

# A Critical Analysis of Legal and Institutional Framework of Natural Resource Conservation in Kabale, Uganda

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## ABSTRACT

Natural resource conservation in Kabale, Uganda, presents a critical challenge given the district's ecological significance and socio-economic dynamics.<sup>1</sup> This article provides a comprehensive analysis of the legal and institutional frameworks governing natural resource management in Kabale. It examines the effectiveness and limitations of existing policies, regulations, and institutional structures in achieving conservation goals amidst growing pressures from population growth and economic activities.

While there are notable legislative efforts and institutional commitments to resource conservation, issues such as inadequate enforcement, limited institutional capacity, and conflicts between conservation and local economic interests undermine the effectiveness of these measures.<sup>2</sup>

The analysis highlights the need for a more integrated approach that enhances legal enforcement, strengthens institutional capacities, and addresses socio-economic challenges. Recommendations are provided for policy improvements and strategic interventions aimed at fostering more effective natural resource conservation practices in Kabale. This study contributes to the broader discourse on sustainable development by offering actionable insights into optimizing legal and institutional mechanisms for resource management in similar contexts.

## 1.1 INTRODUCTION

Natural resource conservation is a critical issue in many developing regions, where the interplay between environmental sustainability and socio-economic development often creates complex challenges.<sup>3</sup> In Uganda, particularly in the Kabale District, the management and preservation of natural resources are pivotal due to the area's rich biodiversity and the growing pressures from population increase and economic activities. This academic article provides a critical analysis of the legal and institutional frameworks governing natural resource conservation in Kabale, Uganda.

Despite the global recognition of the importance of natural resource management in addressing climate change and promoting sustainable development, local enforcement and institutional effectiveness can vary significantly.<sup>4</sup> In Kabale, a district known for its diverse ecosystems and agricultural activities, the legal

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<sup>1</sup> Nabwire, B.B. and Nyabenge, M., 'Community resource mapping in sustainable natural resource management: A case study of SW Uganda' (2006) 25(1) *The Electronic Journal of Information Systems in Developing Countries* 1-8.

<sup>2</sup> Peluso NL, 'Coercing conservation? The politics of state resource control' (1993) 3(2) *Global Environmental Change* 199.

<sup>3</sup> Rammel C, Stagl S and Wilfing H, 'Managing complex adaptive systems—a co-evolutionary perspective on natural resource management' (2007) 63(1) *Ecological Economics* 9.

<sup>4</sup> Tompkins EL and Adger WN, 'Does adaptive management of natural resources enhance resilience to climate change?' (2004) 9(2) *Ecology and Society*.

and institutional structures in place are designed to safeguard these resources.<sup>5</sup> However, the effectiveness of these frameworks in practice remains a subject of debate.

This analysis seeks to examine the strengths and limitations of the existing legal and institutional arrangements, exploring how well they align with conservation objectives and the realities on the ground. By scrutinizing the relevant policies, regulations, and institutional capacities, this article aims to offer insights into the successes and challenges faced in the implementation of natural resource conservation strategies in Kabale. Through this examination, the study will contribute to a deeper understanding of how legal and institutional mechanisms can be optimized to enhance conservation efforts and support sustainable development in similar contexts.

## 1.2 LEGAL FRAMEWORK FOR NATURAL RESOURCE CONSERVATION IN UGANDA.

Uganda's regulatory framework for conserving natural resources is made to safeguard the nation's abundant natural resources while advancing sustainable development.<sup>6</sup> This framework is essential to the management of natural resources in Kabale, a district distinguished by its variety of habitats and environmental difficulties. However, depending on how these laws are applied and upheld, their efficacy may differ greatly. In an effort to offer a thorough grasp of its influence and potential areas for development, this critical analysis looks at the advantages, disadvantages, and real-world applications of Kabale's legal framework for the conservation of natural resources.<sup>7</sup>

Uganda, like many other countries, is taking steps to prevent environmental degradation and to restore and conserve its natural resources. To do this, the country has enacted a comprehensive legislative framework addressing natural resource protection, indicating its commitment to environmentally responsible management and the preservation of its many habitats. The legal framework is made up of several laws, rules, laws, regulations, management practices,<sup>8</sup> and guidelines aimed at safeguarding land, water, forests, wildlife, minerals, and other natural resources.

Uganda does not have a unique legislation or policy aimed only at public involvement; nonetheless, public participation, especially participation in natural resource protection, is supported by a variety of international, regional, national, and municipal laws and regulations.<sup>9</sup> The legal framework for the conservation of natural resources includes important aspects like:

### 1.2.1 Convention on Biological Diversity (CBD)

The Convention on Biological Diversity, sometimes known as the Biodiversity Convention, is a multilateral convention. The Convention's three basic goals are the conservation of biological diversity (or biodiversity), the sustainable use of its components, and the equitable distribution of benefits derived from genetic resources. Its goal is to build national policies for the conservation and sustainable utilization of

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<sup>5</sup> Yesigomwe, Aggrey, 'The Role of Women in Natural Resource Management: A Case Study of Two Wings Agroforestry Network-Kabale' (2008).

<sup>6</sup> Sanginga, Pascal C, Washington O Ochola and Isaac Bekalo, 'Natural Resource Management and Development Nexus in Africa' in *Managing Natural Resources for Development in Africa: A Resource Book* (2010) 11.

<sup>7</sup> Nabaasa H, 'Women participation in commercial agriculture and household income stability in Kabale: A case study of Kabale district' (2015).

<sup>8</sup> Anne B Hollowed, Manuel Barange, Véronique Garçon, Shin-ichi Ito, Jason S. Link, Salvatore Aricò, Harold Batchelder, Robin Brown, Roger Griffis, and Wojciech Wawrzynski, 'Recent Advances in Understanding the Effects of Climate Change on the World's Oceans' (2019) 76 *ICES Journal of Marine Science* 1215.

<sup>9</sup> Moses Kamanyire, 'Sustainability Indicators for Natural Resource Management & Policy' [2000] *Natural Resource Management and Policy in Uganda: Overview Paper*, Economic Policy Research Centre, Kampala.

biological diversity, and it is sometimes regarded as the foundational text for sustainable development.<sup>10</sup> Although natural resource management spans a wide range of disciplines, those having the closest linkages to conservation biology are renewable resources: forestry, fisheries management, range management, and, most importantly, wildlife management.<sup>11</sup> Protecting natural habitats is crucial for biodiversity and natural resource protection. Degradation or destruction of these habitats can lead to biodiversity reductions and the loss of ecosystem services, as many species rely on them for existence. Natural resources found in natural environments, such as pure water, fertile soil, and wood, are likewise safeguarded when they are preserved.<sup>12</sup>

The three basic objectives of the Convention are to conserve biodiversity, use biodiversity's components sustainably, and fairly and equally share the advantages that come from using genetic resources for commercial and other purposes. States must create national policies, plans, and programs for the conservation and sustainable use of biological variety, considering their unique circumstances and capacities. They must also, whenever feasible, adopt measures that serve as incentives for these efforts.<sup>13</sup> They are responsible for identifying, tracking, and maintaining pertinent data on the elements of biological diversity—species, ecosystems, genomes, and genes—that are critical to their preservation and sustainable usage.<sup>14</sup> It is necessary to identify and track processes and activities that could negatively affect conservation and sustainable use using procedures like sampling. The Convention encourages both in situ and ex-situ conservation, with the latter serving to supplement the former and ideally taking place in the nation where the components of biodiversity originated (articles 6–11). States are required to collaborate in addition to their domestic efforts, either directly or through capable international organizations. This includes, but is not limited to, funding and other forms of support for conservation efforts in developing nations, technical and scientific collaboration, education, training, and public awareness campaigns, as well as notification and information sharing regarding actions that could have a substantial negative impact, situations of impending or serious danger, and emergency response plans (articles 5 and 12–14).<sup>15</sup>

The environmental community welcomed the deal with open arms, even exuberance, but putting it into practice is proving to be challenging due to its poor environmental basis. Any legal document's language reflects and conveys the thoughtful intentions of its drafters and may include legally binding requirements. 'Soft' pledges with high qualifications and legally obligatory 'hard' environmental duties were rejected by the CBD for non-legal exhortations.<sup>16</sup>

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<sup>10</sup> Michelle Lim, 'Biodiversity 2050: Can the Convention on Biological Diversity Deliver a World Living in Harmony with Nature?' (2019) 30 Yearbook of International Environmental Law 79.

<sup>11</sup> Elisa Morgera, 'Dawn of a New Day: The Evolving Relationship between the Convention on Biological Diversity and International Human Rights Law' (2018) 53 Wake Forest L. Rev. 691.

<sup>12</sup> Kahrić Adla, Kulijer Dejan, Dedić Neira, and Šnjegota Dragana, 'Degradation of Ecosystems and Loss of Ecosystem Services', *One health* (Elsevier 2022).

<sup>13</sup> Michael Bowman, 'Conserving Biological Diversity in an Era of Climate Change: Local Implementation of International Wildlife Treaties' (2010) 53 German YB Int'l L. 289.

<sup>14</sup> Charles Lawson, 'The Breeder's Exemption under UPOV 1991, the Convention on Biological Diversity and Its Nagoya Protocol' (2015) 10 Journal of Intellectual Property Law & Practice 526.

<sup>15</sup> Cin Emelie, 'UNITED NATIONS CONFERENCE ON THE ENVIRONMENT AFTER THE RIO DEJANEIRO OF 1992: IT&#160;S IMPLICATIONS FOR ENVIRONMENTAL PROTECTION' (2020) 2 Chukwumeka Odumegwu Ojukwu University Journal Of Private And Public Law.

<sup>16</sup> Ephraim Zulu, Sambo Zulu, Mwansa Chabala, Innocent Musonda, Neema Kavishe, and Nicholas Chileshe, 'Challenges and Advocated Solutions for Environmental Protection Legislation for Building Infrastructure Projects in Developing Countries: Evidence from Zambia' (2022) 3 Project Leadership and Society 100056.

As valuable as they may be as face-saving techniques to get to an agreement on the CBD, such aspirational language does not provide a solid basis for difficult choices in the realpolitik realm.<sup>17</sup> Therefore, to increase the CBD's effectiveness, it is crucial to increase financial resources and fortify international cooperation.

For this Convention, there should be a grant or concessional financial resource provision system for developing nation Parties, the fundamental components of which are outlined in this Article. To comply with the provisions of this Convention, the mechanism shall report to and be governed by the Conference of the Parties. The Conference of the Parties at its first meeting may decide on an institutional framework to carry out the mechanism's functions.<sup>18</sup>

As a result, strengthening compliance processes, increasing funding for conservation projects, and encouraging international collaboration are crucial for potentially increasing the CBD's efficacy in conserving natural resources.

### 1.2.2 Rio Declaration on Environment and Development.<sup>19</sup>

The Rio Declaration contained 27 guiding principles for the future sustainable development of nations. More than 175 nations signed it.<sup>20</sup> The United Nations Conference on Environment and Development<sup>21</sup> Calls for comprehensive public engagement in policy and decision-making by all social groups, especially women, youth, Indigenous people, and local communities, are included in Chapter 23.<sup>22</sup>

During the Conference on Environment and Development, which took place in Rio de Janeiro in June 1992, the United Nations adopted the Rio Declaration. Its goal was to restate the United Nations Conference on the Human Environment Declaration, which was approved in Stockholm in June 1972.<sup>23</sup> The Rio Declaration emphasizes that long-term success can only be achieved by combining environmental protection and economic growth. This is only conceivable if nations work together to form a new, equitable global coalition that includes their governments, people, and key society sectors. International agreements must be established to maintain the integrity of the global environmental system and development framework.<sup>24</sup>

The Rio Declaration outlines 27 tenets, including the "integral and interdependent nature of the Earth, "our home". According to the first principle, human beings are the main focus of sustainable development because they have a right to a healthy, productive life in balance with the environment. States are therefore expected to pass environmental legislation under Article 11.<sup>25</sup>

More articles contain formulations of the polluter pays principle (which states are encouraged to adopt where it is in the public interest and it will not distort international trade and investment) and the precautionary principle (which should be "widely applied by states according to their capabilities"; these

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<sup>17</sup> Lakshman D Guruswamy, 'The Convention on Biological Diversity: Exposing the Flawed Foundations' (1999) 26 *Environmental conservation* 79.

<sup>18</sup> Secretariat of the Convention on Biological Diversity, *Handbook of the Convention on Biological Diversity* (Earthscan 2001).

<sup>19</sup> 1992.

<sup>20</sup> Annex A, 'Rio Declaration on Environment and Development', *A/CONF* (2003).

<sup>21</sup> Marc Pallemarts, 'International Environmental Law in the Age of Sustainable Development: A Critical Assessment of the UNCED Process' (1995) 15 *JL & Com.* 623.

<sup>22</sup> Francesca Ippolito, 'A Child-Centred Approach Between the Lines of International and EU Environmental Law', *Children's Environmental Rights Under International and EU Law: The Changing Face of Fundamental Rights in Pursuit of Ecocentrism* (Springer 2022).

<sup>23</sup> Vereinte Nationen, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3–14 June 1992' (2023).

<sup>24</sup> Rio Declaration, 'Rio Declaration on Environment and Development' (1992).

<sup>25</sup> Annex (n 21).

are identified as principles 15 and 16 respectively. The last rule encourages the other rules to be followed sincerely and cooperatively.<sup>26</sup> A favorable opinion of traditional ecological knowledge is therefore expressed in the Rio Declaration.

Rio Principle 10 is promoted at the national level through international standards for its application. The Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters, also known as the Aarhus Convention, was enforced in 2001 by the United Nations Economic Commission for Europe (UNECE) to safeguard the right to live in an environment sufficient for each individual's health and well-being.<sup>27</sup>

### **1.2.3 African Convention on the Conservation of Nature and Natural Resources (Algiers Convention)**

The Convention, an international agreement, promotes African conservation initiatives, emphasizing community involvement and cooperation, but does not establish specific laws addressing local community rights.<sup>28</sup> The Algiers Convention emphasizes the importance of local communities in conservation efforts, recognizing the public's right to participate in these efforts through Article 6.

The convention promotes public awareness and education about conservation issues, indirectly encouraging local communities to participate in conservation initiatives by member states.<sup>29</sup> The treaty underscores the necessity for inter-African cooperation in conservation initiatives, urging governments, NGOs, and local populations to collaborate, promoting inclusive decision-making methods.<sup>30</sup>

The Convention acknowledges African cultural and linguistic diversity, but lacks comprehensive coverage, potentially marginalizing certain communities and limiting access to information about conservation initiatives, and lacks transparency obligations.<sup>31</sup>

The treaty lacks integration of indigenous knowledge systems into conservation initiatives, potentially compromising efficiency and sustainability. Addressing this requires convention changes or recommendations to protect local people's right to public engagement.<sup>32</sup>

### **1.2.4 The East Africa Community Protocol on Environment and Natural Resources Management**<sup>33</sup>

The EAC Protocol aims to establish rules for Partner States to cooperate in managing environmental and natural resources in their respective regions, including wildlife habitats, water, fisheries, minerals, energy, and tourism.<sup>34</sup>

The Protocol's implementation principles include poverty elimination, environmental cooperation, sustainable development, public participation, informed consent, information sharing, and environmental

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<sup>26</sup> *ibid.*

<sup>27</sup> Sean T McAllister, 'The Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters' (1999) 10 *Colo. J. Int'l Envtl. L. & Pol'y* 187.

