laws.

⁹ Constitution of the republic of Uganda 1995

Without effective legal protection of gorillas, they face increased threats from poaching, habitat loss and disease. It also leads to increase in wildlife conflict as due to developments there is increase in habitat destruction hence there are more encounters between gorillas and humans. It also affects the economic impact on tourism. This research seeks to examine the effectiveness of the law in addressing these issues and the protection of gorillas in Bwindi national park.

1.3 Objectives of the Study

1.3.1 General Objective

To evaluate the effectiveness of the law in the protection of mountain gorillas in Bwindi impenetrable national park.

1.3.2 Specific Objectives

- i. To examine the effectiveness of the law in the protection of mountain gorilla's species.
- ii. To analyse the implementation of the law in protecting gorillas.
- iii. To assess the socio-economic impact of these laws on the community.
- iv. To identify gaps in the current laws and propose recommendations for the protection of the mountain gorillas.

1.4 Research Questions

1. How effective are existing laws in the protection of gorillas in Bwindi impenetrable national park?
2. What are the challenges facing legal implementation of laws in the protection of gorillas?

3. What are the socio-economic impacts of conservation laws on local communities in regard to poverty and human wildlife conflict?
4. What improvements or recommendations can be made to enhance legal protection for endangered species?

1.5 Significance of the Study

This study is important because it addresses the urgent need to protect mountain gorillas in Bwindi by evaluating the effectiveness of the law and examining the gaps in the law. The research findings may benefit policy makers, enforcers and conservationists by highlighting the strengths and weaknesses of the current legal frame work and aligning them with Uganda's commitment to the convention on biodiversity and sustainable development goals. Additionally, the study may contribute to the national and international discussions on improving legal tools for environmental protection especially for species at risk of extinction.

1.6 Justification of the Study

Bwindi impenetrable national park is a hotspot for biodiversity and a home to the mountain gorillas. The legal protection of gorillas such as national park status and integrated conservation and development initiatives are vital for conserving gorillas and maintaining balance in the face of rising threats like poaching, habitat encroachment and disease however these laws face challenges including socio-economic conflicts, limited resources and many others which undermine conservation efforts. Hence, a strong and effective legal system is essential. This study is justified by the urgent need to evaluate the effectiveness of Uganda's legal system in achieving real world protection for mountain gorilla in Bwindi

implementable national park. Without such evaluation there is a risk that the laws may continue to fall short in addressing conservation challenges.

1.7 Scope of Study

1.7.1 Time Scope

This study will focus on the laws governing wildlife law from 2019 till 2025.

1.7.2 Geographical Scope

This study will concentrate on Uganda, particularly Bwindi impenetrable national park.

1.7.3 Subject Scope

The subject matter of this study will be the effectiveness of the law in the protection of mountain gorilla

1.8 Literature Review

The conservation of mountain gorillas (*gorilla beringei beringei*) in Bwindi impenetrable national park, Uganda is a critical case study for evaluating the effectiveness of conservation laws and their socio -impacts on local communities. Mountain gorillas primarily found in Virunga massif are endangered species that have been a major focus since 1980. Strategies have been put in place in the protection of these gorillas like legal protections, national policies, ranger patrols and many others. This has led to an increase on the population of gorillas to about

t 1063 by 2018¹⁰ regardless of this many issues come into place that still need addressing like human wildlife conflict, disease transmission to the gorillas and other varying factors. The recent killing of Rafiki the silver back¹¹ clearly shows that there is still a gap in how the law protects these gorillas.

The current status of gorilla and threats to their existence at the beginning of a new millennium¹² published within gorilla biology explains the plight facing gorilla populations. The work between pages 414-431 relies on decades of ecological research, population surveys, and conservation efforts to address the status of the four recognized gorilla subspecies. The chapter by Plumptre offers an assessment of the conservation status of gorilla populations. His assessment was published in the book gorilla biology. He focuses on the four recognized subspecies gorilla beringei, beringei, Grauer's gorilla, western lowland gorilla and the cross-river gorilla all are recognised as endangered by the International Union for Conservation of Nature. This chapter not only discusses the decline of gorillas but also gives strategies to secure their future. The chapter opens with an acknowledgment of the decline driven by habitat destruction, hunting, human disturbance and emerging disease threats. Gorillas once distributed across wide vast of forests from Nigeria to Rwanda and Uganda and within the Congo basin as their stronghold have seen their habitats shrink under the pressures of an expanding human population. Drawing on historical data early conservation efforts particularly for mountain gorillas date

¹⁰ Greater Virunga transboundary collaboration, Bwindi-Sarambwe 2018 surveys (international gorilla conservation programme, 16 December 2019) https://igcp.org/content/uploads/2020/09/bwindi-sarambwe-2018-final-report-2019_12_16.pdf accessed 17 May 2025

¹¹ Ibid

¹² Andrew J Plumptre, Alistair McNeilage, Jefferson S Hall and Elizabeth A Williamson. 'The current status of gorillas and threats to their existence at the Beginning of a new Millennium' in Andrea B Taylor and Michele L Goldsmith (eds), Gorilla Biology: A Multi-disciplinary Perspective (Cambridge University Press 2003) 414-431 https://www.researchgate.net/publication/242345953_The_current_status_of_gorilla_and_threats_to_their_existence_at_the_beginning_of_a_new_millennium accessed 14 May 25.

back to the establishment of Virunga national park in 1925 .despite these initiatives, the relentless advance of agriculture, logging and conflict has pushed gorillas to the brink.

The chapter also goes into detail about the multi-faceted threats to gorilla survival. Habitat loss emerges as the most pervasive danger fueled by agricultural expansion, selective logging and the collection of furl wood and non-timber forest. Products. The author cites deforestation rates of 0.5% per year in the Congo basin. The authors note that loggings true impact hinges on the presence of hunting where hunting accompanies timber extraction, large, slow-reproducing species like gorillas are often eradicated, this threat is particularly towards lowlands gorillas, the majority of whom reside outside protected areas rendering them highly to habitat modification.¹³

Hunting and poaching constitute a peril manifesting both directly and indirectly leading to intentional killings for bush meat; trophies and the capture of infants for zoos often at the cost of multiple adult lives have decimated populations. It estimates 1.2 million tonnes of bush meat consumed annually in the Congo basin, with gorilla comprising less than 1% but facing unsustainable offtake rates 5% per year in areas like northern Congo .Snares set for other animas trap gorillas leading to a high mortality rate from infection. The bushmeat trades escalation is further exacerbated by logging which opens forest access via roads and creates markets for meat among timber workers.¹⁴

¹³ Ibid

¹⁴Ibid

War and political unrest ,particularly in the democratic republic of Congo show how protected areas transform into battle grounds and innig zones, this chapter explains how the influx of miners seeking coltan during 1998-2000 hence leading to significant habit degradation in the Virunga national parks with miners hunting gorillas for sustenance.¹⁵

In response to these threats, Plumptre AJ and the other authors advocate a dual conservation strategy that blends traditional and innovative approaches. Protected areas remain corner stones defences against hunting and habitat loss though many are underfunded. He also propose that large parks can sustain viable gorilla populations a goal requiring substantial global funding initiatives like the united nations foundations \$3million emergency relief. He also highlights ecotourism potential for mountain gorillas.¹⁶

This chapter's strengths lies in the analysis of threats and the strategies implemented. his chapter looking back to the current status of the gorillas, the mountain gorillas downlisting to endangered in 2018 reflects to some success from the tourism and protection strategies outlined yet other types of gorillas like lowland and grauers gorillas remain critically endangered with habitat loss, bushmeat trade intensifying amid climate change and population growth . the chapters focus on conflict and mining could also be deepened by addressing corruption and global demand for resources issues that persist currently and lastly the call for international collaboration has been seen as partial realisation through the world wildlife fund initiatives but funding gaps for unprotected habitats remain a critical challenge.

¹⁵ Ibid

¹⁶ Ibid

In the book primates of western Uganda in a chapter by goldsmith on gorillas living on the edge¹⁷ provides a case study of the habituated nkuringo gorilla examining their habitat use, behaviour and the impacts of living near park boundaries amidst growing eco-tourism. According to this the nkuringo group spends 75.6% of their nesting time outside Bwindi impenetrable national park with 37.6% of nest sites. This presence is attributed to abundant food sources including wild bananas and raided crops like plantains. Habitat use studies suggest that gorillas are attracted to a higher food availability, a trend also observed in western lowland gorillas. However, the nkuringo groups increase vulnerability to human wildlife conflict hence they implemented a 350m buffer zone post to mitigate this but its long-term efficacy remains under explored to determine whether it has helped in reducing human-wildlife conflict.

