

GUIDANCE NOTE

Amendment of the Uganda Wildlife Act (2000) and Opportunities for Incorporating Issues Concerning Management of Human-Wildlife Conflict, and Sharing of Revenue and Other Benefits with Communities

15th November 2014



1. Introduction

The Government of Uganda is in the process of amending the Wildlife Act, 2000. This follows the recently concluded process of formulating the National Policy on Conservation and Sustainable Development of Wildlife Resources. The amendment of the Act provides an opportunity for the various stakeholders to make a contribution to the process and ensure that issues of concern are taken into consideration. It also provides an opportunity for the Uganda Poverty and Conservation Learning Group (U-PCLG) to raise issues that are important to the group, regarding legislation on wildlife conservation and communities' livelihoods. These issues relate to measures to minimise human-wildlife conflicts (HWC) and to improve and increase revenue and benefit sharing with local communities.

This guidance note explains the process of amending the Wildlife Act and the opportunities that can be utilised to influence the process.

2. Review of the Wildlife Policy

On the 12th March 2012, the cabinet approved the National Policy on Conservation and Sustainable Development of Wildlife Resources. The review process was spearheaded by a Wildlife Policy Technical Working Group appointed by the Ministry of Tourism, Wildlife and Antiquities.

The Policy aims at providing overall guidance for the conservation and development of wildlife resources in Uganda. It provides a framework within which all Government institutions, private sector, development partners, civil society and all other stakeholders in the wildlife conservation field must operate in order to sustainably conserve and develop the wildlife resource base for national social-economic transformation. The Policy emphasises Government commitments to mitigating human wildlife conflicts, eliminating illegal wildlife trade and trafficking, ensuring that oil and gas sustainably co-exists with conservation, promoting research and conservation education, enhancing community benefits from conservation, promoting private sector enterprises in wildlife conservation and mitigating climate change effects.

The overall Policy Goal is to conserve wildlife resources in Uganda in a manner that contributes to the sustainable development of the nation and well-being of its people. The Policy has the following key objectives:

- To promote sustainable management of Uganda's Wildlife Protected Areas;
- To sustainably manage wildlife populations in and outside protected areas;
- To promote sustainable and equitable utilisation of wildlife resources as a viable form of land use for national economic development;
- To effectively mitigate human wildlife conflicts;
- To promote wildlife research and training;
- To promote conservation education and awareness across the nation;
- To ensure net positive impacts of exploration and development of extractive industries and other forms of development in wildlife conservation areas;
- To effectively combat wildlife crime; and
- To promote and support local, regional and global partnerships for conservation of wildlife.

The review of the policy necessitates the revision of the Wildlife Act which is the enabling law that facilitates its implementation.

3. Review of the Wildlife Act

Currently, the wildlife sector is governed by the Uganda Wildlife Act, of 2000. The Act provides for conservation and management of wildlife and wildlife conservation areas in Uganda. It creates the Uganda Wildlife Authority and charges it with management of wildlife in and outside wildlife conservation areas. The Act under S.4 (3) puts the Uganda Wildlife Authority under overall supervision of the ministry responsible for wildlife. The Act is now under review.

3.1. Justification for the review of the Wildlife Act

The current Uganda Wildlife Act, which was agreed in 2000, is outdated. New conservation challenges have emerged that require a robust legal and regulatory framework. The Government of Uganda has enacted a new Wildlife Policy 2014 and the law has to be reviewed to make its provisions consistent with the policy. There are also a number of new laws and policies that were formulated after 2000 that may undermine its effectiveness. Consequently, there is the need for a review of the law to address some of the challenges and to align the Act with these current laws and policies that relate to the sector. Examples of such policies and laws include the Oil and Gas Policy, the up-stream and Mid-stream oil laws, and the Agriculture Policy amongst others.