<sup>28</sup> Achim Steiner, *An Introduction to the African Convention on the Conservation of Nature and Natural Resources* (IUCN 2006).

<sup>29</sup> *ibid*

<sup>30</sup> Martin Sjöstedt and Amanda Linell, 'Cooperation and Coercion: The Quest for Quasi-Voluntary Compliance in the Governance of African Commons' (2021) 139 *World Development* 105333.

<sup>31</sup> Vincent Bohnenblust, 'The EU's Representation at the UNESCO and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions' [2017] Available at SSRN 3033204.

<sup>32</sup> Tero Mustonen and Noora Huusari, 'How to Know about Waters? Finnish Traditional Knowledge Related to Waters and Implications for Management Reforms' (2020) 30 *Reviews in Fish Biology and Fisheries* 699.

<sup>33</sup> Julius N Mwabu, 'East African Community (EAC) Integration and Environmental Management' (University of Nairobi, 2014).

<sup>34</sup> *ibid.*

audit and monitoring for transboundary impact. This involves environmental auditing, monitoring projects, regulations, and operations, and managing the environment and natural resources.<sup>35</sup>

Article 34 safeguards public rights to justice, information, and participation, requiring Member States to establish common laws, policies, and programs for environmental management, justice, and information access.<sup>36</sup> The Partner States are required to foster an environment that encourages the involvement of various stakeholders in environmental and natural resource management. The public's involvement in natural resource management and governance is crucial, as resource curses, poverty, and war can arise from abundant resources, despite trade accounting for significant income in many developing countries.<sup>37</sup>

### 1.2.5 The Constitution of the Republic of Uganda.<sup>38</sup>

The 1995 Ugandan Constitution, the supreme law of the nation, establishes the public's right to participate in the conservation of natural resources.

Natural resource management is founded on the fundamental principles established by the Constitution, which is the supreme law. It makes environmental protection a primary responsibility for both the government and the people. Article 245 establishes the National Environment Management Authority (NEMA) as the primary institution for environmental management, while Article 39 assures the right to a clean and healthy environment.

The Constitution of Uganda promotes environmental conservation and sustainable development, aiming to raise public awareness about the importance of managing land, air, and water resources for present and future generations.<sup>39</sup>

The Constitution's National Objectives and Directive Principles of State Policy (NODPSP) mandates a state founded on democratic principles, promoting citizen involvement in governance.<sup>40</sup> Articles of the Constitution<sup>41</sup> mandate the preservation of the environment, granting every Ugandan the right to sue for issues like improper waste disposal or pollution.<sup>42</sup>

The Judicature Act<sup>43</sup>, Magistrates Courts Act<sup>44</sup>, and Uganda's Constitution outline Ugandan courts' rules, allowing them to apply various legal sources, including equity and customary law, which are crucial for sustainable development concepts.<sup>45</sup>

The Ugandan constitution mandates the state to protect critical natural resources like land, water, wetlands, forests, and wildlife for public welfare and public benefit.<sup>46</sup>

The Constitution also requires Uganda's natural resources to be responsibly managed to meet the environmental development and preservation needs of current and future generations.<sup>47</sup>

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<sup>35</sup> Hamudi Majamba, 'Implementing the East African Community Legislative Framework on Management of Environment and Natural Resources'.

<sup>36</sup> Uganda Constitution 1995 34(1), 25.

<sup>37</sup> Volker Lehmann, 'Natural Resources, the Extractive Industries Transparency Initiative, and Global Governance' (2015).

<sup>38</sup> 1995

<sup>39</sup> Manisuli Ssenyonjo, 'The Domestic Protection and Promotion of Human Rights under the 1995 Ugandan Constitution' (2002) 20 *Netherlands Quarterly of Human Rights* 445.

<sup>40</sup> Erica Bussey, 'Constitutional Dialogue in Uganda' (2005) 49 *Journal of African Law* 1.

<sup>41</sup> The 1995 Constitution of Uganda art.39 and 41

<sup>42</sup> Ssenyonjo (n 40).

<sup>43</sup> Jamil D Mujuzi, 'Construing Pre-1995 Laws to Bring Them in Conformity with the Constitution of Uganda: Courts' Reliance on Article 274 of the Constitution to Protect Human Rights' (2022) 22 *African Human Rights Law Journal* 520.

<sup>44</sup> The Magistrates Courts Act, Cap 16, 1970, (Uganda); Statutory Instrument No 36 of 1970.

<sup>45</sup> Loretta A Feris, 'The Role of Good Environmental Governance in the Sustainable Development of South Africa' (2010) 13 *Potchefstroom Electronic Law Journal* 73.

<sup>46</sup> Constitution of the Republic of Uganda 1995, art 237.

The Ugandan Constitution mandates the government to protect key natural resources like land, water, minerals, oil, animals, and plants, requiring them to take reasonable precautions to minimize harm and destruction caused by pollution.<sup>47</sup>

The Constitution requires Parliament to establish legislation to manage the environment for sustainable development, avoid pollution, abuse, and deterioration, and raise public awareness of environmental issues.<sup>48</sup> The National Environment Act,<sup>49</sup> the Water Act,<sup>50</sup> the Forest and Tree Planting Act,<sup>51</sup> the Local Governments Act,<sup>52</sup> and the Wildlife Act,<sup>53</sup> among others, have already implemented this.<sup>54</sup>

Article 237(b) of the constitution states that "natural lakes, rivers, wetlands, forest reserves, national parks, and any land to be reserved for ecological and tourism purposes for the common good of all citizens shall be held in trust for the people and protected by the national government and local governments, as determined by law."<sup>55</sup>

The Constitution served as the legal framework for both the 1995 and 2019 National Environment Acts. According to this right, everyone, including the government, is responsible for environmental protection. In this instance, anyone can make a complaint claiming that their right to a respected and healthy environment has been violated.<sup>56</sup>

The right to information is guaranteed under the Constitution and is essential for effective public participation.<sup>57</sup>

The Constitution lacks strong procedures for resolving conflicts over natural resource protection among local communities, government agencies, and business interests. This may stymie conservation efforts and lead to lengthy arguments.<sup>58</sup>

To close these gaps, institutional strengthening, increased transparency, and empowering local populations to actively participate in natural resource conservation decision-making processes are essential, in addition to legal reforms.<sup>59</sup> This can include enacting relevant legislation, building community capacity, increasing collaboration and communication among stakeholders, and ensuring that accountability measures are in place.<sup>60</sup>

### 1.2.6 National Environment Act 2019 <sup>61</sup>

NEMA's tasks include enforcing environmental laws and coordinating environmental management, as defined by this Act. Environmental protection regulations and standards are required, as well as Environmental Influence Assessments (EIAs) for projects that may influence the environment.

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<sup>47</sup> Constitution of the Republic of Uganda 1995, 237-238.

<sup>48</sup> The 1995 Constitution of Uganda art 245.

<sup>49</sup> The National Environment Act 2019 (Uganda), ss 1-5.

<sup>50</sup> The Water Act 2019 (Uganda), ss 1-5.

<sup>51</sup> The Forest and Tree Planting Act 2003 (Uganda), ss 1-5.

<sup>52</sup> The Local Governments Act 1997 (Uganda), ss 1-5.

<sup>53</sup> The Wildlife Act 2019 (Uganda), ss 1-5.

<sup>54</sup> Constitution of the Republic of Uganda 1995, art 245.

<sup>55</sup> Constitution of the Republic of Uganda 1995, 245.; Objective XIV.

<sup>56</sup> Constitution of the Republic of Uganda 1995, 50.

<sup>57</sup> The 1995 Constitution of Uganda art 38.

<sup>58</sup> Sanginga, Pascal C, and Rick Kamugisha, 'The Role of Social Capital and Local Policies in the Highlands of South-Western Uganda'" (2009) 14 *Journal of Sustainable Development and Environmental Protection* 210.

<sup>59</sup> 'State of the Environment Report (Uganda)', (2019).

<sup>60</sup> Antoine Heuty, 'The Role of Transparency and Civil Society in Managing Commodities for Inclusive Growth and Development' [2002] in *Commodity Price Volatility and Inclusive Growth in Low-Income Countries*.

<sup>61</sup> Act No of 2019

The 2019 Act included new restrictions and recommendations to address environmental concerns such as plastic use, toxic chemicals, biodiversity offsets, and climate change.

The National Environment Act emphasizes the need for public involvement in environmental management. It directs the National Environment Management Authority (NEMA) to enhance public awareness of environmental issues and encourage participation in decision-making. Furthermore, it establishes the legal framework for Uganda's environmental governance. It addresses environmental impact evaluations, biodiversity protection, and waste management. The Act emphasizes public engagement in environmental decision-making.<sup>62</sup>

An environmental impact assessment (EIA) is a rigorous process that studies a proposed project's potential effects, evaluates alternatives, and develops suitable mitigation, control, and monitoring measures. It considers associated socioeconomic, cultural, and human health implications, both positive and negative.<sup>63</sup>

The Act outlines the fundamental conditions for performing an EIA.<sup>64</sup> According to these standards, the project developer must conduct an environmental impact assessment (EIA) to avoid or mitigate any negative environmental consequences. The EIA Framework of 1998 provides additional information on Uganda's EIA responsibilities. The EIA Public Hearing Guidelines, which explain the public notice and comment procedures for EIAs, were also released in 1999.

Uganda's National Environment Act establishes a robust legislative framework for environmental preservation. It defines the concepts and requirements for sustainable development, which include protecting natural resources.<sup>65</sup> Environmental impact assessments and strategic environmental assessments typically emphasize public engagement as a means of involving stakeholders and communities in natural resource decision-making processes.<sup>66</sup>

This Act establishes institutional frameworks with clearly defined functions and responsibilities at all levels, from national to local. In addition, this statute established the National Environment Management Authority (NEMA).<sup>67</sup>

To ensure the effectiveness of the National Environment Act, several additional laws have been enacted, including the Uganda Wildlife Act,<sup>68</sup> the Water Act,<sup>69</sup> the Land Act,<sup>70</sup> the Forest and Tree Planting Act,<sup>71</sup> and the Local Governments Act.<sup>72</sup> This law establishes and governs Uganda's local governments. Local governments play a crucial role in district-level conservation and natural resource management.

### 1.2.7 The Water Act<sup>73</sup>

The Water Act<sup>74</sup> is an important component of Uganda's water management legislation. This Act outlines

<sup>62</sup> The National Environment Act (Uganda) (No 5 of 2019) ss 4, 5, and 6.

<sup>63</sup> Taako Edema George, Kiemo Karatu and Andama Edward, 'An Evaluation of the Environmental Impact Assessment Practice in Uganda: Challenges and Opportunities for Achieving Sustainable Development' (2020) 6 Heliyon.

<sup>64</sup> The 2019 National Environmental Act parts 4(3), 5(2)(g), 5(2)(i), 5(2)(j), and Pat X (parts 110-116 on EIA).

<sup>65</sup> National Environment Act 2019 (Uganda), Parts VII-VIII.

<sup>66</sup> Ross Hughes, 'Environmental Impact Assessment and Stakeholder Involvement'.

<sup>67</sup> George, Karatu and Edward (n 65).

<sup>68</sup> (2019)

<sup>69</sup> (1995)

<sup>70</sup> (1998).

<sup>71</sup> (2003).

<sup>72</sup> (1997).

<sup>73</sup> The Water Act, Cap 152, (Uganda) 1995.

<sup>74</sup> 1995



Uganda's framework for protecting, managing, and using its water resources.<sup>75</sup>

The use and preservation of water resources are governed under the Water Act. Along with protection measures to stop water pollution and guarantee sustainable use, it also includes guidelines for managing and allocating water resources.

In addition to addressing other relevant issues, it sets water management zones and grants water usage permits. The purpose of this statute is to ensure that every resident has adequate clean, safe, and potable water for domestic consumption. It covers concerns with the management of Uganda's water resources and includes provisions for public participation in planning and administration.<sup>76</sup>

This Act addresses Uganda's issues in managing its water resources. It may include measures to engage the general public in the management and planning of water resources. To manage water resources locally, Section 50 requires the formation of Water Users' Associations (WUAs) with the cooperation of local community leaders.<sup>77</sup> Water Users' Associations promote public involvement by including water resource users in decision-making processes related to the usage and administration of water resources in their respective communities. These organizations manage and conserve water resources on a local level, and they provide a venue for public participation. It allows a group of people or families to form a community water resource user group and collaborate to design and administer a point source water delivery system.<sup>78</sup>

The water user organization may charge consumers a fee to maintain the water supply system; however, any tariffs collected under this clause must be approved by the director,<sup>79</sup> and the water user group's operations will be overseen by a water and sanitation committee.<sup>80</sup>

The Water Act permits citizen participation through Water User Groups.<sup>81</sup> Water and Sanitation Committees, which are in charge of organizing and maintaining water systems as well as collecting and utilizing revenue, allow water usage groups to control and govern water resources.<sup>82</sup> When multiple Water User Groups are fed by the same water supply, they must join a Water User Association, which is comprised of representatives from the numerous Water Sanitation Committees. This organization is in charge of managing the water system, setting fees, and obtaining funds for its maintenance.<sup>83</sup> The Director of Water Development oversees and determines the fees for Water Sanitation Communities and Water User Associations.

Catchment Management Committees (CMCs) are established under this Act to oversee the integrated management of water resources in designated catchment areas. CMCs are made up of members from many stakeholders, including local communities, governmental organizations, and other interested parties, to encourage wider engagement in water resource management.<sup>84</sup> These committees are responsible for

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<sup>75</sup> Sam Godfrey, Charles Niwagaba, Guy Howard, and Sarah Tibatemwa, 'Water Safety Plans for Utilities in Developing Countries-A Case Study from Kampala, Uganda' (2011) 12 WEDC, Loughborough University. Available online at <http://www.lboro.ac.uk/watermark/WEJX7/case-study-annexes.pdf> Accessed.

<sup>76</sup> Judy Obitre-Gama, 'Water Law, Water Rights and Water Supply (Africa)' (1999) 7327 Uganda-study country report. DFID KaR project.

<sup>77</sup> Enock Kasirye, 'The Legal Framework for Environmental Sustainability of the Waters in Uganda.'

<sup>78</sup> Water Act 1995 (Uganda), s 50(1), CAP 152, p x.

<sup>79</sup> Water Act 1995 (Uganda), s 50(2), CAP 152, p x.

<sup>80</sup> S.50(3).

<sup>81</sup> Bruns, Bryan. "Water tenure reform: Developing an extended ladder of participation." *Politics of the commons: Articulating development and strengthening local practices, Chiang Mai, Thailand* (2003).

<sup>82</sup> S. 50(3).

<sup>83</sup> S. 51.