A significant concern raised by goldsmith is health risk posed by habituation and tourism with documented increases in loads and scabies outbreaks. The minimum tourist distance of 7 meters increased from 5 meters to reduce disease transmission is often disregarded amplifying risks of respiratory infections. They emphasize the need for stricter security protocols a recommendation rein enforced by the 2004 infant and mother deaths in nkuringo. The proximity of gorilla nestling sites to human water sources such as the kashasha river raises concerns about contamination and this necessitates integrated health monitoring.¹⁸

Regardless of the robust baseline provided by goldsmith , the 20-year gap data collection highlights several gaps. The effectiveness of the buffer zone

¹⁷ Michele L Goldsmith, Joel Glick and Evarist Ngabirano, 'Gorillas Living on the Edge: Literally and figuratively 'in Nicholas E Newton-Fisher and others (eds), Primates of western Uganda (Springer 2006) 405-422 https://doi.org/10.1007/978-0-387-33505-6_23

¹⁸ ibid

recommended in 2005 requires evaluation .health protocols including necropsy practices remain under developed as evidenced by the 2004 deaths.

The mountain gorilla and conservation medicine provides a comprehensive exploration of ecological health,¹⁹ emphasizing the interconnectedness of human, animal and eco system. Chapter 22 specifically addresses the health challenge facing mountain gorillas in Bwindi impenetrable and the Virunga volcanoes offering insights into how legal frameworks and regulations intersect with socio-economic pressures to shape conservation outcomes.²⁰

Cranfield highlights the status of mountain gorillas with a population of approximately 650 individuals across Bwindi impenetrable national park and Virunga in 2002, underscoring their vulnerability to disease due to genetic similarity with humans and frequent human contact through tourism and research .the chapter details health threats including scabies, respiratory infections and parasites often linked to human proximity. ²¹These risks are exacerbated by eco tourism a key driver in Bwindi which generates over 15000 visitors annually by 2011, supporting local livelihoods through jobs and revenue sharing. Weber. however, Cranfield notes that tourism regulations such a the 7-meter distance rule mandated by Uganda wildlife authority are frequently violated echoing findings from weber where 98% of treks breached this rule. This non compliance reflects a critical weakness in the enforcement of conservation laws driven by economic incentives for guides.

¹⁹ M.R .Cranfield,L.Gaffkin,J.M.Sleeman,and M.Rooney,'The Mountain Gorilla and Conservation Medicine 'in A.A.Aguirre,R.S.Ostfeld,G.M. Tabor,C.House,and M.C.Pearl (eds),conservation Medicine: Ecological health in practice (oxford university press 2002) 282

https://link.springer.com/chapter/10.1007/978-0-387-70721-1_2 accessed 15May 15, 2025.

²⁰ Ibid

²¹ Ibid

Annalisa weber discusses the aspect of the lack of rule adherence during mountain gorilla tourism encounters in Bwindi impenetrable national park in her article titled the lack of rule adherence²² . This article provides a wealth of data and insights into tourism regulations and enforcement issues. Uganda hinges on a balance between protective legislation and the socio-economic realities surrounding communities. Since the parks establishment in 1991 under the Uganda national parks act and the adoption of the Bwindi management plan, the Uganda wildlife authority has implemented regulations to safeguard this critical habitat and its gorilla population. However, the effectiveness of these conservation laws is questioned as tourism driven human gorilla interactions pose significant health risks.

Annalisa weber documents rule adherence during 53 gorilla tourism encounters between May and August 2014. Their findings reveal that despite 96% of pre-trek briefings emphasizing the 7meter distance rule designed to mitigate disease transmission violations occurred in 98% treks with 68.2% of 1604 nearest neighbour observations showed recording distances. ²³This non compliance is attributed to a combination of tourist enthusiasm for close encounters, guide reluctance to intervene due to economic pressures and environmental constraints like dense vegetation or steep terrain. This study underscores that the 7-meter rule rooted in the need to limit transmission of human pathogens such as respiratory infections causing 20% of sudden gorilla deaths is undermined by a consistent enforcement a critical gap in UWAS regulatory framework. While weber provides an observational

²² Annalisa weber, Gladys Kalema-Zikusoka and Nancy J Stevens, 'Lack of Rule-Adherence During Mountain Gorilla Tourism Encounters in Bwindi Impenetrable National Park, Uganda, Places Gorillas at Risk from Human Disease' (2020) 8 *Frontiers in Public Health* 1 <https://doi.org/10.3389/fpubh.2020.00001> accessed 15 May 2025

²³ Ibid

and survey data, the study focuses on the 2014 high season limits its scope leaving open the question of whether adherence has improved with updated UWA policies or community education

Martha Robbins in her article *Extreme Conservation leads to recovery of the Virunga mountain gorillas* provides detailed analysis of the conservation efforts that have contributed to the recovery of the endangered Virunga mountain gorilla's gorilla *beringei beringei* spanning Rwanda, Uganda and democratic republic of Congo. They have faced significant challenges including habitat destruction, poaching and civil unrest exacerbated by one of the highest populations. Early studies documented a population decline from 250 by 1981 driven primarily by habitat loss and incidental snaring intended for other species rather than direct hunting for bushmeat, this aligns with historical populations of great ape observations of great ape populations which have similarly suffered from anthropogenic pressures as noted in broader primate conservation literature.²⁴

The article also discusses the Conventional conservation approaches like enforcement and community-based education which have been widely regarded as strategies for mitigating human -wildlife conflict. Research from the 1970's and 1980's highlighted the importance of ranger patrols and anti-poaching efforts in stabilizing gorilla populations with intensified activities in the Virunga region beginning in the late 1970s following increased international attention ²⁵ . These efforts supported by organisations like the Dian Fossey gorilla fund international,

²⁴ Martha m Robbins et al, 'Extreme Conservation leads to Recovery of the Virunga Mountain Gorillas' (2011)6(6) PLOS ONE e19788 <https://doiorg/10.1371/journal.pone.0019788>

²⁵ Ibid

prevented a severe decline achieving an overall population growth rate of 1% over the four decades.

Robbins also discusses the aspect of ecotourism a key component of extreme conservation which has emerged as a double-edged sword in primate conservation. The program generated approximately \$8 million in 2008 , supporting local employment and park funding and reducing poaching incentives by highlighting the economic value of gorillas. However, habituation increases vulnerability to human induced diseases a concern echoed in studies of other primates necessitating strict visitor protocols and the maintenance of unhabituated groups to mitigate risks²⁶.

This article by Robbins captures and provides a baseline for the supporting the effectiveness of the law it dives into ecotourism and conservation efforts like law enforcement and education . it also emphasizes \$8 generated by eco tourism in 2008 illustrating its role in engaging local communities and supporting gorilla protection. the inclusion of ranger patrols and education programmes aligns with the findings on stabilizing the population against poaching and habitat loss. However, the review doesn't really discuss if these were successful and if they have actually helped in the protection of gorillas. .

Miko Maekawa in his article titled Mountain Gorilla Tourism generating wealth and peace in post conflict Rwanda by examines Rwanda's gorilla-based tourism conservation strategies, emphasizing institutional reforms revenue sharing and

²⁶ibid

transboundary cooperation in Parc National des Volcanos(PNV).²⁷With Bwindi hosting half of the global mountain gorilla population the article gives insights into Rwanda's legal and economic frameworks are relevant to evaluating Uganda's conservation laws.

He highlights Rwanda's post recovery noting that conservation laws, underpinned by the 1925 establishment of Virunga's national parks were introduced by institutional reforms post 1994 genocide's office Rwanda's du tourism granted autonomy in the 1980s ,funded propagations through tourism revenue, a model sustained by the Rwanda development board after 2008, This financial independence.²⁸ Supported by the law on environment protection and management(2005) enabled anti poaching laws ,patrols and habitat protection contributing to 26.3% gorilla population increase from 2003 to 2010²⁹.in regards to tourism in Uganda especially in Bwindi impenetrable national park this suggests that strengthening s the Uganda wildlife authority financial autonomy under the Uganda wildlife act could enhance enforcement through challenges like underfunding persist. Maekawa et al provides a comprehensive analysis on the aspect of financial autonomy in regards to the law being effective but it also has some limitations like its focus is more of a Rwanda based focus with less details on Bwindi impenetrable national park

²⁷ Miko Maekawa,Annete Lanjouw,Eugene Rutagarama,and Douglas Sharp, 'mountain Gorilla Tourism Generating Wealth and Peace in Post -conflict Rwanda'(2013) 37 (2) Natural resources forum 127 <https://doi.org/10.1111/1477-8947.120120>.