4. The review process of the Wildlife Act

- a) The Wildlife Act review process and consultations started in 2012. The initial review process was undertaken by a taskforce comprising members from Ministry of Tourism, Wildlife and Antiquities; Uganda Wildlife Authority; Uganda Wildlife Education Centre; Uganda Wildlife Training Institute and First Parliamentary Counsel, Ministry of Justice and Constitutional Affairs.
- b) The taskforce proposals were subjected to evaluation by the Uganda Wildlife Authority Board who made their input and contributions highlighting relevant sections for possible amendment consideration.
- c) A National consultative workshop held in Kampala on 11th January 2013 discussed the proposed amendments. This was attended by a cross section of stakeholders from Government Ministries, Departments and Agencies, Civil Society organisations, the Academia and the Private Sector. These included Ministry of Tourism, Wildlife and Antiquities, Ministry of Water and Environment, Ministry of Energy and Mineral Development, Ministry of Defence, Ministry of Local Government, Office of the Prime Minister, Ministry of Internal Affairs, Uganda Revenue Authority, Uganda Local Government Association, Uganda Wildlife Authority, National Environment Management Authority, Uganda Wildlife Education Centre, Chimpanzee Sanctuary and Wildlife Conservation Trust, Bwindi and Mgahinga Conservation Trust, Honorary Wardens, Uganda Wildlife Training Institute, various Non-Governmental Organisations, Wildlife Traders and Tourism private sector players and Makerere University.
- d) The views gathered from the consultations were then referred back to the Taskforce for inclusion, harmonisation and consensus building. The taskforce agreed by consensus on these principles. Recommendations from the consultations were used to compile the principles for the Wildlife Act and were submitted to the Cabinet in December 2013.
- e) About four months ago, the Cabinet approved the proposals with amendments and the draft was forwarded to the First Parliamentary Council of the Ministry of Justice and Constitutional Affairs for review and guidance.
- f) Recently (August 2014) the first Parliamentary Council forwarded the draft to the line Ministry of Tourism, Wildlife and Antiquities for internal review, consultations and input. Thereafter, the draft will be open to public consultations and input.¹
- g) The Ministry will compile the comments and input and forward the draft to Cabinet for additional comments and approval of the draft Bill. The Bill will then be tabled before parliament for discussion and enactment. This process is expected to take place during the next couple of months. The time could even be longer, depending on prioritisation and order paper scheduling by Parliament.

¹ There is no public information available as to when public consultations will commence.

5. Wildlife Policy position on Human-Wildlife Conflict, and sharing of revenue and other benefits.

5.1. Human-Wildlife Conflict

The revised National Policy on Conservation and Sustainable Development of Wildlife Resources (2014) highlights human-wildlife conflict as one of the key sector challenges and constraints. Strategic Objective 4 of the revised Policy highlights the need to effectively address human-wildlife conflicts with a view of minimising costs and enhancing positive attitude towards conservation of wildlife resources. Several strategies outlined to address the challenge include:

- a) Establish and maintain barriers along wildlife protected area boundaries for all areas susceptible to stray wild animals.
- b) Regularly compile baseline information on damage caused by wildlife for crops, livestock, property, injury and loss of life.
- c) Establish a special fund to support human wildlife conflict mitigation interventions.
- d) Increase and direct revenue sharing funds to human wildlife conflict mitigation and other wildlife conservation related interventions.
- e) Compensate for loss of human life and injuries caused by wild animals escaping from wildlife protected areas.
- f) Create capacity of Local Governments and communities to address problem-animal and vermin control challenges.
- g) Develop and implement national Guidelines for problem animal and vermin control and management.
- h) Identify wildlife species that should be classified as vermin, problem animals and protected species.
- i) Promote value addition and utilisation initiatives in vermin and problem animal management.
- j) Manage and control human-wildlife-livestock disease interface.
- k) Strengthen sector institutional capacity to manage human wildlife conflicts.

5.2. Sharing of Revenue and other Benefits

Regarding revenue and other benefits sharing, Uganda being a contracting and active Party to the Convention of Biological Diversity (CBD) of 1992 and Access and Benefit-Sharing/Nagoya Protocol (2010) is obliged to ensure fair and equitable sharing of benefits arising out from the utilisation of biological resources. This is reflected both in the policy vision and theme.