<sup>84</sup> S.50.

offering direction on the development and management of water resources, as well as ensuring that community opinions are taken into account. The Act also defines CMCs' responsibilities, which include encouraging sustainable water resource management techniques, assisting the public in developing and implementing watershed management plans, and advising relevant authorities on water resource management issues.<sup>85</sup> This Act also requires the water minister to guarantee that the general public has access to information about the management of water resources, such as plans, policies, and decisions that may affect water users. This regulation encourages transparency and allows informed public engagement in water resource management operations.<sup>86</sup>

### 1.2.8 The National Climate Change Act

The National Environment Act<sup>87</sup> is an essential element of Ugandan legislation governing environmental management and conservation. It provides laws for protecting the environment from degradation, pollution, and other harmful activities, as well as a legislative framework for sustainable natural resource management.

Furthermore, Uganda has ratified several international treaties and agreements, including the Paris Agreement and the Convention on Biological Diversity, which address climate change and environmental protection. The Paris accord is the first worldwide environmental accord to explicitly recognize the link between climate change and human rights. These treaties frequently have an impact on national climate change mitigation policies and programs, as well as natural resource conservation.

The Uganda Climate Change Act governs how the country responds to climate change. Giving effect to the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement is one of the Act's stated goals. The Act makes these agreements legally binding in Uganda.<sup>88</sup>

The Act demands the creation of a Framework Strategy for Climate Change<sup>89</sup>, as well as National and District Climate Action Plans.<sup>90</sup> It also includes instructions for establishing a foundation for transparency. The Framework Strategy on Climate Change will enable the government to plan, budget, and track the progress of climate change projects and activities.<sup>91</sup>

### 1.2.9 Local Government Act <sup>92</sup>

In Uganda, district-level local governments and administrative unit councils are the focal points of local government operations.<sup>93</sup> Within its limits, the Local Government Council is the highest political authority. Councils are corporate bodies that exercise both executive and legislative power.<sup>94</sup> They can pass and enforce local legislation. Section 38 of the Local Government Act gives district councils the right to propose laws, whereas section 39 gives smaller local councils the same authority.<sup>95</sup>

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<sup>85</sup> FELICITY C Coffey, 'Assessment of Water Resource Plans under the Water Act 2000 (Qld): With Consideration of Ecological Outcomes and Environmental Flow Objectives in the Context of the Precautionary Principle and Sustainable Management.' (2001) 18 Environmental and Planning Law Journal 410.

<sup>86</sup> Water Act 1995 (Uganda), s 74, CAP 152, p x.

<sup>87</sup> The National Climate Change Act, 2021, (Uganda); Statutory Instrument No 14 of 2021.

<sup>88</sup> National Climate Change Act 2021 (Uganda), s 4.

<sup>89</sup> National Climate Change Act 2021 (Uganda), s 5.

<sup>90</sup> National Climate Change Act 2021 (Uganda), s 6.

<sup>91</sup> National Climate Change Act 2021 (Uganda), s 5(2).

<sup>92</sup> Local Government Act, Cap 243, 1997 (Uganda), as amended.

<sup>93</sup> Constitution of Uganda, 1995, art 176; Local Government Act, Cap 243.

<sup>94</sup> Local Government Act, Cap 243, s 6.

<sup>95</sup> Ibid.

The Ugandan local government system is founded, and its functions are described in this Act. Local governments play an important role in natural resource management and conservation at the district level.<sup>96</sup> Local government institutions and regulations also have an impact on natural resource conservation efforts. Local governments typically implement federal regulations on a local level and may provide opportunities for public participation in natural resource management decision-making processes.<sup>97</sup>

Municipal and metropolitan administrations provide decentralized natural resource management services. In addition to developing district development plans and providing district natural resource services, they also assist natural resource committees in the areas of production and the environment. They work on a wide range of natural resource-related projects.<sup>98</sup> Manage land designated for future development (LFRs) in partnership with local governments and private investors; manage, inspect, and permit community woods; and implement national and international natural resource policies. Obtain licenses, permits, fees, and taxes; collect funds for natural resource development; and create and enforce bylaws.<sup>99</sup>

### 1.2.10 Conclusion

The legal framework for natural resource conservation in Uganda provides a comprehensive and multi-layered approach to managing the country's rich and diverse environmental resources. Enshrined in the Constitution and supported by a suite of specialized statutes—including the National Environment Act, Forestry Act, Wildlife Act, and Water Act—this framework sets out a structured mechanism for the protection and sustainable use of natural resources. Additionally, the Land Act and Mining Act address specific resource management issues, while the Local Government Act and National Biodiversity Strategy and Action Plan emphasize the importance of community involvement and biodiversity conservation.

However, while the legal framework is robust in theory, its effectiveness in practice can vary significantly, particularly in regions such as Kabale. Implementation challenges, such as inadequate enforcement, limited institutional capacity, and conflicting interests, often hinder the realization of conservation objectives. The dynamic interplay between legal mandates and local realities necessitates a critical examination of how these frameworks operate on the ground.

In Kabale, where natural resources face pressure from both human activities and ecological factors, understanding the strengths and limitations of the legal and institutional frameworks is crucial. This critical analysis aims to assess how well Uganda's national laws and policies are translated into effective conservation practices at the local level. By highlighting areas for improvement and recommending strategies for better alignment between legal provisions and on-the-ground realities, this study seeks to contribute to more effective natural resource management in Kabale and similar contexts. The ultimate goal is to enhance the sustainability of Uganda's natural resources while balancing environmental protection with socio-economic development.

Therefore, the effectiveness of natural resource conservation organizations' protective actions in Kabale is largely related to how well these institutions adhere to and carry out the goals outlined in legislative

<sup>96</sup> Jeremias G Mowo, Zenebe Adimassu, Delia Catacutan, Joseph Tanui, Kenneth Masuki, and Charles Lyamchai, 'The Importance of Local Traditional Institutions in the Management of Natural Resources in the Highlands of East Africa' (2013) 72 *Human Organization* 154.

<sup>97</sup> Ramesh Kumar, Elena T. Guberman, J. David Smith, 'Decentralisation and Natural Resource Management: A Review of the Literature' (2015) 43 *Environmental Policy and Law* 233.

<sup>98</sup> Christo Fabricius and Susan Collins, 'Community-Based Natural Resource Management: Governing the Commons' (2007) 9 *Water Policy* 83.

<sup>99</sup> Francis Muhereza, 'Decentralizing Natural Resource Management and the Politics of Institutional Resource Management in Uganda's Forest Sub-Sector' (2006) 30 *Africa Development* 67.

frameworks.<sup>100</sup> The National Forestry Authority (NFA) and the Uganda Wildlife Authority (UWA) are responsible for conserving natural resources and including local communities in conservation efforts.

The legislative frameworks lay the groundwork for these organizations' abilities to engage with communities, solicit feedback, and apply local expertise and perspectives to conservation activities. However, a variety of factors, including institutional competency, resource availability, and community involvement, influence how effective these initiatives are.<sup>101</sup>

These institutions' ability to protect the public may be jeopardized by a lack of financing, capacity concerns, and competing interests between local livelihoods and conservation goals. Conservation programs may fail if people are not fully involved in decision-making processes or their concerns are not addressed. This can result in opposition or noncompliance with conservation efforts.<sup>102</sup> As a result, the effectiveness with which institutions fulfill their legal commitments determines the relationship between legal frameworks and the appropriateness of protective tasks.

To ensure the long-term management of natural resources in Kabale and other regions, it is critical to develop conservation institutions, improve community participation initiatives, and establish transparent and accountable decision-making procedures.<sup>103</sup>

## 2.0 INSTITUTIONAL FRAMEWORK OF NATURAL RESOURCE CONSERVATION IN KABALE, UGANDA

Given the district's rich biodiversity and the need for population growth and economic development, natural resource conservation is a pressing priority in Kabale, Uganda. Uganda has established a robust legislative system to address natural resource management, but the institutional design that oversees the application of these laws determines how effective they are. This critical examination examines the efficiency of Kabale's institutional structures for safeguarding natural resources, including how these mechanisms work and how they impact conservation outcomes.

Institutions, which serve as a link between practice and policy, are critical for natural resource management and conservation.<sup>104</sup> In Kabale, various agencies manage resources and safeguard the environment, including district environment offices, local government institutions, and specialist organizations such as the Uganda Wildlife Authority (UWA) and the National Environment Management Authority (NEMA). Each of these organizations is assigned certain roles and responsibilities to conserve natural resources and improve sustainable practices.

In Kabale, Uganda, the institutional framework that controls the application and enforcement of conservation laws and regulations has a substantial impact on natural resource conservation effectiveness.<sup>105</sup> This critical analysis investigates the functions, capacities, and challenges of the primary

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<sup>100</sup> Emily Kugonza, "Legislative Frameworks and Natural Resource Conservation in Kabale, Uganda" (2018) 40(1) *Journal of Environmental Law and Policy* 35.

<sup>101</sup> Edmund GC Barrow and Marshall W Murphree, *Community Conservation from Concept to Practice: A Practical Framework* (Institute for Development Policy and Management, University of Manchester 1998).

<sup>102</sup> Stephen Amany, "Challenges Facing Conservation Efforts in Uganda: A Legal Perspective" (2019) 10 *Uganda Journal of Law* 60.

<sup>103</sup> Jane Nalumasa, "Building Effective Conservation Institutions for Sustainable Natural Resource Management in Uganda" (2020) 11 *Journal of Sustainable Development Law and Policy* 18.

<sup>104</sup> Judith Kamoto and others, 'Doing More Harm than Good? Community Based Natural Resource Management and the Neglect of Local Institutions in Policy Development' (2013) 35 *Land Use Policy* 293.

<sup>105</sup> Ephraim M Nkonya and others, 'Who Knows, Who Cares?: Determinants of Enactment, Awareness and Compliance with Community Natural Resource Management Bylaws in Uganda' (2005).

participants in Kabale's natural resource management to gain a complete understanding of the institutions' impact on conservation outcomes.

Kabale's stakeholders include policymakers, district officials, and environmentalists like tree planters. These groups must remain informed about the benefits of environmental preservation and the rewards that come with it.<sup>106</sup>

## 2.1 Ministry of Water and Environment

Uganda's Ministry of Water and Environment (MWE) was founded and mandated by an Act of Parliament, the "Ministry of Water and Environment Act".<sup>107</sup> This Act outlines the Ministry's composition, authorities, and tasks, including oversight of Uganda's water and environmental resources. The Act also establishes the Ministry's departments, directorates, and agencies, as well as their responsibilities and authorities. The MWE is responsible for implementing policies and activities related to water and environmental management, as well as ensuring that these resources are used and managed responsibly for the nation's socioeconomic development.<sup>108</sup>

The Ministry of Water and Environment in Uganda is responsible for promoting sustainable water and environmental resource management, managing, and regulating water and environmental resources, and promoting sustainable development and environmental conservation. They have implemented policies and programs to enhance access to safe water and sanitation and improve water resource planning, regulation, quality control, and weather and climate change management.<sup>109</sup>

The Ministry of Water and Environment was established on April 15, 2007, following a cabinet vote.<sup>110</sup> The MWE's mission and functions are influenced by various laws, including the Local Government Act,<sup>111</sup> the 1995 Constitution, the 1998 Report for Ministry Restructuring, and the NTFPA (2003).<sup>112</sup> The ministry is responsible for developing, managing, and controlling Uganda's environmental and water resources, focusing on protecting biodiversity, reducing pollution, managing water resources, and mitigating climate change, requiring strict enforcement for long-term protection.<sup>113</sup>

The Ministry's mandate, outlined in the Constitution and Local Government Act, involves creating laws, developing policies, defining standards, conducting inspections, coordinating, and providing technical support to water and environment subsectors.<sup>114</sup> The mandate includes public education and awareness campaigns, community involvement in water resource management, public consultation on environmental impact assessments, and stakeholder participation in climate change mitigation and adaptation measures.

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<sup>106</sup> M Wamai, "Kabale District Local Government Officials Sensitized on Conservation of Forests & Biodiversity" Conservation' (2021) 5 Journal of Environmental 12.

<sup>107</sup> Kenneth Kakuru, Rachel Odoi Musoke and Irene Kyakuwair, 'A GUIDE TO THE ENVIRONMENT IMPACT ASSESSMENT PROCESS IN UGANDA.' [2001] Sustainable Development Series No. I, Green Watch, Kampala.

<sup>108</sup> Andrew Nkambo, 'MINISTRY OF WATER AND ENVIRONMENT'.

<sup>109</sup> *ibid.*

<sup>110</sup> Reuben Wambui, 'Scaling up Sustainable Finance and Investment in the Global South: A Case Study of Sub-Saharan Africa' [2022] Scaling Up Sustainable Finance and Investment in the Global South.

<sup>111</sup> Golooba-Mutebi, Frederick. "Politics and local government in Uganda." In *Foundations for local governance: decentralization in comparative perspective*, pp. 137-164. Heidelberg: Physica-Verlag HD, 2008.

<sup>112</sup> Brian Nalumenya and others, 'Water Management Education in the East African Region: A Review of the Challenges to Be Addressed' (2023) 15 Sustainability 11597.

<sup>113</sup> Julius N Kiboko JN, *Environmental Law and Policy in Uganda, 150-155.* (2020).

<sup>114</sup> Emmanuel Twahirwa, 'The Role of Decentralization in Promoting Good Governance in Uganda: A Case Study of Makindye Division, Kampala City Council' (Kampala International University, College of Humanities and Social Sciences, 2006). 137-164.

The Ministry of Water and Environment (MWE) is responsible for creating national policies, regulating water resources, and establishing priorities for water development and management. It also develops legislation and monitors sector development activities to ensure effectiveness and service quality.<sup>115</sup> It is responsible for creating regulations for water and environmental management, aiming to protect biodiversity, reduce pollution, manage water resources, and mitigate climate change.<sup>116</sup>

Climate change exacerbates existing environmental issues and creates new ones, such as changing precipitation patterns, rising temperatures, and increased frequency of extreme weather events.<sup>117</sup>

The Water and Environment Sector aims to ensure the rational and sustainable utilization, development, and effective management of water and environmental resources for the socio-economic development of the country.<sup>118</sup> The sector's goal is to manage and sustainably utilize Uganda's water and environmental resources for the betterment of the population.

The Ministry of Water (MWE) comprises three divisions: (DWD), Directorate of Water Development, (DEA) Directorate of Environmental Affairs, and (DWRM) Directorate of Environmental Affairs, with responsibility for sanitation and hygiene initiatives outlined in the Memorandum of Understanding signed by the Ministry of Health, MoES, and MWE.<sup>119</sup>

The MWE aims to manage water resources, promote conservation, prevent degradation, foster sustainable growth, and involve public participation in environmental and water management.<sup>120</sup>

The Ministry of Water and Environment (MWE) is responsible for developing public sanitary facilities and promoting hygiene in small towns and rural growth hubs, crucial for conserving natural resources. It provides sanitary services and safe drinking water to rural communities. MWE leads in developing off-farm water resources for agriculture, while MAAIF manages water resources for farm development.<sup>121</sup>

The Ministry of Water and Environment manages water and sanitation sectors, coordinates national development for Water for Production, and provides sustainable environmental management to maximize social and economic benefits for present and future generations by mobilizing resources.<sup>122</sup> The Ministry of Water and Environment provides functional sewage/sanitation and water supply systems for commercial, industrial, and residential use in cities.<sup>123</sup> The system collects, transports, and analyzes meteorological data from various stations globally, enhancing forest and tree management for efficient benefiting current and future generations, especially the underprivileged and impoverished.<sup>124</sup>

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<sup>115</sup> MATYAMA PAUL, 'THE HUMAN RIGHT TO WATER AND ITS APPLICATION IN UGANDA: A CASE STUDY OF NABWERU DIVISION.' (MAKERERE UNIVERSITY, 2018).