²⁸Ibid

²⁹Ibid

1.9 Methodology

Methodology is a body of methods, rules and postulates employed by a discipline or a particular procedure or set of procedures demonstrating research.³⁰ They are many types of methodology that can be used and they include qualitative, quantitative, mixed method. Quantitative focuses on numerical data and statistical analysis for example surveys, experiments and structured observations. while qualitative research explores in depth meanings amid experiences through observations and interviews, focus groups. Mixed methods focus on both qualitative and quantitative data collection in order to gain a deeper understanding of the research problem.

This study will employ mixed method research involving both qualitative and quantitative approaches to explore the effectiveness of the law in the protection of gorillas in Bwindi impenetrable national park. This choice is justified by the complexity of the research problem which requires both numerical evidence and depth contextual understanding to addressing the research question on the law's effectiveness.

The quantitative approach involves collecting and analysing numerical data such as the number of mountain gorillas, rates of environmental crimes and documented cases of legal enforcement from 2019 to 2025. this method is essential for assessing trends in gorilla population stability and frequency of threats, providing a measurable basis to evaluate the laws impact .sources like the Uganda wildlife

³⁰ Merriam -webster.com Dictionary, 'Methodology' <https://www.merriam-webster.com/dictionary/methodology> accessed 15 May 25

authority reports used and IUCN red list³¹ updates will be analysed to ensure accuracy and relevance.

The qualitative approach compliments this by exploring the meanings, experiences and perceptions through methods such as document analysis of case law, statutes and policy documents like the Uganda wildlife act³², national environmental act³⁴and CITES³⁵) this is important for understanding the impacts that the communities face, enforcement challenges and gaps in the legal framework .

³¹ <https://www.iucnredlist.org>

³² Uganda Wildlife Act

³⁴ National environment act

³⁵ Convention on international trade in endangered species of wild fauna and flora' (1997) 1

CHAPTER TWO

NON-LEGAL ASPECTS

2.0 Introduction

This chapter explores the non-legal factors that influence the effectiveness of the law in protecting mountain gorillas in Bwindi impenetrable national park. Although the law for biodiversity conservation in Uganda is well established particularly in relation to protected areas the persistence of species declines and enforcement challenges indicates that there is a gap. The non-legal factors include environmental pressures, economic conditions, political and institutional weaknesses all which contribute to the gap and practical outcomes on the ground. Understanding these non-legal factors is very important because for laws to be effective other factors have to be in line with the law. This chapter will draw on academic literature, reports and studies to analyse how these factors hinder or support legal enforcement and compliance. This chapter is divided into five major sections which are environmental factors, social factors, political and institutional factors, and lastly cultural factors.

2.1 Poaching

Poaching is one of the most dangerous threats to wildlife in Bwindi impenetrable national park. Despite the legal protection of wildlife in Bwindi, poaching remains a persistent and dangerous threat. Local poachers often target smaller mammals like duikers and bush pigs for bushmeat but sometimes endangered species like gorillas are caught. The use of wire snares and crude traps pose a direct danger to animals, particularly gorillas who may be unintentionally caught in snares. Most

times poaching is driven by economic desperation by people with no means of survival leading to the increasing illegal wildlife trade. The most recent poaching incident that occurred was the one of Rafiki the gorilla where he was killed by a hunter which shows that regardless of the laws put in place for the protection of mountain gorillas, they are ineffective in their implementation.³⁶

2.2 Climate change

One of the factors affecting the effectiveness of the law in the protection of gorillas is climate change. Climate change is defined to mean a large scale, long-term shift in the planet's weather patterns and average temperatures. These shifts can be due to changes in the sun's activity or large volcanic eruptions however since the 1800s human activities have been the major drivers.³⁷ Bwindi's ecosystem is affected by weather patterns which can cause a change in rain distribution, temperature levels and vegetation growth. This impacts food availability and introduces new stressors such as disease vulnerability. Frontiers in conservation science discussed how climate change changes the behaviours in gorillas and stated that gorillas are rainforest dwelling species and get their water from the plants they consume however increasing temperatures will make them more reliant on free standing water. They live at higher elevations hence they are more susceptible to faster temperature rises.³⁸ In 2011 FAO Digital Media Hub published materials highlighting the impact of climate change on wildlife

³⁶ Al Jazeera, 'Uganda: poacher who killed rare gorilla gets 11 years in jail' (30 July 2020) <https://www.aljazeera.com/news/2020/7/30/uganda-poacher-who-killed-rare-gorilla-gets-11-years-in-jail> accessed 24 May 25

³⁷ United Nations, 'What is climate change?' (UN 2021) <https://www.un.org/en/climate-change/what-is-climate-change>.

³⁸ Edward Wright and others, 'Higher maximum temperature increases the frequency of water drinking in mountain gorillas (*Gorilla beringei beringei*)' (2022) 3 *Frontiers in Conservation Science* <https://doi.org/10.3389/fcosc.2022.738820> accessed 13 May 2025.

especially gorillas. They focused on threats posed by poachers and human borne diseases to mountain gorillas. ³⁹World wildlife fund did a study on mountain gorillas and climate change they highlighted that gorillas can tolerate a wide range of temperatures and feed on a variety of food. However, these gorillas are susceptible to diseases which can be passed by humans due to the widening distribution of disease under a changing climate.⁴⁰

2.3 Human-wildlife conflict

Human wildlife conflict seemingly increases hence this affects the way the law can be effective in the protection of gorillas. This normally occurs when there is interaction between humans and wildlife and this can lead to loss or negative consequences . Consistent crop raiding by gorillas and ranging outside pose threats to local communities such as crop damage and loss ,anxiety ,injury and personal danger often leading to wildlife tension between conservationists and the communities hence they can be forced to kill the animals especially where there isn't compensation In 2005 a buffer zone in nkuringo was established by the international gorilla conservation programme (ICGP) and Uganda wildlife authority (UWA) to counteract this groups ranging and crop raiding behaviour however this zone was not well managed allowing for growth of vegetation growth creating a habitat for gorillas⁴¹. Communities also rely on forest resources like firewood and

³⁹ Food and agriculture organisation of the united nations climate change and biodiversity impacts on species and habitats(FAO) 2011.

⁴⁰ World wildlife fund ,mountain gorillas and climate change (WWF2024)<https://www.worldlflife.org/pages/mountain-gorillas-and> climate change accessed 13 May 2025.

⁴¹ Akampulira,Emmanuel ,Robert bitariho and Badru Mugerwa, an assessment of the effectiveness of nkuringo buffer zone in mitigating crop raiding incidences around Bwindi impenetrable national parks' Uganda(technical report, International gorilla conservation programme, march 2015).

are restricted by conservation laws hence leading to illegal entry into the park which disturbs gorillas and increases encounter risks.

2.4 Deforestation

Another factor is deforestation and land use changes which undermine the effectiveness of the law in the protection of mountain gorillas. Deforestation and land use changes refer to alterations in how land is used specifically focusing on conversion of forest land to other types of land use such as agriculture ,urban areas or infrastructure. Deforestation is further defined to mean a specific type of land use change where forest cover is reduced below 10 or converted to a non forest use. ⁴² the Albertine rift a global biodiversity hotspot faces rapid deforestation outside protected areas driven by a population density of 500-600km threatening habitats and species. It contributes to the decline of species richness with parks losing large mammal bio mass due to habitat changes. ⁴³This is through agricultural expansion ,illegal logging for timber and charcoal and mining activities with particularly severe impacts hence protected park areas restrict gorillas to higher elevation because of the low dense areas affected by deforestation.

2.5 Poverty

The other aspect we will be addressing is economic factors that are affecting the effectiveness of the law in the protection of the mountain gorillas, Many communities around the park or surroundings the park live below the poverty line and rely on the forest for survival gathering fire wood hunting bushmeat or farming

⁴² Food and agriculture organization of the united nations, deforestation(FAO) <https://www.fao.org/4/ad665e04.htm> accessed 13 May 2025

⁴³ AJ Plumptre and others, 'the biodiversity of the Albertine rift[2007] 137(3) biological conservation 125.2.

within protected areas that are crucial for survival. Conservation laws that restrict the use of these resources can conflict with the immediate needs of impoverished households. This dependence undermines the law compliance as people resort to illegal activities. The lack of limited economic alternatives increases the burden of economic conservation laws. Communities may face unemployment or under employment as land use is restricted hence lowering standards of living. This negative impact can lead to resentment toward gorillas and park authorities. Based on the research by the IELD poverty drives local dependence on natural resources which is exacerbated by a lack of economic alternatives such as lack of education, employment and access to markets necessitating targeted ICD interventions to address both subsistence needs and equitable livelihood opportunities for conservation success.⁴⁴