The revised Wildlife Policy Vision is “sustainably managed and developed wildlife resources and healthy ecosystems in a transformed Ugandan society” while the theme is “enhanced wildlife contribution to national growth, employment and socio-economic transformation”. Both the vision and theme emphasise the need to harness the potential of the country’s wildlife resources in order to realise the benefits and contribution towards the welfare, livelihood improvement and overall national development.

The Wildlife Policy Objective 1 (h) emphasises the need to promote conservation of protected areas through involvement of local communities, securing their support, ownership and commitment and, where appropriate, providing socio-economic benefits.

In addition, objectives 2 and 3 provide for promotion of sustainable and equitable wildlife utilisation programmes as a viable economic form of land use and with a view of creating incentives, improving livelihoods and securing community support for wildlife conservation. The policy thus calls for the need to utilise wildlife through tourism development, employment and sharing of revenue that accrues from such developments. The policy also provides for community access to selected protected area

resources or products including construction materials (e.g. poles, grass, reeds etc.) as well as food products, education and research opportunities among others.

The above policy objectives and strategies can be achieved by putting in place a law that facilitates the implementation of the policy. The review of the Wildlife Act therefore provides such an opportunity. Although it is noted implementation of the law is a critical aspect of the process to improve the conservation and sustainable management of wildlife.

6. Some of the critical issues that the law seeks to address

6.1 Compensation for injury and damage to property

The current Act does not provide for 'compensation' or any form of contribution to victims of wildlife attacks and damages. While compensation for crops and related property might be cumbersome and problematic, there is the need to provide for some form of support to victims or bereaved individuals and families that lose members to wildlife attacks. The Wildlife Act review process therefore seeks to provide for "compassionate contribution" to victims of wild animal attacks that result in death and injuries outside Protected Areas. Any attacks that take place inside the protected area may not be considered under this category of compassionate support. The review also seeks to provide for clarification on the extent to which Uganda Wildlife Authority is liable to wildlife induced damages and gazetted Conservation Area land management and ownership. It is noted that the concept of "compassionate contribution" seems to recognise the distinctions needed to respond to loss of life or loss of property, but these are two very different aspects.

6.2 Systems for Managing Wildlife Conflict

Currently, there are weak systems and responses to management of problem animals and vermin at both local and district levels. The revision of the Act seeks to provide effective management of problem animals and vermin by Local Governments, Uganda Wildlife Authority and communities. There is the need to provide for mechanisms to enhance the capacity of these institutions and communities to effectively respond to problem animal and vermin attacks.

6.3 Enhancing penalties for offences against wildlife

Poaching incidences continue to increase and devastate the country's national parks and other key conservation areas. The increase is partly attributed to weak policies, laws and related penalties for offences and crimes committed against wildlife. The review therefore seeks to enhance and strengthen penalties for wildlife crimes and offences and make them strong and deterrent.

6.4 Clear articulation of the role of local governments and other institutions and agencies.

The review intends to provide for enhanced and effective community and Local Government participation in the management of wildlife through rationalisation of use of revenue sharing funds and other resource access programs as well as establishment of Protected Area Community Wildlife Committees. The roles of different entities responsible for wildlife management appear unclear, not well defined, and conflicting in the current Act. The review therefore seeks to clearly define and streamline roles and responsibilities of the Ministry responsible for wildlife, statutory bodies, other relevant Government Ministries and the Local Governments.

6.5 Regulation of management of wildlife resources outside conservation areas

Over 50% of the country's wildlife resources is reported to occur outside gazetted Wildlife Protected Areas. There is no regulated or effective monitoring system to ensure protection and conservation of wildlife outside protected areas. The review therefore would provide for effective protection and monitoring to promote sustainable utilisation of wildlife resources outside protected areas as a viable form of land use and livelihood support.