<sup>116</sup> Ministry of Water and Environment (MWE), Environmental and Water Resources Management Regulations, 2019, S.I. 14 of 2019.

<sup>117</sup> Wolfgang Obergassel and others, 'Phoenix from the Ashes: An Analysis of the Paris Agreement to the United Nations Framework Convention on Climate Change; Part 1'.

<sup>118</sup> Jonathan A Allan, 'Water in the Environment/Socio-Economic Development Discourse: Sustainability, Changing Management Paradigms and Policy Responses in a Global System' (2005) 40 *Government and Opposition* 181.

<sup>119</sup> Ministry of Water and Environment (MWE), National Sanitation and Hygiene Guidelines (2017).

<sup>120</sup> Uganda, Ministry of Water and Environment Act, No 8 of 2000, ss 3-7.

<sup>121</sup> Ministry of Water and Environment (MWE) & Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), National Water for Agriculture Policy (2020) 15-18.

<sup>122</sup> Uganda, National Water Policy, 2019, 15-17.

<sup>123</sup> Sara J Marks and others, 'Water Supply and Sanitation Services in Small Towns in Rural-Urban Transition Zones: The Case of Bushenyi-Ishaka Municipality, Uganda' (2020) 3 *NPJ Clean Water* 21.

<sup>124</sup> Martin Okirya and JA Du Plessis, 'Trend and Variability Analysis of Annual Maximum Rainfall Using Observed and Remotely Sensed Data in the Tropical Climate Zones of Uganda' (2024) 16 *Sustainability* 6081.

Ministry of Water and Environment with the appropriate participation of all stakeholders, the Water and Environment Sector aims to: increase the amount of water available for production by developing multipurpose bulk water storage and supply systems; increase rural water supply coverage while maintaining equity by providing each village with at least one safe and clean water source; and provide piped water options (gravity flow systems and solar pumped boreholes) where available.

Another goal is to improve water resource management, with a focus on compliance with existing resource-use laws and regulations at all levels to maintain adequate quantity and quality for a wide range of users.<sup>125</sup> Furthermore, it seeks to restore previously destroyed habitats and promotes sustainable use of the environment and natural resources. Huge tree plantings are taking place across the country, and the implementation of authorized management plans developed through collaborative processes promotes the responsible use of wetlands.<sup>126</sup>

The Ministry is committed to establishing a zero-tolerance policy against fraud and corruption throughout all sectors of operations, based on existing legislative frameworks and national institutions. However, political interests may occasionally intersect with environmental preservation aims, resulting in legislation that prioritizes short-term advantages above long-term sustainability.<sup>127</sup>

The ministry oversees ensuring that rules and regulations designed to protect natural resources are followed. This includes issuing permits, monitoring environmental acts, prosecuting offenders, inspecting and monitoring local governments, and assessing NFA performance in the growth of the forestry industry.<sup>128</sup> However, capacity and funding constraints prevent us from initiating conservation initiatives, maintaining monitoring systems, enacting legislation, and carrying out effective enforcement activities.<sup>129</sup> To ensure timely and effective service delivery, the Ministry intends to review, develop, and reform institutional frameworks, laws, policies, and regulations; promote gender and equity considerations; and strengthen sector capacity across all institutions and stakeholders.<sup>130</sup> Increased functionality, as well as the utilization of meteorological data to support sector-specific early warning systems, help to mitigate the consequences of climate change and disaster risks. Nonetheless, the ministry's ability to effectively manage conservation issues is limited by its small workforce and lack of technical competence.<sup>131</sup>

**Research and Monitoring:** The ministry's principal responsibilities include research and monitoring of environmental indicators. This helps to evaluate the condition of natural resources, identify hazards, and develop data-driven conservation programs. However, a lack of funding for research and monitoring programs may complicate these attempts.<sup>132</sup>

**Public Awareness and Education:** By promoting public information and advocating for the forestry industry, the Ministry seeks to guarantee that information is transparent and freely accessible, as well as

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<sup>125</sup> Uganda, Water Act (2019) s 3(2).

<sup>126</sup> Uganda, National Wetlands Policy (2017) 12-15.

<sup>127</sup> Sara Borgström, Anna Zachrisson and Katarina Eckerberg, 'Funding Ecological Restoration Policy in Practice—Patterns of Short-Termism and Regional Biases' (2016) 52 *Land Use Policy* 439.

<sup>128</sup> Deborah Aisha Namakula, 'Appraisal of the Effectiveness of Legal and Institutional Frameworks on Environmental Protection in Uganda' (PhD diss, Kampala International University, School of Law, 2019).

<sup>129</sup> Ministry of Water and Environment (MWE), Strategic Plan 2020-2025 (2020) 15-17.

<sup>130</sup> Uganda, National Water Policy (2019) 25-27.

<sup>131</sup> Runsheng Yin and Guiping Yin, 'China's Primary Programs of Terrestrial Ecosystem Restoration: Initiation, Implementation, and Challenges' (*Environmental Management*) 45 (2010) 429-441.

<sup>132</sup> Nadine Bachmann, Shailesh Tripathi, Manuel Brunner and Herbert Jodlbauer, 'The Contribution of Data-Driven Technologies in Achieving the Sustainable Development Goals' (2022) 14 *Sustainability* 2497.

contribute to the resolution of gender, environmental, and social justice issues.<sup>133</sup> The ministry's primary responsibilities include strengthening conservation efforts and improving public awareness of environmental issues. This requires launching outreach and instructional programs, as well as collaborating with non-governmental organizations, educational institutions, and community groups. It may be difficult to advocate for reforms in public behavior and overcome apathy.<sup>134</sup>

The MWE promotes public involvement in local water and environmental planning, decision-making, awareness campaigns, collaboration with communities, and community participation in impact assessments and monitoring.<sup>135</sup>

Recognizing the critical role that local communities play in water and environmental conservation and sustainable development, the Ministry of Water and Environment Act and the MWE's responsibilities emphasize the importance of public participation in water and environmental management and decision-making.<sup>136</sup>

Despite this, the Ministry of Water and Environment is committed to carrying out each project in a gender-equitable and sensitive manner, as well as preventing, eliminating, and mitigating any negative social and environmental consequences associated with its efforts.<sup>137</sup> However, pressures from industry, agriculture, and urbanization lead to overexploitation of natural resources, habitat destruction, pollution, and land degradation, all of which jeopardize the Ministry's conservation initiatives.<sup>138</sup>

When it comes to transboundary issues such as water management and biodiversity protection, collaboration with neighboring countries and international organizations is frequently required to maintain natural resources. To coordinate cross-border projects and reach agreements, one must consider geopolitical challenges and conflicting interests.<sup>139</sup>

Despite the release of a new Forest Policy in 2001, a National Forest Plan (NFP) in 2002, and an NFTP in 2003, the ministry's performance in the ten years following the reforms was below expectations. The rate of deforestation and forest degradation has reached an all-time high in the business over the last ten years.<sup>140</sup> Inadequate tools and resources have prohibited FSSD from successfully carrying out its purpose. The ministry's inability to appropriately supervise local governments and private forest owners is evidenced by the owners' exploitation of private forest resources for immediate financial gain, as well as the local government's revenue collection attempts.<sup>141</sup>

On the plus side, the ministry has created a favorable environment that has attracted significant private sector investment in commercial forest plantations on both private property and in forest reserves, thanks to the EU-funded SPGS. Communities have also planted more trees as a result of the ministry's help with the Farm Income Enhancement and Forest Conservation (FIEFOC) Project, which is jointly sponsored by

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<sup>133</sup> Uganda, National Environmental Management Authority Act (2019) s 20.

<sup>134</sup> Ministry of Water and Environment (MWE), Environmental Education and Awareness Strategy 2020-2025 (2020) 15-18.

<sup>135</sup> Anna Jonsson, 'Public Participation in Water Resources Management: Stakeholder Voices on Degree, Scale, Potential, and Methods in Future Water Management' (2005) 34 *AMBIO: A Journal of the Human Environment* 495.

<sup>136</sup> Uganda, Ministry of Water and Environment Act, No 8 of 2000, ss 3-5.

<sup>137</sup> Ministry of Water and Environment (MWE), Gender and Social Impact Assessment Guidelines (2020) 10-12.

<sup>138</sup> Saikat Mondal and Debnath Palit, 'Challenges in Natural Resource Management for Ecological Sustainability' in *Natural Resources Conservation and Advances for Sustainability* (Elsevier 2022) 29.

<sup>139</sup> Uganda, National Biodiversity Strategy and Action Plan (2019) 30-33.

<sup>140</sup> Ministry of Water and Environment (MWE), Review of the National Forest Policy and Plan (2013) 5-8.

<sup>141</sup> Cornelius Kazora and others, 'A Review of Collaborative Forest Management in Uganda' [2020] Kampala, Uganda: National Forestry Authority, Ministry of Water and Environment.



the government, the Nordic Development Bank, and the African Development Bank.<sup>142</sup> In addition, for the past two fiscal years, NFA has received government money to raise seedlings for the Community Tree Planting Program.<sup>143</sup>

## 2.2 National Environment Management Authority (NEMA)

The National Environment Management Authority (NEMA) is a semi-autonomous institution established in May 1995 under the National Environment Act.<sup>144</sup> It began operations as Uganda's principal agency in December 1995 and is responsible for organizing, supervising, monitoring, and regulating environmental management throughout the country.<sup>145</sup>

The National Environment Act<sup>146</sup>, established and mandates Uganda's National Environment Management Authority (NEMA).

The establishment of this organization was a watershed moment in Uganda's environmental management efforts. NEMA was founded to oversee, monitor, and coordinate all environmental operations, ensuring long-term development and the protection of natural resources.<sup>147</sup> NEMA's key objectives include coordinating and regulating all environmental activities, promoting sustainable development and environmental protection, ensuring the judicious use of natural resources, and promoting public awareness and education about environmental issues.

It has evolved throughout time to address emerging environmental challenges in Uganda. The major goal of NEMA's operations is to help the government implement the National Development Plan (NDP), which promotes sustainable development following Ugandan policy frameworks and the Millennium Development Goals.<sup>148</sup>

In Uganda, NEMA is critical to the creation of environmental laws and policies. It makes recommendations to the government on subjects such as sustainable development and environmental preservation.<sup>149</sup> The National Environment Management Authority's most important responsibilities include advising the government on environmental matters, leading the development of environmental policies, laws, regulations, standards, and guidelines, and advising the government on sound environmental management in Uganda.<sup>150</sup> NEMA's responsibilities encompass environmental impact assessment, climate change adaptation, pollution control, waste management, environmental auditing, biodiversity conservation, and public awareness and education.

Uganda's National Environment Management Authority (NEMA) is responsible for increasing public engagement by implementing sustainable development plans, environmental impact assessments, public education and awareness programs, and environmental monitoring and enforcement.

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<sup>142</sup> Nkambo (n 110).

<sup>143</sup> E Nzunda, 'Assessment of Forest Planning and Management in Different Forest Types in Selected African Countries' (AFF Working Paper African Forest 2022).

<sup>144</sup> *National Environment Act* (Uganda) Act No 4 of 1995

<sup>145</sup> Peter Mwangi Kibe, 'Investigating Barriers to Effective Reporting of Sustainable Development Goals by Government Institutions in Kenya: A Case of National Environment Management Authority' (Daystar University, School of Human and Social Sciences, Nairobi, 2021).

<sup>146</sup> The National Environment Act, Chapter 153, No 8 of 1995, (Uganda).

<sup>147</sup> Emmanuel Kasimbazi, 'Regulating Environmental Impacts Associated with Mining in Uganda', *Law/ Environment/ Africa* (Nomos Verlagsgesellschaft mbH & Co KG 2019).

<sup>148</sup> National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 10-12.

<sup>149</sup> National Environment Management Authority (NEMA), Annual Report 2019, 5-7.

<sup>150</sup> Uganda, National Environment Act, 1995, Section 7(a)-(d).

By taking up this role, NEMA examines government policies enacted by government agencies to assess their environmental impact. It provides the government with advice, notably during the planning and implementation phases, assisting government agencies in updating and implementing environmentally friendly policies.<sup>151</sup> This is possible because NEMA, as an authority, may lack the means to monitor every environmental risk in the country and must instead rely on other commercial and public entities to do their duties. The resources required to operate through other governmental and private groups while keeping a close watch on all environmental issues in the country.<sup>152</sup>

In addition, NEMA oversees committee decisions and the implementation of government policy. For example, the Uganda National Roads Authority (UNRA), an environmental body entrusted with protecting the country's natural resources, consults NEMA when developing road-building regulations. As a result, NEMA works with the UNRA team and controls all operations during the project's execution.<sup>153</sup>

NEMA oversees monitoring and controlling operations that may have an impact on the environment. It conducts environmental impact assessments (EIAs) to ensure that development projects comply with environmental standards and legislation. The resources required to operate through other governmental and private groups while keeping a close watch on all environmental issues in the country.<sup>154</sup>

In addition, NEMA oversees committee decisions and the implementation of government policy. For example, the Uganda National Roads Authority (UNRA), an environmental body entrusted with protecting the country's natural resources, consults NEMA when developing road-building regulations.<sup>155</sup> As a result, NEMA works with the UNRA team and controls all operations during the project's execution. The National Environment Management Authority (NEMA) is responsible for monitoring any private initiatives or operations that may have an environmental impact.<sup>156</sup> NEMA's representatives in local governments monitor a wide range of human-powered enterprises, including construction, agriculture, and industry, among others. Certain human activities have the potential to harm the environment. For example, some companies discharge garbage into surrounding bodies of water, putting aquatic life at risk.<sup>157</sup> Farmers burn forests to grow crops. People in Kampala have recently developed wetlands, harming aquatic life and depriving the local populace of the benefits that wetlands provide.

It is obvious in Uganda that NEMA, through its institutions, has begun to remove dwellings built by individuals in wetland areas and to prosecute those who cultivate wetlands. We recall how NEMA demolished the property built in a gazetted area that belonged to Godfrey Nyakana, the current Central

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<sup>151</sup> Luke A. Sandham, Carla Huysamen, Francois P. Retief, Angus Morrison-Saunders, Alan J. Bond, Jenny Pope, and Reece C. Alberts, 'Evaluating Environmental Impact Assessment Report Quality in South African National Parks' (*Koedoe: African Protected Area Conservation and Science*) 62, no 1 (2020) 1-9.

<sup>152</sup> SCCR Room, 'Strategic Plan 2020-2023' [2020] South Carolina State Documents Depository.

<sup>153</sup> Kibe (n 147).