2.6 Tourism revenue and unequal distribution

Tourism revenue and unequal distribution is another economic factor that affects the effectiveness of the law in the protection of gorillas. Tourism is a major source of revenue for the Ugandan government especially from gorilla tracking permits however unequal benefit sharing has left communities feeling marginalized which weakens local support for conservation. The tourism revenue sharing programme was introduced in the 1990s with the Uganda wildlife authority and community representatives designing projects to benefit local communities. This was meant to be in areas of Bwindi, Mgahinga and Kibaale. The programme aimed to target poorer communities particularly those near park boundaries however these funds

⁴⁴ Twinamatsiko M and others, Linking conservation, equity and poverty alleviation: Understanding profiles and motivations of resource users and local perceptions of governance at Bwindi impenetrable national park, Uganda (research report, international institute for environmental development 2014) <http://pubs.iied.org/14630IIED> accessed 13 May 2025.

where not equally distributed Bwindi received a higher rate than other areas and the influence of local power dynamics led to unequal distribution and due to this the laws cannot be effective in the protection of these species.⁴⁵

2.7 Inadequate funding

There is inadequate funding for conservation agencies like Uganda wildlife authority and this also limits the effectiveness of the law in the protection of gorillas. One of the key instances is the government budget constraints where the government cut the tourism and conservation budget to one hundred and thirty-five billion(135,000,000,000) 2025/2026 budget which was a big cut from the three hundred and eleven billion earlier as reported .⁴⁶This reduction affects the Uganda wildlife authority which is in charge of managing these parks which limits protection efforts like patrolling, anti-poaching. These budget cuts have also influenced infrastructure and enforcement in protective measures like fencing all this has increased poaching risks which threaten gorillas. Global conservation funds have also been stagnated.

2.8 Corruption

Corruption is another factor that limits the effectiveness of the law in the protection of gorillas acts such as bribery to allow logging or poaching and siphoning of money from permits undermine the law put into place and it discourages investments internationally or locally. according to transparency

⁴⁵ K Archbald and L Naughton Treves, 'Tourism revenue sharing around national parks in western Uganda: early efforts to identify and reward local communities' (2001) 28 Environmental conservation 135 <https://doi.org/10.1017/S0376892901000145>

⁴⁶ Joshua Kagoro, 'tourism stakeholders decry budget cuts amid sector growth ambitions' (Nile post ,10 February 2025) <https://nilepost.co.ug/news/241923/tourism-stakeholders-decry-budget-cuts-amid-sector-growth-ambitions> accessed 13th may

international Uganda a report on corruption and natural resources in Uganda an estimate of about 2.28 trillion has been found in corruption in regards to wildlife conservation ⁴⁷ . The protected areas management for sustainable use (PAMSU) Project a 100-million-dollar world bank initiative spanning Ugandan parks revealed significant mismanagement for these funds. ⁴⁸The aspect of tracking permits is also another challenge in the parks. A 2023 audit by UWA revealed a scandal where officials were siphoning a lot of money with permits costing over 3 dollars , the first red flag that emerged was when visitor numbers at Bwindi and mgahinga did not align with revenue reported prompting internal investigations⁴⁹. The loss of revenue through this fraud has weakened the funding for habitat protection.

2.9 Political will and prioritization

Political will and prioritization is another factor affecting the effectiveness of the lawing the protection of gorillas. Wildlife conservation sit treated as a national; priority. Competing political interests i.e. land development or industrialization may over shadow the protection of biodiversity even within gazetted areas like Bwindi. Budget cuts for other sectors evidence how they priotize other sectors more than tourism ⁵⁰This lack of priotizatiom results in wek policy enforcement and creates a problem in the law protecting these gorillas.

⁴⁷ Government transparency institute , cost of corruption in Uganda(inspectorate of government 2021) https://www.igg.go.ug/media/files/publications/cost_of_corruption_MAIN_REPORT.PDF accessed 13th may 2025.

⁴⁸ Uganda radio network, 'former UWA Chairman surprised by fraud 'under his nose'(Uganda radio network,13 august 2011)<https://www.ugandaradionetwork.net/story/former-uwa-chairman-suprised-by-fraud-under-his-nose> accessed 13th may 2025.

⁴⁹ Uganda wildlife authority grapples with \$3 million gorilla permit scam'(the Ankole times,27 September 2023)<https://ankoletimes.co.ug/news/travel-and-tourism/uganda-wildlife-authority-grapples-with-3-million-gorilla-permit-scam/>accessed 13 May 2025

⁵⁰ Joshua Kagoro', Tourism Stakeholders Decry Budget cuts Amid Sector Growth Ambitions'(Nile Post,10 February 2025)<https://nilepost.co.ug/news/241923/tourism-stakeholders-decry-budget-cuts-amid-sector-growth-ambitions> accessed 13May 13, 2025.

2.10 Regional and cross border co-operation

Regional and cross border cooperation is another factor that is making the effectiveness of the law difficult in the protection of gorillas. Bwindi is located near the borders of democratic republic of Congo and Rwanda and this reality introduces a challenge. The mountain gorilla's population move freely between protected areas across these countries making regional cooperation essentially however weak coordination often hinders cross border conservation. Organisations like the greater Virunga transboundary collaboration (GVTC) exist to address this challenge but their work is often limited by politics and funding , security concerns and .the lack of shared intelligence systems across borders reduces the effectiveness of these laws.⁵¹

2.11 Community displacement and marginalization

Community displacement and marginalization is another factor affecting the effectiveness of the law in the protection of gorillas. Historically in the case of Bwindi the Batwas people an indigenous group of forest dwellers were displaced when the parks gazetted as a protected area and it has brought about lasting effects and consequences.⁵² This led to legal alienation where communities feel they are being oppressed and the fact that they were not compensated adequately nor integrated in to new livelihoods making them live in extreme poverty on the fringes of the park. This breeds resentment and fuels illegal activities.

⁵¹ Johannes refisch,J and Johann Jenson, transboundary collaboration in greater Virunga landscape: from gorilla conservation to conflict -sensitive transboundary conservation: a new vision for protected areas (Routledge 2013)https://ungreatlakes.unmissions.org/sites/default/files/refisch_and_Jenson_transboundary_collaboration_in_the_Virunga's_April accessed 13 may 2025.

⁵² IUCN(n 1)

2.12 Lack of awareness and environmental education

Lack of awareness and environment education is a significant barrier to effective conservation in Bwindi among local communities. They are not informed about the importance of biodiversity and the specific protections in place for these endangered species. Many residents view these laws as restrictive or foreign especially when these laws are not explained in accessible language or connected to their lived experiences. Additionally, the failure to integrate conservation education into local schools and communities contributes to gaps in understanding the importance of protecting these species hence they are left out reducing their willingness to cooperate.

2.13 Lack of a buffer zone

One of the most under looked issue affecting Bwindi impenetrable national park is the absence of a buffer zone, a buffer zone is a transitional area between the protected park and surrounding human settlement that serves as a cushion to reduce direct human wildlife interaction.in the case of Bwindi, communities live immediately adjacent to the forest boundary often separated by a trench or footpath. This lack of separation heightens the risk of human wildlife conflict as gorillas and other animals frequently wander into farms in search of food. The absence of a buffer not only endangers wildlife but frustrates farmers who suffer crop loss and may retaliate by harming or trapping animals. It also makes it easier for locals to enter the forest for illegal activities like logging and hunting.

2.14 Absence of a specific legal framework for mountain gorillas

While Uganda has developed a broad range of wildlife laws there is no specific law for the protection of the endangered mountain gorilla. Mountain gorillas benefit from the provisions under the Uganda wildlife act as revised alongside other protected species, without recognising their unique vulnerability to disease, habitat encroachment and human-wildlife conflict. The absence of this framework creates limitations within the institutions for example there is no clear statutory guideline for gorilla veterinary care yet they are susceptible to human-borne illnesses. Gorilla tourism is also regulated more by policy and administrative guidelines like permit limits and tracking protocols than binding legal statutes. This absence reflects a broader challenge in the structuring of conservation policies.

CHAPTER THREE

INTERNATIONAL LEGAL FRAMEWORK FOR MOUNTAIN GORILLA PROTECTION

3.0 Introduction

Uganda's commitment to the conservation of mountain gorillas is anchored not only in its national laws but also in various international legal instruments and frameworks. These international treaties and conventions provide a global framework that guides national policies, fosters cooperation, and promotes the sustainable protection of endangered species such as *Gorilla beringei beringei*. This is based on article 123 of the constitution that allows Uganda to collaborate with international states and sign these treaties. However, while these frameworks bring strengths to the conservation efforts, challenges remain in their practical enforcement and local integration.⁵³

3.1 Convention on International Trade in Endangered Species (CITES)

Convention on International Trade in Endangered Species (CITES) Uganda is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which aims to regulate international trade in wildlife and prevent over-exploitation. Mountain gorillas are listed in Appendix I of CITES, which affords them the highest level of protection by prohibiting international commercial trade.⁵⁴

⁵³Constitution of the republic of Uganda 1995,art 123.