6.6 Creation of a wildlife conservation fund

The underlying principle of Uganda's financial strategy in respect to wildlife conservation is that adequate and sustainable financing are fundamental to effective wildlife management and

conservation. The funding strategies to that effect include tourism and business development, Government core support, research and development grants, service levies, wildlife use rights, collaborative management arrangements, public private partnerships and wildlife conservation trust funds. In order to ensure sustainable funding for wildlife conservation, the review will provide for an effective mechanism for operationalisation of the Wildlife Fund.

6.7 Breeding and management of wildlife outside protected area

The revised Act is envisaged to provide legal mechanisms for promoting breeding of threatened, endemic and endangered species, introductions, reintroductions as well as exchange of selected species for conservation and education purposes. A number of individuals and companies have indicated interest in keeping and breeding of wildlife for education purposes as provided for under Section 29 (Wildlife Use Rights). As a result, the country has seen an increasing number of 'Wildlife Education Centres'. However, there appears to be a weak monitoring and regulation system of these enterprises. The review therefore seeks to provide for regulation, establishing and strengthening the monitoring system of these emerging centres and zoos.

7. Opportunities for U-PCLG to inform the review process and influence the outcome of the process

The review of the Wildlife Act provides an opportunity to U-PCLG to influence the new law. The group can develop a memorandum of issues that ought to be addressed and submit it to the Review Committee, or make a submission to the relevant committee of parliament once the bill is submitted to parliament (or both). The current draft is not in the public domain until it is released for public input or submitted to parliament for consideration. It is therefore not possible to tell with certainty the details in the current draft. However, some of the issues that are of interest to U-PCLG relate to revenue and benefit sharing with local communities, management of human wildlife conflict and compensation for damage.

Another opportunity is the on-going formulation of the Uganda Wildlife Revenue Sharing Regulations (2013) by the Ministry of Tourism, Wildlife and Antiquities in collaboration with Uganda Wildlife Authority. The formulation process provides an opportunity for a legally enforceable mechanism of implementing benefits sharing. The regulations will be completed once the law has been put in place since the regulations are intended to facilitate the implementation of the law²

8. Conclusion

The review of the Wildlife policy and the Act provides an opportunity to various stakeholders including U-PCLG to raise issues of concern for consideration. The process provides an opportunity to address new conservation challenges and for taking up innovative approaches that can promote sustainable utilisation of wildlife resources. Consequently, UPCLG can prepare a memorandum of issues and submit it to the technical committee responsible for reviewing the law and carry out advocacy activities to ensure that issues of concern regarding benefit sharing and compensation for injury and damage to property are provided for. Strategic and advocacy meetings can also be organised with Members of parliament to support provisions that relate to these important aspects once the Bill is presented for debate.

² There is no information available suggesting the timelines for enactment of the law and regulations.

The Uganda Poverty and Conservation Learning Group (U-PCLG)

(<http://povertyandconservation.info/en/pages/uganda-pclg>) was established in 2011 to bring together Ugandan conservation and development practitioners to share their experiences and to work together to better inform policy and practice. The learning group pursues its mission through a range of research, communication and policy advocacy activities. U-PCLG is part of the wider Poverty and Conservation Learning Group (PCLG), an international network of organisations coordinated by the International Institute for Environment and development (IIED), which promotes learning on the linkages between biodiversity conservation and poverty reduction.

Advocates Coalition for Development and Environment (ACODE) (<http://www.acode-u.org>) is a charitable public policy and advocacy think tank registered in Uganda. Its Mission is to make public policies work for people. Through research, ACODE helps governments and international development agencies to expand the range of policy choices necessary to confront challenging and sometimes controversial public policy problems. Through policy outreach and advocacy, ACODE contributes to the formulation of public policies that support sustainable development, thereby expanding livelihood and income opportunities for poor people. Through civic awareness, ACODE empowers communities to demand for justice, promote public participation and citizens' demand for accountability in decision-making processes that affect their livelihoods.



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