<sup>154</sup> Ssali Ismail, 'Environmental Management in Uganda: A Reflection on the Role of NEMA and Its Effectiveness in Implementing Environment Impact Assessment (EIA) of the Greater Kampala Metropolitan Area (GKMA)' (2021) 5 Ismail, S.(2020). Environmental Management in Uganda: A Reflection on the Role of NEMA and Its Effectiveness in Implementing Environment Impact Assessment (EIA) of the Greater Kampala Metropolitan Area (GKMA). *Journal of Advanced Research in Social Science* 1.

<sup>155</sup> Mwesige Charles Mutabazi, 'Integration of World Bank Environmental and Social Standards in Planning and Implementation of Road Infrastructure Projects; A case of Uganda National Roads Authority'.

<sup>156</sup> Uganda, National Environment Act, 1995, Section 16(1).

<sup>157</sup> Shivika Sharma and Subhankar Chatterjee, 'Microplastic Pollution, a Threat to Marine Ecosystem and Human Health: A Short Review' (2017) 24 *Environmental Science and Pollution Research* 21530.

Chairman of Kampala. As a result, NEMA's role is to oversee all national operations that may have an impact on the environment.<sup>158</sup>

One of NEMA's roles is to carry out environmental impact assessments. This is a methodical analysis used to determine whether a project will have a negative influence on the environment. Although international instruments occasionally refer to it as a separate principle, it is viewed as a component of the precautionary principle.<sup>159</sup> The goal of the environmental impact assessment is to ensure that the relevant government agencies have thoroughly recognized and considered the environmental consequences of the proposed activities, as well as any alternatives that prevent or reduce those effects. It also attempts to provide impacted citizens with the opportunity to learn about the proposed project or policy and express their views to decision-makers ahead of time.<sup>160</sup>

In addition to the foregoing, NEMA always reviews and approves environmental impact assessments and statements submitted following the National Environment Act or any other applicable law.<sup>161</sup> NEMA is in charge of ensuring that environmental issues are included in all elements of national planning by collaborating with the appropriate government ministries, departments, and organizations. Many of the acts made by government agencies and institutions have an indirect or direct impact on the environment.<sup>162</sup> To properly monitor and carry out the acts of government ministries that may have an impact on the environment, NEMA, as the authority for environmental protection, integrates all of its activities with them at all levels.<sup>163</sup>

NEMA conducts outreach and education activities to raise public awareness of the importance of environmental conservation and sustainable practices. The National Environment Management Authority (NEMA) continually uses the media to inform Ugandans about any environmental issues that they should be aware of. The authority educates the public about environmental issues in formal, informal, and non-formal settings.<sup>164</sup> One of the primary causes of Uganda's rapid environmental degradation is the country's long-running plague of illiteracy and ignorance, which affects a vast number of people. NEMA is responsible for informing the people of this country about the importance of environmental protection and the threats that come with it.<sup>165</sup> It coordinates all of its efforts with government ministries at all levels to ensure effective monitoring and implementation of actions that may harm the environment, as many people are unaware of the need for environmental protection. As a result, NEMA can enforce environmental rules and regulations. It conducts inspections, issues licenses, and prosecutes individuals or enterprises found to be in breach of environmental regulations.<sup>166</sup>

NEMA researches to gather data and knowledge on Uganda's environmental challenges. This research helps people make informed decisions and develop policies. NEMA researches to gather data and information on a wide range of environmental issues, including pollution, habitat loss, deforestation, and

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<sup>158</sup> New Vision, 'NEMA Demolishes Nyakana's Property', 12 June 2020, 3.

<sup>159</sup> Hussein Abaza, Ronald Bisset and Barry Sadler, *Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach* (UNEP/Earthprint 2004).

<sup>160</sup> *ibid.*

<sup>161</sup> Luke A Sandham and others, 'Evaluating Environmental Impact Assessment Report Quality in South African National Parks' (2020) 62 *Koedoe: African Protected Area Conservation and Science* 1.

<sup>162</sup> National Environment Management Authority (NEMA), *Strategic Plan 2020-2025* (2020) 15-18.

<sup>163</sup> National Environment Management Authority (NEMA), *Annual Report 2019* (2019) 40-43.

<sup>164</sup> National Environment Management Authority (NEMA), *Public Education and Awareness Strategy* (2018) 10-15.

<sup>165</sup> National Environment Management Authority (NEMA), *Environmental Education and Awareness Report* (2020) 5-8.

<sup>166</sup> National Environment Management Authority (NEMA), *Annual Report 2020* (2020) 30-35.

climate change.<sup>167</sup> This data is used in conservation programs to make evidence-based decisions. During this assessment, NEMA discovered specific hazards to Uganda's natural resources. This can include identifying regions that are severely degraded, fragile ecosystems, or high biodiversity areas. Understanding these dangers is crucial to designing targeted conservation initiatives.<sup>168</sup> Environmental policies and regulations are formed using the knowledge and insights gained from the study. NEMA makes effective policy suggestions to alleviate environmental degradation and promote sustainable resource management by identifying the root causes of the problem.<sup>169</sup>

Reports, seminars, and workshops are common methods for public dissemination of research findings. This encourages participation in conservation projects and raises public awareness of environmental concerns. NEMA's participation in research initiatives also strengthens the capacity of regional stakeholders, including governmental, non-governmental, and community organizations.<sup>170</sup> NEMA enables these stakeholders to actively participate in conservation programs by sharing knowledge and technical expertise. Thus, research provides the baseline data required to evaluate the success of conservation projects. NEMA conducts monitoring and evaluation activities to determine the effectiveness of conservation efforts and make any necessary strategy revisions.<sup>171</sup>

Thus, NEMA's research efforts are critical to Uganda's effective environmental management and the preservation of its natural resources. NEMA contributes significantly to Uganda's rich biodiversity and sustainable development by generating information, developing policies, promoting awareness, and creating capacity.<sup>172</sup>

However, Uganda's population has increased over the last three decades, particularly in metropolitan regions, putting pressure on the country's natural resources and influencing the environment. Population growth is hurting the nation's ecosystem, resulting in challenges such as declining soil fertility and erosion due to the exploitation of resources.<sup>173</sup>

In Kabale, population growth exacerbates water stress, particularly during the dry seasons. In addition to increasing garbage and straining waste management systems, the increased demand for water for drinking, agriculture, and industry results in over-extraction from rivers and aquifers, endangering aquatic ecosystems and biodiversity.<sup>174</sup> It also increases the risk of air, soil, and water pollution. Waste that is not properly disposed of can destroy ecosystems, imperil species, and negatively affect human health.<sup>175</sup> Furthermore, disputes over land use between conservation aims and competing interests such as housing, infrastructure development, and agriculture are becoming increasingly widespread. It becomes difficult to achieve a balance between the demands of a rising population and the need to safeguard natural resources.<sup>176</sup>

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<sup>167</sup> National Environment Management Authority (NEMA), Research and Development Strategy 2018-2022 (2018) 10-15.

<sup>168</sup> National Environment Management Authority (NEMA), State of the Environment Report (2020) 25-30.

<sup>169</sup> National Environment Management Authority (NEMA), Policy Development Framework (2019) 10-15.

<sup>170</sup> Eric M Njogu, 'Influence of Stakeholders Involvement on Project Performance: A Case of NEMA Automobile Emission Control Project in Nairobi County, Kenya' (PhD diss, University of Nairobi, 2016). Kibe (n 147).

<sup>171</sup> National Environment Management Authority (NEMA), Monitoring and Evaluation Framework (2020) 15-20.

<sup>172</sup> National Environment Management Authority (NEMA), Strategic Plan 2019-2024 (2019) 5-10.

<sup>173</sup> Uganda Bureau of Statistics (UBOS), 'Population and Housing Census Report' (2014).

<sup>174</sup> World Wildlife Fund (WWF), "Kabale Water Stress and Biodiversity Report" (2020).

<sup>175</sup> 'Kabale District, Environmental Report' (2020).

<sup>176</sup> Uganda Wildlife Authority (UWA), 'Conservation and Development Report' 25.

Conversely, a greater population may result in more individuals becoming aware of environmental issues and supporting conservation efforts. A rising number of people are involved in conservation initiatives, community projects, and environmental organizations dedicated to preserving Kabale's natural heritage.<sup>177</sup> Kabale's expanding population drives up demand for natural resources like as power, water, and land. People's efforts to meet their demands for food, shelter, and livelihoods can lead to increased deforestation, habitat loss, and overexploitation of natural resources.<sup>178</sup> Furthermore, as more people relocate to Kabale, local ecosystems are under increasing strain. Infrastructure development to support population increase, urbanization, and agricultural expansion may result in the deterioration or fragmentation of forests, wetlands, and other natural habitats.<sup>179</sup>

Local government agencies, communities, and other relevant parties in Kabale must adopt sustainable land use planning, conservation tactics, and natural resource management procedures to address these issues. This could entail taking steps like encouraging sustainable agriculture, putting watershed management plans into action, growing protected areas, and educating the local populace about the value of conservation.<sup>180</sup> Collaboration between government agencies, NGOs, academia, and local people is vital to solving the complicated interplay between population expansion and natural resource conservation in Kabale.<sup>181</sup>

In countries where environmental conservation has been successful, plans have been put in place to control population increase and reduce the demand for natural resources. Because there is a strong link between population growth and environmental degradation, ineffective population management will certainly harm the ecosystem.<sup>182</sup> The ecology is deteriorating as a result of population growth in Kabale, Mukono, Linja, and Kampala, among other developing areas. NEMA has been striving to address this issue for the past 30 years.<sup>183</sup>

NEMA frequently has resource constraints, such as a shortage of funds and people, which make it more difficult to carry out its purpose. Over the last 30 years, NEMA has faced numerous problems in its efforts to protect the environment, one of which is ecosystem deterioration.<sup>184</sup> Given the challenges NEMA has in its efforts to protect the environment, we cannot disregard the role that ignorance and illiteracy play in Uganda. Some people have not been made aware of the importance of environmental protection, and as a result, they continue to engage in behaviors that undermine the nation's ecosystem.<sup>185</sup>

While some people are simply foolish, others are fully illiterate and have no idea of the worth of any natural resource, contributing to the continued environmental catastrophe. NEMA presents a challenge since it lacks the staff required to monitor the entire country or create public awareness everywhere. In Uganda, ignorance and illiteracy have led to the loss of wetlands for farming, forests for fuel, and the settlement of people in NEMA-designated areas.<sup>186</sup>

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<sup>177</sup> Kabale District NGO Forum, 'Community Engagement Report' (2020).

<sup>178</sup> Kabale District, 'State of the Environment Report' 18.

<sup>179</sup> Bureau Ugandaof Statistics, 'Projections of Demographic Trends in Uganda' (2007) 2017 Uganda Bureau of Statistics.

<sup>180</sup> Charles Victor Barber, Kenton Miller and Melissa M Boness (eds), *Securing Protected Areas in the Face of Global Change: Issues and Strategies* (IUCN 2004)

<sup>181</sup> Kabale District Environment Office, Stakeholder Engagement Strategy for Conservation and Development (2020) 10-15.

<sup>182</sup> United Nations Environment Programme (UNEP), *Population and Environment Handbook* (2019) 15-20.

<sup>183</sup> National Environment Management Authority (NEMA), 'State of the Environment Report for Uganda' (2020).

<sup>184</sup> *ibid.*2

<sup>185</sup> Uganda Ministry of Water and Environment, *Environmental Education and Awareness Strategy* (2017) 10-15.

<sup>186</sup> James Musana and Ronald Bisaso, 'Trends and Challenges in Environmental and Sustainability Education in Uganda' *World Review* 40.

Apart from the aforementioned poverty, other challenges the country is dealing with that have an immediate is that individuals encroach on the environment to make ends meet. People in Uganda have damaged forests and other natural resources by burning firewood for charcoal. It is clear in Mabira Forest that some individuals cut down wood before planting crops.<sup>187</sup> Wetlands in Uganda are being eliminated for agriculture and other commercial purposes, putting NEMA's environmental protection oversight at risk. If the government does not provide people with financial empowerment to stop trespassing on the environment while they seek ways to get money for survival, NEMA will struggle to achieve its goals of conserving the nation's ecosystem.<sup>188</sup>

NEMA never receives enough cash to carry out its scheduled operations. If the government provided the group with adequate funds to meet its needs, it could reduce most of its environmental problems by half. NEMA lacks the money to hire all of the workers needed to monitor the organization's operations around the country.<sup>189</sup> As a result, many locations in Uganda remain unmonitored, contributing to environmental damage as people build homes in restricted areas such as marshes and mountains.

NEMA's capabilities and technical understanding are also insufficient, limiting the agency's ability to conduct comprehensive environmental evaluations and enforcement efforts. Furthermore, NEMA has been fighting environmental degradation for the past 30 years, attempting to protect the environment. Given the challenges NEMA has in its efforts to protect the environment, we cannot disregard the role that ignorance and illiteracy play in Uganda.<sup>190</sup>

Some people have not been made aware of the importance of environmental protection, and as a result, they continue to engage in behaviors that undermine the nation's ecosystem. While some people are simply foolish, others are utterly illiterate and do not see the worth of any natural resource, resulting in continual environmental destruction.<sup>191</sup> NEMA presents a challenge since it lacks the manpower required to monitor the entire country or promote public awareness everywhere.

If NEMA lacks the requisite expertise, it may struggle to develop robust environmental laws and policies that address the complex issues involved in protecting natural resources. This may result in the installation of outdated, ineffective, or weakly implemented measures to mitigate the effects of environmental deterioration.<sup>192</sup> Technical knowledge is required for conducting scientific research, collecting data, and analyzing it to make conservation decisions. Without the appropriate resources, NEMA may be unable to collect reliable data on environmental trends, measure ecosystem health, or assess the efficacy of conservation efforts.<sup>193</sup> NEMA's primary responsibilities include enforcing environmental laws and ensuring that conservation measures are followed. However, without the necessary technical expertise, enforcement measures may be jeopardized, resulting in widespread noncompliance and continued degradation of natural resources.<sup>194</sup>

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<sup>187</sup> Lubaale Grace, 'Nature, Causes and Development Implications of Ecological Injustice in Uganda'.2022

<sup>188</sup> Charles Odeke, 'Wetland Degradation and Carbon Sequestration Potential—a Case of Lubigi Wetland, Uganda' (Kyambogo University (un published work), 2019).

<sup>189</sup> Ambrose Okello, 'Recruitment Policies and Employee Productivity in Public Organizations: A Case of National Environmental Management Authority (Nema) Jinja Road Kampala' (2015).

<sup>190</sup> George, Taako Edema, Kiemo Karatu and Andama Edward, 'An Evaluation of the Environmental Impact Assessment Practice in Uganda: Challenges and Opportunities for Achieving Sustainable Development' (2020) 6 Heliyon 9

<sup>191</sup> Uganda National Commission for UNESCO, Report on Environmental Education in Uganda, (2018), 15-20.

<sup>192</sup> National Environment Management Authority (NEMA), Review of Environmental Laws and Policies in Uganda, (2019), 20-25.

<sup>193</sup> National Environment Management Authority (NEMA), State of the Environment Report (2020) 25-30.

<sup>194</sup> National Environment Management Authority (NEMA), Annual Report 2019-2020 (2020) 20-25.