⁵⁴ CITES, 'Appendices I,II AND III ' (CITES) <https://cites.org/eng/app/appendices.php> accessed 17 may 2025

CITES In collaboration with the ministry of tourism, wildlife and antiquities launched an online convention on international trade in endangered species of wild fauna and flora electric system permit to regulate trade in wildlife and wildlife products making Uganda the eight country and fist Africa in east Africa to develop the system. Most countries have been using paper-based system of certification and permit issuance however this system ids prone to forgeries and takes more time to process and verify requests hence this has strengthened the law.⁵⁵

Strengthens border controls and customs enforcement, limiting illegal trade in gorilla parts or live animals. It facilitates intelligence-sharing and cooperation between countries to combat wildlife trafficking, which is crucial given the transboundary nature of some wildlife crimes

Despite these protections, enforcement at borders remains constrained by limited resources and infrastructure. Moreover, because most threats to mountain gorillas arise domestically – such as habitat loss, poaching, and human-wildlife conflict – the direct impact of CITES on gorilla conservation in Uganda is somewhat limited. There is also a general lack of awareness among local communities and some enforcement officers about CITES regulations.

3.2 Convention on Biological Diversity (CBD)

Convention on Biological Diversity (CBD) which was adopted at Rio 1992 at the earth summit is a pact among the vast majority of the worlds governments to make sure that as the world continues to develop, the diverse biological resources we

⁵⁵ Ministry of tourism, wildlife and antiquities, ‘Uganda Launches an Electronic Permitting System to Regulate Wildlife Trade’ (WCS Uganda, 4 August 2021) <https://uganda.wcs.org/About-Us/News/ID/16447/Uganda-Launches-an-Electronic-Permitting-System-to-Regulate-Wildlife-Trade.aspx> accessed 16 may 2025

need to sustain life on earth are not used up. This balance is called sustainable development. The convention has three objectives to conserve biodiversity, to promote its sustainable use and ensure the equitable sharing of the benefits arising from its utilisation.⁵⁶

The CBD commits Uganda to conserving biological diversity, promoting sustainable use, and ensuring equitable sharing of benefits arising from genetic resources. The National Biodiversity Strategy and Action Plan (NBSAP), aligned with the CBD, guides Uganda's biodiversity conservation efforts. The CBD emphasizes ecosystem-level protection and fosters community participation, which is vital in areas like Bwindi where local communities play an active role in conservation and tourism. It encourages the integration of biodiversity goals into national planning and policy frameworks.⁵⁷

Despite the broad framework provided or offered by the CBD Its implementation at national levels especially in developing countries has faced many hurdles. As Chandra and idrisova note⁵⁸, many parties report institutional weaknesses, limited financial resources, and inadequate stakeholder involvement as a major challenge to the realisation of CBDS goal. These issued align with the realities in Uganda where conservation efforts while legally supported often struggle due to capacity constraints, insufficient data creating a gap between international commitment and domestic effectiveness in gorilla conservation.

⁵⁶ Convention on Biological Diversity (CBD), 'Introduction' <https://www.cbd.int/intro/default.shtml> accessed 16 May 25

⁵⁷National environment management authority(NEMA),National Biodiversity Strategy and Action plan II (2015-2025) (October 2016) <https://nema.go.ug/sites/all/themes/nema%20-%20Copy/docs/NBSAP%20Uganda%202015%20-%20Re-designed.pdf> accessed 16 May 2025.

⁵⁸ Alvin Chandra and Anastasiya Idrisova ,Convention on biological diversity: A review of national challenges and opportunities for implementation' (2011) 49 Environmental policy and law 106 https://www.researchgate.net/publication/257538222_Convention_on_biological_diversi_ty_A_revie_w_of_national_challenges_and_opportunities_for_implementation accessed 15 May 2025

3.3 Convention on Migratory Species of Wild Animals (CMS)

Convention on Migratory Species of wild animals (CMS) is also known the Bonn convention. it's a treaty of the United Nations which provides global platform for the conservation and sustainable use of migratory animals and their habitats. It brings the states through which migratory animals pass and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range. Although mountain gorillas are non-migratory, the CMS has included them in Appendix I as a species that are on the brink of extinction requiring strict protection and international cooperation.⁵⁹The CMS promotes regional cooperation and supports mechanisms such as the Greater Virunga Transboundary Collaboration (GVTC), which facilitates cross-border conservation efforts among Uganda, Rwanda, and the Democratic Republic of Congo.⁶⁰There is limited documentation of CMS-related judicial engagement in Uganda, and compliance often focuses on reporting rather than substantive enforcement or intervention.

3.4 United Nations Educational Scientific and Cultural Organisation (UNESCO)

Bwindi Impenetrable National Park is cited as a United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Site, located in south western Uganda recognized for its outstanding universal value and a key site for biodiversity. This title enhances international visibility and responsibility, attracting funding and technical support for conservation and monitoring efforts.

⁵⁹ Convention on migratory species , 'institutional Arrangements of the gorilla agreement' (CMS,24 January 2024) <https://www.cms.int/en/news/202401-institutional-arrangements-gorilla-agreement> accessed 15 may 2025.

⁶⁰ <https://www.cms.int/en/news/202401-institutional-arrangements-gorilla-agreement>

UNESCO intervention played a key role in halting a proposed road project through Bwindi in 2010, demonstrating the influence of international soft power. It also places international pressure on the Ugandan government to uphold conservation standards⁶¹

UNESCO lacks direct enforcement powers, relying instead on member states' goodwill. Development pressures, such as infrastructure projects and resource extraction interests, occasionally conflict with World Heritage protections.

3.5 International Union for Conservation of Natures

The international union for conservation of natures (IUCN), while not a treaty body, significantly contributes to mountain gorilla conservation by maintaining the Red List of Threatened Species, the international union for conservation of natures red list threatened species has evolved to become the worlds most comprehensive information source on the global extinction risk status of animal, fungus and plant species. Mountain gorillas (*gorilla beringei beringei*) are no longer critically endangered but labelled endangered showing that there have been some successes through the laws in the protection of these species. IUCN provides scientific data and expertise essential for informed policy-making. It supports community conservation initiatives and disease monitoring programs such as the Gorilla Health and Community Centre, helping to address disease transmission risks of these animals.⁶²

⁶¹IUCN, World heritage nomination- IUCN summary: Bwindi impenetrable national park(Uganda) (UNESCO 1994)<https://whc.unesco.org/document154019> accessed 15 may 2025

⁶²IUCN, The IUCN Red list of threatened species: Reintroduced or returned species records (IUCN 2023)<https://www.iucnredlist.org> IUCN, World heritage nomination- IUCN summary: Bwindi impenetrable national park(Uganda) (UNESCO 1994)<https://whc.unesco.org/document154019>

As a non-governmental organisation NGO, the IUCN lacks legal authority to enforce conservation measures. Its impact is sometimes limited by reliance on external funding and partnerships.

3.6 Regional Framework

3.6.1 Regional Legal Framework for Gorilla Conservation

While Uganda's national laws provide a domestic foundation, the conservation of mountain gorillas who inhabit cross-border regions like the Virunga Massif also relies on regional cooperation and frameworks. Regional bodies have taken steps to harmonize environmental policy, address transboundary challenges, and promote sustainable wildlife management.

3.6.2 East African Community Treaty

East African Community (EAC) Initiatives have helped in the protection of mountain gorillas the East African Community (EAC), of which Uganda, Rwanda, and the DRC are members who, play a central role in transboundary biodiversity conservation. Its protocols and strategies, including the Protocol on Environment and Natural Resources Management (2005),⁶³ emphasize sustainable development and wildlife protection. The east African court of justice has also handled cases on wildlife like the Serengeti highway case where there was a proposal to construct a road across the Serengeti national park in Tanzania. The court ruled that the proposed action was unlawful and infringed upon the east African community treaty's obligations to

⁶³ East African community ,Protocol on Environmental and Natural Resources Management (3 April 2006) <https://repository.eac.int/handle/11671/1638> accessed 16 May 25.

conserve and protect natural resources and the environment as mandated by articles 5(3) article 111 and 114 of the treaty. The court granted an injunction against the construction of the road.⁶⁴

The East African Community Treaty under Article 112 and article 115 encourages partner states to coordinate in the management of natural resources and protect shared ecosystems.⁶⁵This has formed collaborations like the Greater Virunga Transboundary Collaboration (GVTC), which oversees joint efforts in gorilla conservation, surveillance, tourism regulation, and data-sharing across borders⁶⁶. Article 116 provides for wildlife management where states undertake to develop a collective and co-ordinated policy for conservation and sustainable utilisation of wildlife and other tourist sites.

