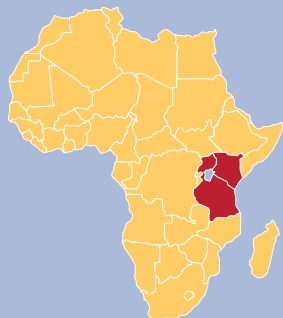




Country Focus: **Uganda, Tanzania and Kenya**

Governance and Legal Regime Field Assessment



- ▶ **Wildlife trends in Uganda, Tanzania and Kenya indicate significant declines in large mammal populations.**
- ▶ **Wildlife laws provide for three major aspects of enforcement: 1) administrative, 2) criminal, and 3) civil. Civil have been largely unexplored, and have potential for dealing with a wide range of violations in wildlife crimes**
- ▶ **Prosecutions for illegal hunting are very few in all three countries.**
- ▶ **Capacity building that supports improved effectiveness in investigation, prosecution and sentencing of illegal hunting is essential.**
- ▶ **New technologies on bushmeat identification can help in prosecuting wildlife cases.**
- ▶ **Training for magistrates, prosecutors and law enforcement officers on wildlife laws and values is needed.**

Wildlife Trends in Uganda, Tanzania and Kenya

Decline in wildlife populations globally, including eastern Africa, due to human activity is proceeding at an unprecedented rate. Permanent wildlife loss will hurt not only today's populations but also future generations. Wildlife declines are exacerbated by increasing human populations. In Uganda the human population increased from 11.4 million in 1977 to 30.2 million in 2007. Similarly, Tanzania's increased over the same thirty years from 17 to 39 million people. In Kenya the population rose from 14.5 to almost 37 million. In Uganda there are recommendations for developing a sustainable wildlife trade amidst reports indicating significant declines (50%-90%) in most large mammal species over the last forty years, including several local extinctions (Black Rhinoceros, White Rhinoceros, Oryx and Darby Eland). Although a few species (e.g. Uganda Kob) may be increasing, others (e.g. carnivores and hippopotamus) are in serious decline. In Tanzania wildlife trends are similar with declines in herbivores from the late 1980's to early 2000's being identified in over 50% of areas surveyed. In Kenya, generally speaking, for many large mammal species there has been an estimated 50% or greater decline in the last thirty years. An improved arena for enabling more effective wildlife management and governance in the eastern Africa region is needed.

Study Area Focus

This assessment focused on law enforcement capacity and governance in three countries where common law is applied (i.e. law that relies on prosecution having the burden of proof). Selected administrative areas in Uganda (Kasese and Masindi Districts), Tanzania (Dar es Salaam and Arusha), and Kenya (Kibera and Kilgoris) were identified for this assessment. Effective law enforcement requires successful anti-poaching efforts, governance and collaboration among key sectors – a focus of this study. Additionally, the study had a focus on resource sharing among the judiciary, public prosecution, police force and wildlife statutory bodies. Wildlife law enforcement evaluations were conducted in three areas: investigations (police and anti-poaching units), prosecution (specialized prosecutors and attorneys), and sentencing.

Overview of the Governance Assessment

An assessment of legal experts was conducted in April - May 2008 in Tanzania and Uganda and in November 2008 in Kenya. The objectives of the assessment were to evaluate wildlife laws and effectiveness (as measured by awareness, capacity, prosecution success rates, law training and use) of enforcement institutions in illegal wildlife use for all three countries. Records for decided wildlife cases from police and prosecution in the research areas were reviewed. Additional data sources were: annual reports, wildlife case registers, and interviews with wildlife law enforcement officers. The assessment coincided with the Uganda Judicial Officer's Association Conference, enabling collection of a number of surveys (n=110 Magistrates). Ten of these interviews were included in the assessment reported here that surveyed a total 151 law enforcement professionals in the three countries.

Enforcement professional interviews included: Uganda Chief Magistrates (n=10), prosecutors (n=10), and police officers (n=24); Tanzania Magistrates (n=10), prosecutors (n=10) and police officers (n=24); and Kenya Magistrates (n=3), prosecutors (n=3), and police officers (n=12). Additional wildlife authority professionals interviewed were from Uganda Wildlife Authority (UWA) (n=15); Tanzania National Parks Authority (TANAPA) (n=5), Tanzania Wildlife Division (n=5), Game Department (n=5); and Kenya Wildlife Service (n=5), Masai Mara (n=5), and Lusaka Agreement Task Force (n=5).

BUSHMEAT

The bushmeat trade is the illegal, over-hunting of wildlife for meat and income. Already in West and Central Africa this trade has resulted in declines and local extinctions of many wildlife species and the economic, cultural and ecosystem services they provide. In addition, a number of human health threats have emerged from the trade in bushmeat including linkages with HIV/AIDS, ebola and the threat of anthrax. Bushmeat trade is not regulated or managed by any authority. Economic benefits from the trade go mainly to hunters and traders. If current trends continue, future generations of citizens in Africa will not have the opportunity to access benefits from wildlife. Using wildlife to meet protein and income demands cannot be supported in the long term. The immediate threat of loss of economic opportunity, cultural and ecological services, and other values to a wider community must be addressed today.