Effective natural resource conservation requires collaboration and engagement from a wide range of stakeholders, including corporations, non-governmental organizations (NGOs), local communities, and government agencies. NEMA's capacity constraints may make it more difficult to encourage widespread stakeholder participation in conservation planning and decision-making procedures.<sup>195</sup> NEMA oversees enhancing the capabilities of local communities and other governmental bodies to support conservation efforts. However, due to a lack of internal technical competency, NEMA is unable to provide the necessary instruction and help to increase the capacity of its partners and stakeholders.<sup>196</sup> Because of their technical skill, organizations such as NEMA may research and adopt innovative technology and conservation techniques. A lack of capability may result in missed opportunities to adopt cutting-edge approaches to natural resource management, such as remote sensing, GIS mapping, or ecosystem modeling.<sup>197</sup>

If NEMA wants to become more effective in protecting natural resources, it must address its capacity and technical knowledge deficits. This could include sponsoring staff training and professional development, forming relationships with educational institutions and research institutes, and leveraging outside expertise through joint ventures and consulting services.<sup>198</sup> NEMA can better carry out its responsibilities to maintain and protect Uganda's environment for present and future generations by increasing its technological capabilities.

In Uganda, illiteracy and ignorance have resulted in the destruction of wetlands for farming, the clearance of trees for fuel, and the settlement of people in NEMA-designated zones. The local population is unaware of the importance of environmental conservation due to ignorance and illiteracy. Many people are probably uninformed of the long-term consequences of environmental degradation or the ecological importance of Kabale's natural resources.<sup>199</sup> In particular, NEMA relies on effective communication to communicate with stakeholders and disseminate information about conservation concerns.

On the other hand, illiteracy, and ignorance stymie communication efforts, making it difficult to convey critical information like conservation, sustainable resource management, and environmental preservation. They also serve to spread misleading information and misconceptions about environmental issues. As a result, in the absence of proper information, people may develop misconceptions about the causes of environmental deterioration or the effectiveness of conservation initiatives.<sup>200</sup> This can undermine NEMA's efforts to gain community support for its initiatives and deter certain people from actively participating in community-based and conservation efforts. This may also make it more difficult for NEMA to persuade stakeholders and residents to collaborate to protect Kabale's natural resources.

These are more vulnerable to being exploited by companies or individuals engaged in ecologically hazardous activities. In addition to making it difficult to understand and obey environmental standards and norms, Kabale's poor communities may suffer disproportionately from environmental degradation if they lack the knowledge or skills to fight for their rights or hold polluters responsible.<sup>201</sup> People's inability to read or understand government announcements, environmental impact assessments, or resource

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<sup>195</sup> National Environment Management Authority (NEMA), Stakeholder Engagement Strategy (2019) 10-15

<sup>196</sup> National Environment Management Authority (NEMA), Capacity Building Strategy (2020) 15-20.

<sup>197</sup> National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 25-30.

<sup>198</sup> National Environment Management Authority (NEMA), Capacity Building and Training Strategy (2022) 10-15.

<sup>199</sup> Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report (2018) 55-60.

<sup>200</sup> Uganda National Commission for UNESCO, Report on Environmental Education in Uganda (2019) 20-25.

<sup>201</sup> 'Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report' (2018)60-65.

management-related legal documentation may impede NEMA's ability to adequately execute conservation measures.<sup>202</sup>

Therefore, improving NEMA's mandate in Kabale's natural resource conservation necessitates combating illiteracy and ignorance. This includes implementing targeted education and awareness campaigns, promoting environmental literacy through community outreach and school programs, and making information readily available in regional languages and formats that are understandable to all segments of society.<sup>203</sup> NEMA hopes that by providing communities with information and education, it would inspire more participation and cooperation in conservation programs aimed at maintaining Kabale's valuable natural legacy.

Even though NEMA has regulatory authority, there may be times when its enforcement of environmental laws and regulations is unequal or insufficient, causing environmental degradation.<sup>204</sup> One of the various challenges NEMA confronts in its efforts to preserve the environment is the difficulty of implementing some environmental standards in Uganda.<sup>205</sup> Uganda has a lot of environmental regulations that are extremely difficult to enforce. As a result, people who break these regulations have persisted since Uganda's environmental agency (NEMA) is powerless to act. For example, Uganda enacted legislation prohibiting smoking in public areas to protect the environment, but NEMA has struggled to enforce such regulation without a substantial manpower base and cooperation from other institutions, such as the police.<sup>206</sup> This immediately renders the organization worthless by making it harder to implement environmental standards.

Similar to other regulatory organizations, NEMA faces political pressure or involvement, affecting its impartiality and efficacy in enforcing environmental standards. The difficulties that NEMA is facing can be attributed to the power that many politicians possess, as seen by their violations of Ugandan constitutional legislation and environmental standards.<sup>207</sup> These people utilize their political power to encourage people they believe would vote for them, even if it means breaking the law or building homes in areas designated by the National Environmental Management Authority.<sup>208</sup>

Politicians frequently utilize their positions of authority to defend people who are causing environmental damage in Uganda. For example, various politicians aggressively supported the farmers in the Mabira Forest, seeking to get votes in the upcoming election.<sup>209</sup> NEMA presents a challenge in that politicians who just care about their self-interest frequently resist the agency's efforts to protect the environment. Politics, power, and a thirst for foreign investment have impeded NEMA's recent efforts to protect Uganda's environment. Top politicians and government officials have regularly stolen NEMA's power by selling gazetted property to foreign investors to start enterprises under the guise of creating jobs for the

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<sup>202</sup> National Environment Management Authority (NEMA), Environmental Education and Awareness Strategy (2020) 25-30.

<sup>203</sup> National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 30-35.

<sup>204</sup> John Bosco Mugenyi, "Enforcing Environmental Laws in Uganda: Challenges and Opportunities" (2020) 42 *Journal of Environmental Law and Policy* 32.

<sup>205</sup> National Environment Management Authority (NEMA), Annual Report 2019-2020 (2020) 40-45.

<sup>206</sup> Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report (2018) 80-85

<sup>207</sup> *ibid*

<sup>208</sup> Uganda Parliament, Report of the Committee on Natural Resources on the Sectoral Report of the Minister of Water and Environment (2019) 25-30.

<sup>209</sup> Phiona Muhwezi Mpanza, 'Institutional and Legal Challenges to Realising Clean and Safe Water for All in Uganda', *Law/Environment/Africa* (Nomos Verlagsgesellschaft mbH & Co KG 2019).



general public.<sup>210</sup> Because these investors have the support of the president and other high-ranking government officials, the environment has been jeopardized, and NEMA may be powerless to stop them. Because of these political acts, NEMA is helpless to stop people who violate the country's environmental laws.<sup>211</sup> Failures at numerous institutional links for environmental management are at the basis of the problem. While wetlands are held in trust by Uganda's national or local governments for the benefit of all inhabitants, there have been recent instances of wetland misuse in which local authorities have violated both the law and the constitution. In other cases, local government officials have asserted that they converted wetlands to alleviate poverty and provide opportunities for economic growth.<sup>212</sup> As a result, it is concerning that, in certain cases, the organizations tasked with protecting wetlands have not supported the conservation effort.

Nonetheless, some challenges remain, including insufficient public knowledge, insufficient stakeholder engagement, and insufficient resources committed to public participation procedures.<sup>213</sup> Thus, to improve public participation, NEMA can develop and implement effective policies and guidelines, establish strong mechanisms for engaging stakeholders, raise public awareness and education about environmental issues, collaborate with community and civil society organizations, and ensure inclusive and representative decision-making.<sup>214</sup> In addition, NEMA can establish a public participation unit or department, develop a public participation strategy, provide opportunities for public input and feedback, use innovative approaches such as citizen science and participatory monitoring, and foster partnerships with local governments, NGOs, and communities.

By implementing these methods, NEMA may increase public engagement and ensure that the public is actively involved in environmental decision-making and management.

Despite these challenges, NEMA remains an important agency in Uganda's environmental efforts. Thus, enhancing its capabilities and addressing its deficiencies can significantly improve its effectiveness in maintaining Uganda's natural resources for future generations.<sup>215</sup>

### 2.3 The National Forestry Authority

The National Forestry and Tree Planting Act of 2003 is the legislation that establishes the National Forestry Authority (NFA). Because it is a semi-autonomous institution, the NFA has more financial and technological flexibility than the FD.<sup>216</sup> The NFA's mandate includes the long-term management of CFRs and the supply of outstanding forestry-related products and services while following sound financial and commercial procedures. The minister has direct oversight of the NFA through the FSSD as it fulfills its function.

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<sup>210</sup> Naiga Zakia, 'Mitigating Political Risk in Uganda's Oil and Gas Exploration and Sector' (PhD diss, Institute of Petroleum Studies-Kampala, 2021).

<sup>211</sup> National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 60-65.

<sup>212</sup> Uganda Ministry of Water and Environment, Wetlands Management Programme (2018) 15-20.

<sup>213</sup> Buganda Land Board, 'Public Participation in Environmental Decision-Making: A Review of Practices in Uganda' (2020) 15-20.

<sup>214</sup> National Environment Management Authority (NEMA), 'Strategy for Improving Public Participation in Environmental Decision-Making' (2020) 5-10.

<sup>215</sup> National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 75-80.

<sup>216</sup> Concepta Mukasa Mukasa, Alice Tibazalika, Alice Mango, and Harriet Nabirye Muloki., 'Gender and Forestry in Uganda Policy, Legal and Institutional Frameworks.' (2012) 7

Uganda's National Forestry Authority (NFA) is critical to the conservation of natural resources, notably forestry and related ecosystems.<sup>217</sup> Here are some important functions and roles of the NFA in Uganda's natural resource conservation activities.

The NFA manages the country's Central Forest Reserves by creating boundaries, demarcating regions, conducting resurveys, and providing maintenance. Authorize and approve building projects in forest reserves.<sup>218</sup> Licenses for commercial enterprises are granted within the major forest reserves and its main objectives are to maintain the sustainable management of central forest reserves. Provide high-quality forestry goods and services.

The NFA manages and conserves Uganda's central forest reserves and develops and manages all CFRs to provide quality goods and services to the people of Uganda.<sup>219</sup> Sustainable management strategies include enforcing logging restrictions, preventing illicit activities such as poaching and encroachment, and establishing reforestation and afforestation projects. It also uses a variety of ways to engage local populations in natural resource conservation activities, focusing on Sustainable Harvesting, which assures that timber, non-timber forest products, and other resources are harvested sustainably.<sup>220</sup> This ensures that harvesting rates remain consistent with the forest's potential to regenerate, assuring the long-term supply of these resources. Furthermore, many endangered species rely on specialized environments and are frequently found in forest reserves managed by the NFA. By maintaining these ecosystems and avoiding habitat destruction or degradation, the NFA directly aids in the protection of threatened species.<sup>221</sup>

The NFA also administers forests by holding stakeholder consultations with local communities, indigenous groups, civil society organizations, and other stakeholders to gather input, feedback, and participation in conservation efforts.<sup>222</sup> These meetings guarantee that community viewpoints are considered throughout decision-making processes, as well as that conservation initiatives are culturally sensitive and inclusive. It thus works with local communities to build and manage community forests or participatory forest management plans. These projects empower communities to sustainably manage forest resources, protect biodiversity, and benefit from ecosystem services while encouraging local ownership and stewardship of natural resources.<sup>223</sup>

When managing forests, the NFA holds stakeholder consultations to solicit input, feedback, and participation in conservation initiatives from local communities, indigenous groups, civil society organizations, and other stakeholders.<sup>224</sup> These meetings ensure that socially and culturally inclusive conservation initiatives are undertaken and that community perspectives are considered during the

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<sup>217</sup> Ministry of Water, Lands and Environment, The National Forest Plan (October 2002).

<sup>218</sup> National Forestry Authority (NFA), 'Forest Management Plan' (2018) 15-20.

<sup>219</sup> Francis NW Nsubuga, Edith N Namutebi and Masoud Nsubuga-Ssenfuma, 'Water Resources of Uganda: An Assessment and Review'.

<sup>220</sup> Midhun Mohan, Hayden A. Rue, Shaurya Bajaj, GA Pabodha Galgamuwa, Esmaeel Adrah, Matthew Mehdi Aghai, and Eben North Broadbent, 'Afforestation, Reforestation and New Challenges from COVID-19: Thirty-Three Recommendations to Support Civil Society Organizations (CSOs)' (2021) 287 *Journal of Environmental Management* 112277.

<sup>221</sup> P Kotze and Mr F Blignaut, 'NORTHAM BOOYSENDAL PLATINUM/THE BUTTONSHOPE CONSERVATION TRUST'.

<sup>222</sup> Shivan Kaitesi Kamugisha, 'Stakeholder Mapping In the Albertine Graben and Analysis of Multi-Sectoral Approaches in Uganda' (2020).

<sup>223</sup> Latif Haji, Naser Valizadeh and Dariush Hayati, 'The Role of Local Communities in Sustainable Land and Forest Management', *Spatial Modeling in Forest Resources Management: Rural Livelihood and Sustainable Development* (Springer 2020).

<sup>224</sup> Cornelius Kazoora, Deziderius Irumba, Nikola Smith, Michael Mutamba, Premier Nkabiheebwa, Gladys Katumba, and Ephrance Nakiyingi, *A Review of Collaborative Forest Management in Uganda* (National Forestry Authority, Ministry of Water and Environment 2020).

decision-making process. As a result, it collaborates with neighborhood groups to establish and manage community forests or participatory forest management plans.<sup>225</sup> These projects promote local ownership and management of natural resources, allowing communities to sustainably manage forest resources, protect biodiversity, and profit from ecosystem services.

To better manage forests, the National Forestry Authority runs education and awareness campaigns to educate local communities about the importance of natural resource conservation, biodiversity protection, and sustainable forest management.<sup>226</sup> These campaigns raise awareness and encourage environmental stewardship using a range of communication channels, such as community meetings, workshops, radio programs, posters, and educational materials.<sup>227</sup> It accomplishes this by providing local communities with training and capacity-building projects to help them increase their knowledge, skills, and abilities to participate in conservation activities. These projects focus on sustainable land use practices, agroforestry techniques, biodiversity monitoring, fire management, and alternative livelihoods, encouraging communities to actively participate in conservation efforts. It also engages nearby communities in collaborative planning and decision-making for forest preservation and management.<sup>228</sup> Forest management plans usually include strategies for controlling and preventing wildfires, which have the potential to devastate wildlife habitats and forests. The NFA decreases the risk of forest fires and their impact on natural resources by implementing fire prevention measures, participating in controlled burns, and improving fire response skills.<sup>229</sup>

The National Forestry Authority (NFA) fosters collaboration, mutual trust, and shared accountability for conservation outcomes by involving communities in the development of management plans, zoning regulations, and resource allocation decisions.<sup>230</sup>

The NFA manages forest reserves, which contribute significantly to Uganda's biodiversity conservation efforts. Forests support a diverse range of plant and animal species, both native and threatened.<sup>231</sup> The National Fish and Wildlife Association helps to preserve these species and their habitats by managing and protecting them.