3.6.3 The Greater Virunga Transboundary Collaboration

The Greater Virunga Transboundary Collaboration (GVTC)⁶⁷, a trilateral framework between Uganda, Rwanda, and the DRC, is collaboration expression of regional cooperation. The transboundary collaboration process started as early as in early 90s as an informal collaboration mechanism initiated by the rangers charged to monitor the mountain gorillas but it has evolved and was signed and established formally in 2015 with an aim of conserving the greater viruga landscape. Some of the national parks in Uganda that are in collaboration with this is Bwindi national park, Queen Elizabeth national park, Rwenzori national park and mgahinga

⁶⁴ African network for Animal Welfare v Attorney General of the United Republic of Tanzania[2014] EACJ Reference No.9 of 2010, <https://www.asil.org/blogs/east-african-court-justice-rules-serengeti-highway-case-june-20-2014> accessed 16 may 2025.

⁶⁵ East African community ,Treaty for the establishment of the east African community (30 November 1999)<https://kenyalaw.org/treaties/60/treaty-establishing> -East-African-community

⁶⁶ Ibid

⁶⁷ Democratic republic of Congo,Rwanda,and Uganda, Treaty on the Greater Virunga Transboundary Collaboration (30 October 2015) <https://greatervirunga.org/gvtc-treaty/accessed> 16 May 25

national park. It plays an important role in the protection of gorillas like supports Joint ranger patrols and intelligence sharing, Transboundary monitoring of gorilla groups, regional funding strategies for park protection, Coordination of tourism permits and visitor standards.⁶⁸ When Rafiki was killed in Uganda in 2020, the GVTC framework enabled information flow and solidarity statements across borders, reinforcing that gorilla protection is a regional priority and not just a national concern.⁶⁹

3.6.4 The African Convention on the Conservation of Nature and Natural Resources

The African Convention on the Conservation of Nature and Natural Resources is an agreement that was adopted in Algiers and revised in 2003. It covers a wide range of natural resources, including soil, water, flora, fauna and air as well as processes and activities that impact the environment. It lays down broad principles binding African states to conserve biodiversity, use resources sustainably, and cooperate on environmental challenges.⁷⁰ Article IX of the convention⁷¹ obliges states to protect endangered species – like the mountain gorilla. While not gorilla-specific, these frameworks support Uganda’s obligations under international environmental law and reinforce an ethical standard for conservation.

⁶⁸Ibid

⁶⁹ Al Jazeera , 'Uganda :poacher who killed rare gorilla gets 11 years in jail' (30 July 2020)<https://www.aljazeera.com/news/2020/7/30/uganda-poacher-who-killed-rare-gorilla-gets-11-years-in-jail> accessed 15 May 2025

⁷⁰ African union ,African convention on the conservation of nature and natural resources (revised version, adopted 11 July 2003,entered into force 23 July 20016)<https://au.int/en/treaties/african-convention-conservation-nature-and-natural-resources> accessed 16 May 2025

⁷¹ Ibid

3.6.5 The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (1994) is another regional framework Uganda is party to. It aims to combat wildlife trafficking through joint operations, enforcement capacity-building, and intelligence exchange. Article 5 of the Lusaka agreement provides for a task force that investigate violations of national laws pertaining to illegal trade, it will also collect, process and disseminate information on activities that pertain to illegal trade and many others. Since Uganda's is a signatory, its involvement means its enforcement bodies like UWA and customs can collaborate regionally to track poachers and traffickers who may cross borders after harming protected species like gorillas.⁷²

3.7 Domestic Framework

Under this chapter will be discussing the domestic, regional and international legal framework in the protection of mountain gorillas commonly known as gorilla beringei beringei. Uganda has come up with laws to protect the biodiversity through various domestic legal mechanisms. And different institutions to protect the environment especially endangered species like mountain gorillas which shall be discussed below and they will include the constitution, Uganda wildlife act and the national environment act.

⁷² East African states, Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (adopted 8 September 1994, entered into force 10 December 1996) UNTS vol 1950, p 35 <https://treaties.un.org/doc/Publication/UNTS/Volume%201950/volume-1950-I-334099-English.pdf> accessed 16 May 25.

3.7.1 The Constitution of the Republic of Uganda of 1995

The corner stone of Uganda's legal system is the constitution of the republic of Uganda of 1995⁷³ which sets out important principles about nature, wildlife and how government should protect them. This part discusses what the constitution sets out and other laws that have been put in place in regards to gorillas and am going to assess whether the laws have been effective in the protection of mountain gorillas.

The Constitution has several parts that talk about the environment and natural resources. Firstly, Article 2 of the constitution⁷⁴ defines it as the supreme law of the land and any other law which is inconsistent with it, then it will prevail meaning any other law must be in relation with it. Environmental laws and tourism policies must be in line with the constitution.

Article 79⁷⁵ empowers parliament to make laws for the peace, order, development and good governance in line with it. This basically means that laws on tourism are made to protect the not only the mountain gorilla but other species. This same power given to parliament in article 79⁷⁶ continues till Article 245 ⁷⁷which gives Parliament the power to make laws and measures to protect the environment. This is where laws like the Wildlife Act and creation of Uganda Wildlife Authority (UWA) come from.

⁷³ The constitution of the republic of Uganda as amended

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Ibid

There are also the National Objectives and Directive Principles of State Policy (NODPSPs), especially Objective XIII⁷⁸, which says the state must protect natural resources for all Ugandans, and Objective XXVII⁷⁹, which talks about protecting the environment for future generations. These objectives are not directly enforceable in court but are important because they guide how laws should be made and interpreted.

One case that helps explain how the Constitution works in environmental protection is *Green Watch v Attorney General & UWA*⁸⁰. In this case, the court held that NGOs can bring cases to court to protect the environment and that the government and UWA have a duty to manage natural resources properly. This supports how the Constitution gives power to the people and institutions to fight for conservation.

In reference to article 79⁸¹ where the parliament has power to make laws, many laws have been made in regards to the protection of these mountain gorillas and wildlife like the wildlife act and the national environmental act, Hence, we will be discussing these laws and different case law in relation to the effectiveness of the law in the protection of mountain gorillas in Bwindi impenetrable national park.

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ *Green watch v Uganda wildlife authority& attorney General*(high court of Uganda at Kampala, miscellaneous application No. 92 of 2004)<https://greenwatch.or.ug/sites/default/files/documents/uploads/Greenwatch%20VS%20Wildlife%20Authority%20%26%20Attorney%20General.pdf>accessed 15

May 2025

⁸¹ Constitution of the republic of Uganda 1995, art 79

3.7.2 The Uganda Wildlife Act cap 315

The Uganda wildlife act cap 315⁸² which was referred to as the Uganda wildlife act of 2019⁸³ is the primary legislation that is used in the protection of wildlife in Uganda. The Uganda wildlife authority is the institution that manages and preserves wildlife in Uganda. it was first established in the 1966 act. under section 4. it establishes the Uganda wildlife authority⁸⁴ and some of its functions include to ensure the sustainable management of wildlife conservation areas and also protecting rare, endangered and endemic species which covers gorillas too. Schedule 3 of the Uganda wildlife authority act lists gorillas as protected species⁸⁵. Section 20⁸⁶ also establishes community wildlife committee's to liase with local communities crucial for reducing human wildlife conflict. Part IV of the act also provides for wildlife conservation areas like Bwindi impenetrable national park and these areas are managed to preserve biodiversity and protect endangered species as per section 27⁸⁷ of the act. section 71 of the wildlife act imposes severe penalties for offences relating to protected species including gorillas with fines up to 5000 currency points or imprisonment for up to 12 years for repeat offences.⁸⁸

The Uganda wildlife authority plays a central role in gorilla conservation. Recent efforts include a six-month census launched on May 6, 2025, in the Bwindi-Sarambwe area, costing UGX 3.6 billion, to assess gorilla and chimpanzee

⁸² Uganda wildlife act cap 315 as revised.

⁸³ Uganda wildlife act 2019, cap 200

⁸⁴ Ibid 3

⁸⁵ Ibid

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Ibid

populations⁸⁹—a sign of ongoing monitoring as required by Section 24⁹⁰. The census, involving 60 trained personnel, aims to build on the 2018 count of 459 gorillas in 36 social groups and 16 solitary individuals, with over 103 births registered since 2019. Tourism revenue, with permits costing \$800 for foreign non-residents as of July 2024 (increasing to \$800 year-round from July 2025), funds anti-poaching and community programs. Community wildlife committees⁹¹ (Section 20) also engage locals, reducing conflict, though compensation delays for crop raids remain a challenge.