Results and Findings

In Uganda, Tanzania, and Kenya most conservation capacity development projects target the first stage of law enforcement (police investigations/arrests) with limited attention directed at stage two (prosecution) or three (sentencing). The majority of tried wildlife cases fail to prosecute offenders. Many cases never make it to trial as offenders are released on bail and do not return for trial. There is limited formal academic training of enforcement agents (police, prosecutors or magistrates) concerning wildlife laws and limited partnership or collaboration in enforcement of wildlife laws. Understanding of wildlife values among enforcement agents is limited to economic values (price of hunted species if legally hunted) and tourism with only a few agents promoting cultural, ecological or non-utilitarian values of wildlife.

Problems encountered in prosecution of wildlife cases are: (1) courts are not aware of the full value of wildlife or its conservation, (2) wildlife poaching cases are treated by courts and police as minor offences since they are not aware of the full social, ecological, and economic effects of illegal and unsustainable wildlife harvests, (3) unlike other crimes wildlife crimes are handled by any magistrate irrespective of the grade and the magnitude of the crime, and (4) the penalties awarded by courts in wildlife crime are not commensurate with the offence committed and the effort put by law enforcement officers at the initial stage of arrest.

Forensic sciences are not used in proving wildlife cases leading to high failure rate of cases (poor specimen handling frequently sighted as key reason for case failures). Courts lack trained wildlife prosecutors. No wildlife crime database exists disabling enforcement agents from tracking repeat offenders. In Tanzania, the placement of wildlife crimes under the Economic Crime Act contributes to failure of wildlife cases as these are treated as minor offenses with only economic value attached to wildlife. Ugandan laws do not attach a monetary value to wildlife. In Kenya, court punishments are not equal to the expenses incurred by law enforcement in executing arrests. Wildlife crimes in Kenya are prosecuted by insufficiently trained police officers who tend to treat wildlife cases as minor offences asking for minimum sentences. Tanzanian poachers arrested in the Masai Mara prefer these weaker sentencing courts to Serengeti courts. There are limited reference materials or legal expertise on this issue in the region.

Recommendations

Law enforcement stakeholders and officers immediately need to increase expertise and improve collaboration in wildlife crime prosecution. Increased collaboration and networking of enforcement professionals with broader conservation and community stakeholders is also needed. In-service capacity building and training for investigators, prosecutors and magistrates on existing wildlife laws, prosecution and sentencing mechanisms is urgently required. Dedicated training of enforcement agents on the range of existing wildlife values is essential in addition to including these values into wildlife laws. A practicing manual for prosecutors and sentencing guidelines for magistrates is considered necessary. A wildlife cases database is required to enable courts and prosecutors to keep track of wildlife criminals and avoid treating habitual (repeat) offenders as first offenders. Environment and wildlife law curriculum already developed in the universities should be fully implemented with possibilities of extending a similar curriculum at the postgraduate level for legal practice. Transboundary collaboration on wildlife law enforcement will benefit the eastern Africa region.

For more information about BEAN and bushmeat in eastern Africa please visit: www.bushmeatnetwork.org

The Bushmeat-free Eastern Africa Network (BEAN) is an interdisciplinary and multi-institutional network consisting of stakeholders (wildlife professionals, human development experts, government representatives, private industry personnel, academic experts, local community leadership and citizens etc.) who work collaboratively to raise awareness, focus attention, share information, analyze, evaluate and report on trends, and leverage resources to build local partnerships and capacity to implement grassroots solutions that directly address bushmeat exploitation problems affecting protected and surrounding areas in eastern Africa.



MENTOR

BEAN emerged from the USFWS MENTOR Fellowship Program [www.mentorfellowshipprogram.org] a funded cooperative agreement from the U.S. Fish & Wildlife Service [www.fws.gov/international/DIC/regional%20programs/africa/Africa.html] to the College of African Wildlife Management- Mweka, Tanzania [www.mwekawildlife.org] and the Africa Biodiversity Collaborative Group [www.abcg.org].



Sources: NEMA. 2008. Building a Foundation for a Sustainable Wildlife Trade in Uganda: A Review of the National Policies in Support of CITES. Government of Uganda Report to CITES Prepared by National Environmental Management Authority, Ministry of Water and Environment and Department of Wildlife Conservation, Ministry of Tourism, Trade and Industry, Uganda. 74 Pages. [Accessed March 2009: <http://www.cites.org/common/prog/policy/UGReportAug2008.pdf>]

Opyene, V. 2008. Assessment Report on the Legal Regime and Institutional Governance of Illegal Bushmeat Utilisation in Uganda and Tanzania. Draft Report. College of African Wildlife Management, Mweka, Tanzania. 85 Pages.

Population statistics: [Accessed February 2009: http://www.nationmaster.com/graph/peo_pop-people-population&date=2007]

Rwetsiba, A. 2005. Wildlife Population Trends in Uganda, 1960-2005. Monitoring and Research Coordination. Uganda Wildlife Authority. [Accessed March 2009: <http://www.uwa.or.ug/trends.pdf>]

Stoner, C., T. Caro, S. Mduma, C. Mlingwa, G. Sabuni, M. Borner, and C. Schelten. 2007. Changes in large herbivore populations across large areas of Tanzania. African Journal of Ecology 45(2):202-215.

Western, D., S. Russell, and K. Mutu. 2006. The Status of Wildlife in Kenya's Protected and Non-Protected Areas. Paper Commissioned by Kenya's Wildlife Policy Review Team. Presented at the First Stakeholder's Symposium of the Wildlife Policy and Legislation Review Forum. 27 and 28 September 2006. Nairobi, Kenya [Accessed February 2009: http://www.conservationafrica.org/conservation-publications/wildlife_poicy_review_paper.pdf]

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