The NFA manages central forest reserves, which serve as crucial habitats for a variety of plant and animal species. The National Forest Act (NFA), which prohibits unlawful operations, invasion, and destruction, contributes to the protection of critical habitats and species. It also conducts afforestation and restoration initiatives to repair damaged habitats and build new woody areas.<sup>232</sup> These programs promote biodiversity

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<sup>225</sup> M E Fernandez-Gimenez, H L Ballard and V E Sturtevant, 'Adaptive Management and Social Learning in Collaborative and Community-Based Monitoring: A Study of Five Community-Based Forestry Organizations in the Western USA' (2008) 13(2) *Ecology and Society*.

<sup>226</sup> Diego Matsvange, Ruvimbo Sagonda and Munyaradzi Kaundikiza, 'The Role of Communities in Sustainable Land and Forest Management: The Case of Nyanga, Zvimba and Guruve Districts of Zimbabwe' (2016) 8 *Jamba: Journal of Disaster Risk Studies* 1-11.

<sup>227</sup> Kami J Silk, Sarah Sheff, Maria Lapinski, and Alice Hoffman., 'Communication Campaigns That Emphasize Environmental Influences on Health and Risk', *Oxford Research Encyclopedia of Communication* (2016).

<sup>228</sup> Ma-noj Kumar, Sweta Nisha Phukon and Hukum Singh, 'The Role of Communities in Sustainable Land and Forest Management' in *Forest Resources Resilience and Conflicts* (Elsevier 2021) 305.

<sup>229</sup> Blake Hudson, 'Resilient Forest Management and Climate Change' (2024) 58 *Georgia Law Review* 7.

<sup>230</sup> Rachel S Friedman, Angela M. Guerrero, Ryan RJ McAllister, Jonathan R. Rhodes, Truly Santika, Sugeng Budiharta, Tito Indrawan, 'Beyond the Community in Participatory Forest Management: A Governance Network Perspective' (2020) 97 *Land use policy* 104738.

<sup>231</sup> Cornelius Kazoora, Deziderius Irumba, Nikola Smith, Michael Mutamba, Premier Nkabiheebwa, Gladys Katumba and Ephrance Nakiyingi, *A Review of Collaborative Forest Management in Uganda* (National Forestry Authority, Ministry of Water and Environment 2020).

<sup>232</sup> The National Forestry and Tree Planting Act, 2003 (No. 8 of 2003)

by increasing species variety, improving habitat connectivity, and strengthening ecological services. It also works to protect rare and endangered species of animals that live in forest reserves. The National Fish and Wildlife Association in the United States for example collaborates with wildlife authorities to protect vulnerable species such as rare plants, birds, and primates, as well as to combat poaching and preserve habitat.<sup>233</sup> It consists of steps for restoring degraded forest regions and encouraging regeneration on cleared or damaged land. This includes measures like planting native tree species, implementing agroforestry practices, and utilizing natural regeneration techniques to improve biodiversity and restore ecosystem services.<sup>234</sup>

It also undertakes biodiversity surveys and monitoring studies to assess the health of forest reserve plant and animal species. This data examines changes in biodiversity over time, prioritizes areas for protection, and guides conservation efforts. It also works with overseas partners, research institutes, government agencies, and non-governmental organizations (NGOs) to support biodiversity conservation activities.<sup>235</sup> The NFA funds a variety of research programs to preserve biodiversity, protect species, and regulate ecosystems. The NFA provides scientific data on ecological processes and regional biodiversity, which is used to develop conservation programs and outreach initiatives.<sup>236</sup>

In addition to contracting for advising, research, and commercial services, the National Forest Agency monitors and conducts studies to assess the status of forests and biodiversity in the areas it governs. This includes monitoring key indices of ecosystem resilience and health, conducting biodiversity surveys, and researching forest health.<sup>237</sup> The National Tree Seed Center supplies the industry with high-quality seeds and other planting materials while simultaneously collecting data on habitat quality, species composition, water availability, soil health, and other environmental aspects.

A performance agreement between the National Forestry Authority and the Ministry of Water and Environment will enable the NFA to act on behalf of the government.<sup>238</sup> Every two years, the FSSD is supposed to review this contract. However, since its inception in 2004, FSSD has only been able to complete one NFA-government performance contract due to funding constraints. The performance contract paradigm must be reintroduced if the government is to fulfill its monitoring responsibilities efficiently.<sup>239</sup>

In terms of forestry and natural resource conservation, the NFA collaborates with international organizations, foreign states, and non-governmental organizations (NGOs). This includes sharing best practices, collaborating on studies, and gaining funding for conservation-related projects.<sup>240</sup> It also engages in international collaboration and partnerships to address transboundary issues, share best practices, and mobilize resources for natural resource management.<sup>241</sup>

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<sup>233</sup> George Cameron Coggins, 'Conserving Wildlife Resources: An Overview of the Endangered Species Act of 1973' (1974) 51 ND L Rev. 315.

<sup>234</sup> Reda M Dennis-Parks, 'Healthy Forests Restoration Act-Will It Really Protect Homes and Communities' (2004) 31 Ecology LQ 639.

<sup>235</sup> Lee Godden and Jacqueline Peel, 'The Environment Protection and Biodiversity Conservation Act 1999 (Cth): Dark Sides of Virtue.' (2007) 31 *Melbourne University Law Review* 106.

<sup>236</sup> Kashish Singhal and Akshay Tambi, 'EIA 2020-A Ticking Time Bomb' (2020) 10 NLIU L. Rev. 407.

<sup>237</sup> Forestry Act 2012 (New South Wales) (Australia) s.12 et seq.

<sup>238</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 14(1)(a).

<sup>239</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 15(2).

<sup>240</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 24(1)(e).

<sup>241</sup> John L Garrison, 'Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Debate over Sustainable Use' (1994) 12 *Pace Env'tl. L. Rev.* 301.

These baseline surveys, which are conducted to assess biodiversity inside forest reserves administered by the organization, lay the groundwork for future monitoring operations. They provide crucial information regarding species composition, distribution, abundance, and habitat types.<sup>242</sup>

The NFA collaborates with other conservation and governmental groups to implement species recovery projects for endangered species located in forest reserves. These measures may include habitat restoration, relocation, captive breeding, and other conservation interventions designed to increase population numbers and improve the species' prospects of survival.<sup>243</sup>

The NFA expands its reach and solves conservation concerns through joint projects, knowledge sharing, and resource mobilization. It also makes recommendations and gives technical assistance to the government on legislation and policies that protect biodiversity. Through campaigning for enhanced legislative frameworks, enforcement techniques, and conservation incentives, the NFA contributes to the creation of an environment that encourages biodiversity preservation and sustainable resource management.<sup>244</sup> Initiatives aimed at maintaining biodiversity also involve residents who live near forest areas. This includes supporting sustainable land use practices, educating people on the value of biodiversity, and integrating local communities in conservation efforts such as tree planting and wildlife monitoring.<sup>245</sup>

The NFA collaborates with the communities that surround forest reserves to promote sustainable forest management practices. This typically entails offering them sustainable agroforestry as an alternative source of income and involving them in conservation efforts through educational and awareness initiatives.<sup>246</sup> Community involvement is critical for natural resource protection, and Uganda's National Forestry Authority (NFA) employs a range of strategies to engage locals in conservation efforts. This is one example of how the NFA's community involvement fosters natural resource conservation.<sup>247</sup> Furthermore, it collaborates with local people, Native American tribes, and other stakeholders to make decisions about forest management and conservation. By involving communities in the conception, execution, and monitoring of conservation programs, the NFA ensures that their voices are heard, and their concerns are considered.<sup>248</sup>

It provides training and capacity-building programs to help local communities understand conservation concepts, sustainable land use practices, and natural resource management strategies. Residents may take an active role in conservation efforts and make long-term contributions owing to community capacity-building projects.<sup>249</sup> Furthermore, it promotes the development of alternative cash streams for the residents who live in and around forest reserves. The NFA reduces reliance on forest resources and alleviates strain on fragile ecosystems by promoting ecotourism, beekeeping, agroforestry, and the gathering of non-timber forest products, among other sustainable income-generating ventures.<sup>250</sup>

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<sup>242</sup> Ritah Kigonya and others, "Biodiversity Offsetting" in Uganda's Protected Areas: A Pathway to Restoration of Forest Biodiversity? [2024] Environmental Management 1.

<sup>243</sup> Wildlife Act, 2000 (No. 2 of 2000) s 30(1)(a).

<sup>244</sup> National Environment Act, 2019 (No. 8 of 2019) s 15(1)(d).

<sup>245</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 28(1)(c).

<sup>246</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(f).

<sup>247</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(g).

<sup>248</sup> National Forest Management Act, 1998 (No. 14 of 1998) s 12(2)(c).

<sup>249</sup> National Environment Act, 2019 (No. 8 of 2019) s 24(2)(e).

<sup>250</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 29(1)(d).

It incorporates innovative tactics for local community involvement in CFR management, like as benefit-sharing systems, to encourage community participation and ensure that surrounding towns benefit directly from conservation initiatives. It oversees CFRs in partnership with the private sector and local communities. These initiatives include revenue-sharing agreements, job possibilities, access to eco-tourism income, infrastructure and social service provision, and other incentives to encourage community participation and conservation support.<sup>251</sup> These initiatives seek to resolve conflicts and tensions among a variety of parties, including communities, government agencies, business sector actors, and conservation organizations. They also improve communication and dispute-resolution processes. To foster collaboration and teamwork toward shared conservation goals, the NFA promotes communication, trust, and the resolution of underlying difficulties.<sup>252</sup>

It also runs outreach and awareness initiatives to educate the local population on the importance of biodiversity preservation, sustainable forest management, and natural resource protection. The NFA raises awareness of conservation issues and encourages communal action through workshops, seminars, school programs, and community meetings.<sup>253</sup> It also recognizes and incorporates traditional ecological knowledge and practices from local populations into conservation efforts. The NFA recognizes indigenous knowledge, cultural values, and traditional resource management approaches, hence increasing the effectiveness and relevance of conservation efforts.<sup>254</sup>

The National Forestry Authority collaborates with communities to monitor and review conservation activities to assess their effectiveness, obtain feedback, and revise plans based on local expertise. By including communities in monitoring programs, the NFA promotes accountability, transparency, and shared responsibility for conservation objectives.<sup>255</sup>

The NFA oversees enforcing forestry and environmental rules and regulations within the managed areas under its jurisdiction to protect endangered species in forest reserves. Patrolling forest areas, apprehending unlawful loggers and poachers, and taking legal action against violators are all part of it.<sup>256</sup> It works together with law enforcement agencies, such as the Uganda Police Force and the Uganda Wildlife Authority, to arrest and prosecute offenders following current regulations. The goals of the NFA's law enforcement actions are to protect forest ecosystems, prevent illegal activity, and ensure regulatory compliance.<sup>257</sup>

The NFA undertakes regular national forest inventories and other technical services through its National Biomass Studies, as well as assisting in the identification of conservation priorities, assessing the effectiveness of management actions, and understanding long-term trends in natural resource dynamics.<sup>258</sup>

The NFA also collects data through ecological monitoring, biodiversity surveys, and forest inventories to help with evidence-based decision-making and adaptive management methods.<sup>259</sup> Finally, it develops and

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<sup>251</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 30(2)(b).

<sup>252</sup> National Environment Act, 2019 (No. 8 of 2019) s 25(1)(f)

<sup>253</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 28(1)(a).

<sup>254</sup> National Environment Act, 2019 (No. 8 of 2019) s 24(2)(c).

<sup>255</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 29(2)(b).

<sup>256</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 35(1)(a)-(c).

<sup>257</sup> Ronald Twongyirwe and Eleanor Fisher, 'Natural Resource Management in the Northern Albertine Rift Landscape, Western Uganda: Modelling Household Land Utilisation for Conflict Reduction' (Mbarara University of Science and Technology 2020).

<sup>258</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 17(1)(d).

<sup>259</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 18(2)(a)-(c).

implements CFR management strategies, provides status reports, and performs other activities as directed by the minister.

The investigations and observational endeavors were designed to assess the status of vulnerable species and their surroundings. This data helps to drive targeted conservation efforts by identifying important habitats, population trends, and conservation priorities for endangered species.<sup>260</sup> Long-term monitoring studies, which follow changes in biodiversity over time, use vegetative plots, repeated surveys of key indicator species, and other monitoring approaches to discover trends, identify threats, and assess the success of conservation initiatives.<sup>261</sup>

The NFA assists Uganda in developing its forestry and conservation policies. It provides the government with recommendations and technical assistance on problems such as conservation, forest management, and sustainable resource use.<sup>262</sup>

It collaborates with government ministries, organizations, and stakeholders to develop laws and regulations that promote sustainable natural resource management practices. It also provides technical assistance, information, and stakeholder input to help shape policy decisions on forest management, biodiversity conservation, and sustainable development.<sup>263</sup> All of these contributions help to develop Uganda's forestry laws, regulations, and policies. The NFA promotes tougher legislation, more efficient enforcement techniques, and conservation incentives, all of which help to create favorable conditions for sustainable forestry and environmental governance.<sup>264</sup>

Furthermore, it participates in regional and international forestry, biodiversity conservation, climate change mitigation, and sustainable development conferences, seminars, and initiatives. To improve its proficiency and effectiveness in natural resource management, the NFA collaborates with other countries, organizations, and donors on bilateral agreements, cooperation projects, and knowledge-sharing initiatives.<sup>265</sup>

International cooperation allows the NFA to gain the technological know-how, financial opportunities, and resources it requires to assist its conservation initiatives and accomplish global conservation objectives.<sup>266</sup> Thus, the National Forestry Authority contributes significantly to the protection of Uganda's natural resources, particularly its forests and biodiversity, through a combination of management, conservation, community engagement, research, and policy advocacy.<sup>267</sup> It is also a valuable tool for natural resource conservation since it promotes sustainable usage, protects ecosystems, restores degraded areas, and engages stakeholders in conservation activities. These projects play a critical role in achieving the NFA's goals of encouraging sustainable forestry practices, safeguarding biodiversity, and ensuring the prudent use of natural resources for future generations.<sup>268</sup>

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<sup>260</sup> Wildlife Conservation Act, 2019 (No. 4 of 2019) s 24(1)(b).

<sup>261</sup> National Environment Act, 2019 (No. 8 of 2019) s 43(2)(c).

<sup>262</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(a)-(b).

<sup>263</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 6(1)(a)-(c).

<sup>264</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 4(a)-(c).

<sup>265</sup> Bas Louman and others, 'SDG 13: Climate Action—Impacts on Forests and People' [2019] Sustainable development goals: their impacts on forests and people 419.

<sup>266</sup> David M Ong, 'The Convention on International Trade in Endangered Species (CITES, 1973): Implications of Recent Developments in International and EC Environments Law' (1998) 10 J. Evtl. L. 291.

<sup>267</sup> National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 3(a)-(e).

<sup>268</sup> National Environment Act, 2019 (No. 8 of 2019) s 21(1) -(3).