The Act has also contributed to conservation successes. The Mountain Gorilla population in Bwindi has grown from under 300 in the 1980s to 459 in 2018, with recent births suggesting further increases by 2025⁹². This aligns with UWA’s anti-poaching efforts and habitat protection in national parks. Tourism revenue, generating over \$1 million annually, supports ranger patrols and research⁹³, while initiatives like the Gorilla Health and Community Centre, led by Conservation Through Public Health (CTPH), address disease risks—a key threat given gorillas’ susceptibility to human illnesses.⁹⁴ The Act’s strict penalties have also helped in curbing some illegal activities.

One of Uganda’s most recognized Mountain Gorillas, a silverback named Rafiki from the Nkuringo group in Bwindi Impenetrable National Park, was killed by

⁸⁹ Uganda wildlife authority, ‘Six-Month Gorilla and Chimpanzee Census Begins In Bwindi-Sarambwe’ (UWA, 6 May 2025) <https://ugandawildlife.org/news/bwind-gorilla-and-chimp-census-commences/accessed> 15 May 2025

⁹⁰ Uganda wildlife act cap 315 section 24

⁹¹ Ibid

⁹² Uganda wildlife authority, ‘Uganda releases 2018 mountain gorilla census results’ (Uganda tour operators, 17 December 2019) https://ugandatouroperators.org/tourism_news/uganda-releases-2018-mountain-gorilla-census-results/accessed 15 May 2025

⁹³ Uganda wildlife authority, ‘our rangers’ (UWA) <https://ugandawildlife.org/our-rangers/accessed> 15 May 25

⁹⁴ Conservation through public health, ‘gorilla health centre’ (CTPH) <https://ctph.org/gprilla-health-centre/accessed> 15 May 2025

poachers. Four individuals were arrested, with evidence suggesting the act occurred in self-defence during an illegal bushmeat hunt. ⁹⁵The Uganda Wildlife Authority (UWA) pursued prosecution under the Act's penalties for harming protected species (Section 71⁹⁶). The court sentenced the perpetrator to an 11-year prison term, the longest sentence recorded for killing a wild animal in Uganda at that time. This case demonstrated the Act's capacity to impose penalties, aligning with its goal of curbing poaching of endangered species like gorillas. The severe sentence reflects the Act's strong legal framework.

Despite these gains, effectiveness of the law in the protection of mountain gorillas is undermined by persistent issues. Poaching though reduced, continues due to poverty-driven demand for bushmeat, with enforcement hampered by limited UWA resources and past permit fraud scandals⁹⁷ (e.g., 14 staff suspensions in 2023). Human-wildlife conflict persists, with gorillas raiding crops, and the Wildlife Compensation Scheme (Section 83) often delays payments, straining community support. Habitat loss from agriculture and infrastructure projects also threatens gorilla ranges, with EIA compliance (Section 23) varying in rigor. Funding constraints for the Wildlife Fund (Section 64), reliant on tourism, were exacerbated by post-COVID-19 declines, though recovery is underway in 2025

An article by mongo bay discussed the audit revealed that corrupt UWA officials issued fake gorilla-tracking permits, diverting approximately UGX 60 billion (around \$16 million USD) from conservation funds. This scandal involved 14 staff

⁹⁵ Al Jazeera , 'Uganda :poacher who killed rare gorilla gets 11 years in jail' (30 July 2020)<https://www.aljazeera.com/news/2020/7/30/uganda-poacher-who-killed-rare-gorilla-gets-11-years-in-jail> accessed 15 May 2025

⁹⁶ Uganda wildlife act 315, as revised, s.71

⁹⁷ Daily monitor, 'UWA Fires five staff over gorilla permits scandal' (Kampala ,3 august 2023) <https://www.monitor.co.ug/uganda/news/national/uwa-fires-five-staff-over-gorilla-permits-scandal-4531938> accessed 15 May 2025

suspensions and a subsequent overhaul of the permit system to prevent revenue leakage. ⁹⁸While no direct gorilla harm was reported, the financial loss impacted UWA's ability to fund anti-poaching and community programs critical for gorilla protection. The case underscored internal governance issues rather than a failure of the Act itself. This case exposed a loophole in enforcement mechanisms (Section 6)⁹⁹, suggesting that while the Act provides penalties for wildlife crimes, internal corruption can undermine its financial support for conservation efforts. The permit fraud scandal reveals corruption and enforcement gaps that weaken the Act's impact.

The Standards, Utilities, and Wildlife Court was designed to handle the prosecution of wildlife and environmental crimes. It has handled wildlife crime cases, including those under the 2019 Act. Between July 2020 and June 2021, it processed 468 cases, with 207 convictions, demonstrating active judicial engagement. However, specific gorilla-related cases beyond Rafiki's are less documented, suggesting either fewer incidents or underreporting.¹⁰⁰

3.7.3 The National Environmental Act cap 181

The National Environmental Act (NEMA)¹⁰¹ is another act that was established under the constitution in the protection of the environments. Uganda's legal framework presents a foundation for the protection of endangered species such as mountain gorillas. Acts like the National Environment Act and the Uganda Wildlife Act offer

⁹⁸ Mongabay, 'Gorilla permit fraud dents community-led conservation efforts in Uganda' (10 October 2023)<https://news.monogobay.com/2023/10/gorilla-permit-fraud-dents-community-led-conservation-efforts-in-uganda/> accessed May 25`

⁹⁹ Uganda wildlife act 315 as revised section 6

¹⁰⁰ Oxpeckers investigate environmental journalism, 'Uganda's special court clamps down on wildlife crime' (8 July 2022)<https://oxpeckers.org/2022/07/ugandas-special-court/> accessed 15 May 2025

¹⁰¹ The national environmental act cap 181 as revised

strong legislative tools that, when properly implemented, can ensure the survival of both gorillas and the communities that live around them. However, as the situation on the ground reveals, the effectiveness of these laws is uneven, and at times, undermined by practical, institutional, and economic challenges.

One of the most empowering doctrines reflected in Uganda's environmental law is the public trust doctrine captured under Section 5 of the National Environment Act¹⁰² and rooted in Article 237 of the Constitution¹⁰³. This doctrine positions the government as a trustee of the environment, safeguarding it for the present and future generations. It gives communities a basis to demand action or accountability from the state, especially when protected conservation areas like Bwindi are threatened. The same section also embraces the precautionary principle, intergenerational equity, and public participation¹⁰⁴, all of which are foundational for achieving sustainable conservation. In *Green watch v Attorney General & NEMA*¹⁰⁵, the court recognized the government's failure to protect wetlands, affirming the importance of the public trust and caution in environmental decisions. This case, though not gorilla-specific, is a legal precedent for challenging failures in environmental protection.

Another aspect in the protection of mountain gorillas is the environmental social impact assessment provided for under Section 110 of the national environmental act (NEA), it basically stems from the idea that any activity likely to affect the environment must undergo an environmental social impact assessment (ESIA)

¹⁰² Ibid

¹⁰³ Constitution of the republic of Uganda 1995, article 237

¹⁰⁴ The national environmental act cap 181 as revised section 5

¹⁰⁵ *Green watch v attorney general & national environmental management authority*(miscellaneous cause No.140 of 2002) [2012] UGHC 205 (High Court of uganda)<https://greenwatch.or.ug/sites/default/files/documents/uploads/Greenwatch%20vs%20Attorney%20general%20%26%20NEMA.pdf> accessed 15May 25

before it starts or proceeds. This legal requirement is vital in regions like Bwindi, where gorilla habitats are easily disturbed by infrastructure or tourism development. The process includes community consultation¹⁰⁶, giving people around Bwindi a voice in projects that might affect their land, crops, or access to forests. While these assessments don't always prevent harmful development, they create an opportunity for early dialogue, legal resistance, or mitigation. This speaks directly to the participatory ethos of conservations)

Both NEMA and the Uganda Wildlife Authority (UWA) are put in charge to manage, implement and enforce these laws. ¹⁰⁷NEMA regulates development, while UWA actively monitors gorilla populations, supports ranger patrols, and works on tourism management. Their joint efforts have helped the Bwindi gorilla population grow from just over 300 in the 1980s to over 459 individuals in 2018, with hopeful signs of continued growth by 2025. Community conservation initiatives, like Gorilla Health and Community Conservation Centre¹⁰⁸, have added a layer of human-wildlife co-existence, directly addressing disease transmission risks and poverty-related poaching.

Despite the well-crafted legal instruments, several challenges continue to limit the law's effectiveness in the protection of mountain gorillas

Although Uganda's environmental laws are progressive, implementation is often weak due to underfunding, limited technical capacity, and corruption. For instance, in 2023, 14 staff members were suspended over gorilla permit fraud, revealing

¹⁰⁶ National environment act cap 181 as revised 110.

¹⁰⁷ Ibid sec 9

¹⁰⁸ Conservation through public health, 'Gorilla health (CTPH)<https://ctph.org/gorilla-health-centre/> accessed 15 May 25

loopholes in internal regulation and monitoring. Similarly, an audit uncovered over 60 billion shillings diverted through fake gorilla tracking permits, undermining trust in conservation tourism and reducing funds meant for actual protection.¹⁰⁹

Around Bwindi, human-wildlife conflict remains a persistent problem. Gorilla families sometimes raid gardens, and yet, the Wildlife Compensation Scheme often delays or denies payment to affected farmers¹¹⁰. This pushes communities to view gorillas not as protected treasures but as threats to their livelihoods, making them vulnerable to illegal retaliatory actions.

Poverty, especially among youth, continues to drive bushmeat hunting. The tragic killing of Rafiki, a silverback from the Nkuringo group, in 2020, was linked to a young man hunting in the forest¹¹¹, even with strong laws of the Wildlife Act, enforcement struggles to prevent desperate actions in economically strained.

3.7.4 The Uganda wildlife policy of 2014

The Uganda wildlife policy 2014 is one of the most critical national policy instruments for the protection and management of wildlife resources in Uganda. The policy was framed and developed in response to the emerging challenges in wildlife management like poaching, weak community engagement and insufficient institutional coordination . This policy is guided by several core principles like biodiversity conservation, community participation and benefit-sharing and sustainable use of wildlife. In regards to the protection of mountain gorillas , it provides legitimacy and structure to programs such as gorilla habituation and eco-

¹⁰⁹ Al Jazeera , 'Uganda :poacher who killed rare gorilla gets 11 years in jail'(30 July 2020)<https://www.aljazeera.com/news/2020/7/30/uganda-poacher-who-killed-rare-gorilla-gets-11-years-in-jail> accessed 15 May 25

¹¹⁰ Uganda ,Uganda wildlife (Compensation Scheme) Regulations,2022,SI No 64 of 2022.

¹¹¹ Ibid

tourism protocols, gorilla health and veterinary interventions, collaborative forest management and buffer zone strategies and many others. Despite all the strengths that this policy brings it also faces several implementation challenges like human wildlife conflict whereby communities around Bwindi continue to face crop raids due to a lack of a buffer zone, hunting and poaching and lack of awareness by the community.¹¹²

¹¹² Ministry of Tourism, Wildlife and Antiquities, Uganda Wildlife Policy (2014) <https://www.mwe.go.ug/library/uganda-wildlife-policy-2014> accessed 24 May 25

CHAPTER FOUR

SUMMARY OF FINDINGS

4.0 Introduction

This dissertation has critically examined the effectiveness of the law in the protection of mountain gorillas in Bwindi impenetrable national park and several key findings have emerged.

Uganda provides a wide range of national framework in the protection of biodiversity. these include the constitution , the Uganda wildlife act, the national environment act that are in relation to this topic. These acts provide doctrines that help in the protection of gorillas ,doctrines like the public trust doctrine where the government is entrusted with natural resources on behalf of the people , other doctrines include the inter-generational equity doctrine, public participation and others. The wildlife act also provides for compensation schemes for persons whose property has been destroyed by gorillas. The law also provides for environmental social impact assessments before starting any projects to ensure the safety and habitual grounds of gorillas . regardless of all these good systems put up in place the enforcement of these laws is more theoretical than practical, the law provides that there will be a compensation system but doesn't fully go into depth about this , the institutions are also facing corruption and poor accountability based on tourism revenue sharing with the communities.¹¹³

The regional instruments have played a role in the protection of these mountain gorillas for example the east African community treaty , the Lusaka

¹¹³ Constitution of the republic of Uganda 1995.

agreement ,the greater Virunga transboundary collaboration and others have provided platform for regional conservation . they have enacted laws in support of gorilla’s protection and have come up with mechanisms like using a task control force to manage activities like poaching however these laws are not really effective because they aren’t fully domesticated and there is inconsistent co-ordination.¹¹⁴

The international conventions like the convention on biological diversity and other conventions have offered support to the institutions that protect these animals. These conventions portray gorilla protection as a global problem and through this they have been able to get funding for the protection of these gorillas.howewer their implementation at the national level is quite hard based on the lack of binding enforcement.

4.1 Conclusion

This dissertation finds that though Uganda’s law provide good legal system in the protection of mountain gorillas backed by regional and international frameworks the law is more theoretical and enforcement of this law has become an issue .its effectiveness is weakened by lack of funding , corruption within the institution, lack of accountability and limited community involvement. Conservation doesn’t really require strong laws but rather it needs good implementation, accountability and inclusiveness of the community surrounding it this will make the law more effective in the protection of gorillas.

¹¹⁴East African states, Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (adopted 8 September 1994,entered into force 10 December 1996) UNTS vol 1950,p 35 <https://treaties.un.org/doc/Publication/UNTS/Volume%201950/volume-1950-I-334099-English> accessed 15 May 25

4.2 Recommendations

The first recommendation is to Strengthen Community Awareness and Participation¹¹⁵ in Uganda it should prioritise legal literacy campaigns in communities around Bwindi. Laws and policies only achieve their goals when the people they affect understand and engage with them. education programmes, radio broadcasts in local languages, and community paralegal training can foster a culture of participation and compliance's ¹¹⁶

Another recommendation is to enhance the institutional capacity and reduce corruption. The Uganda Wildlife Authority (UWA)¹¹⁷ and the National Environment Management Authority (NEMA)¹¹⁸ should receive increased funding and human resources to ensure effective monitoring and enforcement. At the same time, they should come up with stronger anti-corruption mechanisms including internal audits, whistleblower protections, and performance-based accountability must be enforced to reduce bribery and misuse of conservation funds. This will help the laws become more effective in the protection of the law.

Integrating Customary Law and Local Governance Structures through recognising and incorporating customary practices that align with conservation goals is another recommendation. This can increase deeper community ownership of gorilla protection efforts. Local leaders, elders, and traditional councils should be included in legal processes and environmental decision-making to bridge the gap .

¹¹⁵ National environment act

¹¹⁶ Ibid

¹¹⁷ Transparency international, Corruption and Wildlife Crime (Policy Brief ,2021)

[https://www.transparency.org/en/publications/corruption-and-wildlife-crime-](https://www.transparency.org/en/publications/corruption-and-wildlife-crime) accessed 14 May 25

¹¹⁸ National environment act

Looking back at Bwindi's history and the removal of the Batwa community from the forests this can bridge the gap and improve in the protection of mountain gorillas.¹¹⁹

Reforming the Environmental and Social Impact Assessment (ESIA) Process is another recommendation that could help in the effectiveness of the law in the protection of mountain gorillas. the ESIA process should be revised to ensure it is more transparent, participatory, and enforceable. Public hearings should be meaningful, with real consideration given to objections and alternatives. Developers who fail to comply with ESIA conditions must face legal consequences, and regular monitoring should be mandatory hence this will improve in the protection of mountain gorillas.¹²⁰

Introduce Community-Based Benefit-Sharing Mechanisms in Law can improve the effectiveness of the law. Although revenue-sharing programs exist, most times these programs benefit a certain group of people and not everyone hence they should be legally codified and must be monitored to ensure consistency, equity, and transparency. Laws should mandate a minimum percentage of tourism revenue directed toward local infrastructure, health, and education – ensuring that communities see tangible benefits from conservation.¹²¹

Creating a Specific Legal Framework for Gorilla Protection given the mountain gorilla's c status and the economic importance of gorilla tourism is another recommendation , Uganda should consider enacting a specific law or regulation

¹¹⁹ World heritage nomination- IUCN summary: Bwindi impenetrable national park(Uganda) (UNESCO 1994)

¹²⁰ National environment act cap 181

¹²¹ Uganda wildlife authority ,Revenue Sharing Programme Guidelines (2020)
<https://www.ugandawildlife.org/resources/report> accessed 14 May 25

dedicated to great ape conservation. This could harmonise existing legislation, define clear offences like illegal habitat destruction or trafficking, and create a focused institutional mandate.¹²²

Foster Regional Harmonisation since gorilla habitats are within Uganda, Rwanda, and the DRC, Uganda should take a leading role in pushing for regional legal alignment through the East African Community (EAC) and transboundary conservation agreements. Coordinated law enforcement and shared databases on poaching or trafficking could significantly improve protection efforts.¹²³

¹²² International Union for Conservation of Nature (IUCN), Great Apes and the law: Legal instruments for Ape Conservation (2021)

¹²³ Greater Virunga Transboundary Collaboration (GVTC), Transboundary Collaboration Strategy 2020-2030 <https://www.greatervirunga.org> accessed 14 May 25.

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