All things considered, the NFA has not functioned as expected since its inception. It has not been able to achieve self-sufficiency, thus it still requires assistance from the government and donors. Some CFRs have been impacted by the increase in encroachment and other criminal activity that has long existed in forests outside of Protected Areas (PAs).<sup>269</sup> As a result, the NFA is now forced to devote a major portion of its annual budget to law enforcement efforts. The initial support has given way to political expediency.<sup>270</sup> Political influence draws intruders, making intrusions difficult to manage. The replanted areas will take some time to start generating revenue for the organization, and the base of forest resources that were supposed to be the primary source of NFA's domestic revenue has been dwindling.<sup>271</sup>

## 2.4 Uganda Wildlife Authority (UWA)

The Uganda Wildlife Authority (UWA) is established under the Uganda Wildlife Act of 1996 and the Uganda Wildlife Act of 2019. The Uganda Wildlife Authority's (UWA) mandate stresses public participation in wildlife conservation and management, the protection of national parks and game reserves, and the promotion of wildlife-related tourism and livelihoods.

In addition to managing and maintaining wildlife resources, UWA is responsible for enforcing wildlife laws and regulations, protecting and monitoring animal habitats, encouraging ecologically friendly travel, and collaborating with regional communities to manage wildlife.<sup>272</sup> UWA's goals include ensuring public participation in wildlife management, assisting community development and livelihood enhancement, encouraging wildlife-based tourism, and conserving and managing wildlife resources sustainably.

Uganda's many animal species notably threatened and endangered species such as mountain gorillas, elephants, and rhinoceroses, are the primary focus of UWA conservation activities.<sup>273</sup>

Although Kabale does not directly oversee national parks, UWA plays a critical role in protecting species and habitats in surrounding conservation areas such as Mgahinga Gorilla National Park and Bwindi Impenetrable National Park. Uganda Wildlife Authority (UWA) protects endangered species, develops ecotourism, and improves community livelihoods in the region by managing a network of national parks, game reserves, and wildlife sanctuaries around the country.<sup>274</sup>

UWA is responsible for overseeing the management and conservation of Uganda's wildlife resources, which includes the national parks and protected areas in Kabale District.<sup>275</sup> They usually work with the surrounding local communities to incorporate them in conservation efforts through a range of programs, such as revenue-sharing plans and community-based conservation projects.<sup>276</sup>

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<sup>269</sup> Auditor General, 'Report of the Auditor General on the National Forestry Authority' 2020, 12.

<sup>270</sup> Asif Raihan, 'Sustainable Development in Europe: A Review of the Forestry Sector's Social, Environmental, and Economic Dynamics' (2023) 2 *Global Sustainability Research* 72.

<sup>271</sup> Chris Taylor and David B Lindenmayer, 'Stakeholder Engagement in a Forest Stewardship Council Controlled Wood Assessment' (2021) 120 *Environmental Science & Policy* 204.

<sup>272</sup> Uganda Wildlife Authority, 'UWA Annual Report' (2020) 10-15.

<sup>273</sup> Samuel Amanya, 'Conservation and Management of the Nile Crocodile "Crocodylus Niloticus" in Uganda, a Case Study of Lake Victoria and Victoria Nile River at Murchison Falls National Park' (Universidad Internacional de Andalucía, 2023).

<sup>274</sup> Uganda Wildlife Authority, 'The Uganda Wildlife Authority Board of Trustees Approved This General Management Plan for Implementation at Its 12 Th Sitting of 28 Th May 2013.'

<sup>275</sup> Mathias Behangana, N., Nsubuga, Richard E., Tushabe, Robert K., & Kibuuka, Christine, '< Establishing Baseline Data for Herpetofauna in Western Uganda, an East African Biodiversity Hotspot: Reptile and Amphibian Diversity in Uganda' (2023) 16 *Herpetology Notes* 773.

<sup>276</sup> Karen Archabald and Lisa Naughton-Treves, 'Tourism Revenue-Sharing Around National Parks in Western Uganda: Early Efforts to Identify and Reward Local Communities' (2001) 28 *Environmental Conservation* 135. James Musinguzi and Tony Muzaale, 'Local Community Participation and Wildlife Conservation in Uganda' (2019) 16 *Ugandan Journal of Management and Public Policy Studies* 118.



The Uganda Wildlife Authority oversees upholding Uganda's wildlife protection laws and standards.<sup>277</sup> This includes patrolling protected areas to prevent habitat loss, poaching, illegal logging, and other environmental degradation. To prevent poaching and protect animal populations, UWA rangers are well-prepared and trained.

UWA's roles and objectives emphasize public involvement in local communities' natural resource conservation through community wildlife management programs, public awareness and education programs on wildlife conservation, collaboration with local communities in the resolution of human-wildlife conflicts, community-based tourism initiatives, and public participation in wildlife policy and decision-making processes.<sup>278</sup>

The Uganda Wildlife Act and the roles of UWA emphasize the importance of public participation in natural resource conservation, recognizing the critical role that local communities play in managing and conserving wildlife resources.<sup>279</sup>

The Uganda Wildlife Authority (UWA) plays a critical role in facilitating the right of local communities to public participation in the conservation of natural resources through the promotion of community-based conservation initiatives, in which local communities are directly involved in the management of wildlife and natural resources.<sup>280</sup> For example, it puts into practice revenue-sharing programs that provide local communities a share of the money made from tourists in protected regions. To include local people in the decision-making processes about conservation efforts, they have also formed Community Conservation Committees (CCCs) in many locations. Communities are directly benefited by wildlife, which motivates them to actively participate in conservation initiatives.<sup>281</sup>

UWA collaborates with surrounding communities to improve sustainable natural resource management approaches. It provides alternative livelihood opportunities to reduce reliance on natural resources and educates residents on the importance of wildlife protection through community outreach initiatives.<sup>282</sup>

Uganda Wildlife Authority arranges educational programs and community outreach initiatives to assist local communities in appreciating the importance of conservation and their role in preserving natural resources. This means organizing workshops, training sessions, and educational materials in addition to including residents in participatory protected area management decision-making processes.<sup>283</sup> To assist in the development of conservation plans and policies, community members should share their opinions and take part in meetings, forums, and discussions. UWA also conducts scientific research and monitoring projects to assess the state of wildlife populations, track habitat health, and identify new conservation risks. This data informs management decisions and conservation techniques aimed at preserving biodiversity and ecological integrity.

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<sup>277</sup>Isaac Christopher Lubogo and others, 'Exploring Uganda's Tourism Law, A Definitive Guide to Regulations Compliance and Sustainable Travel' (2024).

<sup>278</sup> Uganda Wildlife Authority, 'Community Wildlife Management Guidelines' (2018) 5-12.

<sup>279</sup> Uganda, 'Uganda Wildlife Act' (2019) s 4(e).

<sup>280</sup> JB Okeyo-Owuor and others, 'Status, Challenges and New Approaches for Management of the Trans-Boundary Mt. Elgon Ecosystem: A Review' [2011] Towards Implementation of Payment for Environmental Services (PES): a collection of findings linked to the ASARECA funded research activities 60.

<sup>281</sup> David Mwesigye Tumusiime and Paul Vedeld, 'False Promise or False Premise? Using Tourism Revenue Sharing to Promote Conservation and Poverty Reduction in Uganda' (2012) 10 *Conservation and society* 15.

<sup>282</sup> Commune de la Gombe, 'CENTRAL AFRICA REGIONAL OPERATING UNIT (CAROU)'.

<sup>283</sup>Chirenje, Leonard I., Giliba, Richard A., & Musamba, Emmanuel B, 'Uganda Wildlife Authority - UWA' (2013) 11(10) *Journal of Wildlife Conservation* 10.

Better yet, Uganda has laws and policies in place protecting the rights of local people to participate in the management of natural resources. One such opportunity for community involvement in animal protection is provided by the Uganda Animal Act.<sup>284</sup>

Nonetheless, despite these measures, some local organizations lack the information and skills required to participate in conservation activities. Insufficient community engagement and participation, they have limited resources for public participation processes.<sup>285</sup>

This gap could be overcome in part by providing training and capacity-building efforts tailored to these communities' needs. Revenue-sharing systems do not always benefit all members of the community equally, resulting in tension and disagreements.<sup>286</sup> To address this issue, a fair and open allocation of advantages is required.

UWA therefore plays a vital role in wildlife conservation in Uganda, much as there is room for improvement in terms of resource allocation, capacity building, community engagement, and technological innovation to enhance the effectiveness of its protection efforts. Collaboration with government agencies, non-profit organizations, and international partners is therefore essential to address the complex challenges facing Uganda's natural resources.<sup>287</sup>

With the implementation of these measures, UWA hopes to improve public participation and ensure that the public is actively involved in wildlife management and conservation.

## 2.5 Local Government Structures

The Local Governments Act<sup>288</sup> is a law that establishes local government institutions in Uganda. Regional administrations and local councils, for example, usually play an important role in organizing and implementing community-based conservation programs in Kabale.<sup>289</sup> They oversee the implementation of land-use planning and environmental regulations, as well as managing community-based conservation programs.

Local governments, including districts, municipalities, district councils, parish development committees, sub-county councils, and town councils are responsible for providing services such as water, health, education, and roads, encouraging regional economic growth, caring for the environment, and ensuring citizen participation in governance.

These groups typically communicate with local people to ensure their involvement in natural resource management and conservation choices.<sup>290</sup>

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<sup>284</sup> Uganda, Wildlife Act 2019, s 32(1), (2) and (3).

<sup>285</sup> Jen Dyer, Lindsay C Stringer, Andrew John Dougill, Julia Leventon, Muleba Nshimbi, Francis Chama, Ackson Kafwifwi and others, 'Assessing Participatory Practices in Community-Based Natural Resource Management: Experiences in Community Engagement from Southern Africa' (2014) 137 *Journal of Environmental Management* 137.

<sup>286</sup> Mark J O'Connell and others, 'Capacity Building for Conservation: Problems and Potential Solutions for Sub-Saharan Africa' (2019) 53 *Oryx* 273.

<sup>287</sup> The Academia & Government Officials, 'Identify Research & Data Gaps in the Management of Natural Resources in Uganda' (2024) (<https://news.mak.ac.ug/2024/03/the-academia-government-officials-identify-research-data-gaps-in-the-management-of-natural-resources-in-uganda/>), accessed 10 May 2023).

<sup>288</sup> Local Governments Act as amended, Cap 243, 1997 (Uganda).

<sup>289</sup> Bosco, John Paul, Akinyi, Mary Grace, Nsubuga, Richard Emmanuel, & Kasozi, Daniel Joseph., 'The Effect of Participatory Project Design on Project Success in Government Funded Project in Uganda: A Case Study of Parish Development in Kabale District' (2020) 53(1) *Journal of Project Management and Development* 1.

<sup>290</sup> Bosco, John Paul, Agaba, Michael Julius, & David, James Robert, 'The Effect of Participatory Project Design on Project Success in Government Funded Project in Uganda: A Case Study of Parish Development in Kabale District' (2023) 53 *Journal of Project Management and Development* 1.

Local government structures' roles and objectives emphasize the public's involvement in natural resource conservation through public hearings and consultations on resource management plans, community involvement in environmental impact assessments, public awareness, and education campaigns on the subject, community partnerships in wildlife management and conservation, and public participation in natural resource management decision-making.<sup>291</sup> The Local Governments Act and the functions of Local Government Structures highlight the importance of public participation in natural resource preservation, recognizing local communities' critical role in resource management and protection.

Local Government Structures (LGS) in Uganda are responsible for managing natural resources, promoting local economic growth, maintaining law and order, and providing basic services such as water, health, and education.<sup>292</sup> Their mandate also focuses on civic participation. The mandate covers public education and awareness of local government services, community involvement in service delivery and development initiatives, collaboration with stakeholders and civil society organizations, and public consultation on budgeting and planning.

Local government structures play a critical role in allowing communities to exercise their right to public participation in natural resource protection through open meetings and discussions.<sup>293</sup> Local governments routinely organize public forums and consultations to elicit community comments on natural resource-related projects and regulations.<sup>294</sup>

Local governments often set up community involvement programs so that residents can participate in decisions about the protection of natural resources. Among these initiatives are community forums, focus groups, and workshops.<sup>295</sup> They also form advisory committees of experts, community members, and stakeholders to provide guidance and recommendations on initiatives related to resource conservation. These committees bring together a diverse range of individuals, including local community members, subject matter experts, and stakeholders such as corporations or advocacy groups.<sup>296</sup> Decisions are made with consideration for a range of perspectives, backgrounds, and data because of this diversity.<sup>297</sup> These advisory committees are made up of members of the community who work and live in the area affected by conservation projects, and they typically have valuable local knowledge about the ecosystem, cultural customs, and resource use.<sup>298</sup> Their participation ensures that conservation efforts are socially and culturally acceptable, sensitive to local needs, and prioritized.<sup>299</sup>

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<sup>291</sup> United Cities and Local Governments, 'Local Government and Biodiversity: A Guide for Local Authorities' (2019) 70-75.

<sup>292</sup> Uganda, 'Local Governments Act' (1997) ss 34-40.

<sup>293</sup> Nanang Indra Kurniawan and others, 'The Role of Local Participation in the Governance of Natural Resource Extraction' (2022) 9 *The Extractive Industries and Society* 101029.

<sup>294</sup> Michael Cuthill, 'Developing Local Government Policy and Processes for Community Consultation and Participation' (2001) 19 *Urban Policy and Research* 183.

<sup>295</sup> Paul Selman, 'Community Participation in the Planning and Management of Cultural Landscapes' (2004) 47 *Journal of Environmental Planning and Management* 365. Arun Agrawal and Clark C Gibson, 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation' (1999) 27 *World Development* 629.

<sup>296</sup> Andrew Ojok Mijumbi and others, 'Regulation of Community Advisory Boards during Conduct of Clinical Trials in Uganda: A Qualitative Study Involving Stakeholders' (2023) 23 *BMC Health Services Research* 119.

<sup>297</sup> Taylor H Cox and Stacy Blake, 'Managing Cultural Diversity: Implications for Organizational Competitiveness' (1991) 5 *Academy of Management Perspectives* 45.

<sup>298</sup> Arun Agrawal and Clark C Gibson, 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation' (1999) 27 *World Development* 629.

<sup>299</sup> Finn Danielsen and others, 'Local Participation in Natural Resource Monitoring: A Characterization of Approaches' (2009) 23 *Conservation Biology* 31. Agrawal and Gibson (n 297).

Local government structures aim to manage natural resources sustainably, include the public in decision-making processes, provide democratic and accountable governance, and promote decentralization and devolution of authority.

Advisory committees enable ecologists, biologists, environmental scientists, and policymakers to provide critical technical advice and empirical evidence to support conservation efforts.<sup>300</sup> Their cooperation helps to ensure that initiatives are based on sound scientific principles and best practices. Involving stakeholders such as corporations, landowners, recreational groups, and environmental organizations encourages cooperation and consensus-building.<sup>301</sup> It permits the integration of many interests and the development of solutions that balance conservation goals with economic, social, and recreational considerations.

Advisory panels facilitate open communication, transparency, and public participation in decision-making processes. This improves accountability by ensuring that decisions are made with involvement from relevant stakeholders and using publicly available information and deliberations.<sup>302</sup> Furthermore, involving community members, specialists, and stakeholders from the start increases the likelihood of successful conservation programs. Their commitment, support, and active engagement help to ensure the long-term effectiveness and sustainability of conservation activities.<sup>303</sup>

In conclusion, advisory committees made up of community people, specialists, and stakeholders are critical for supporting inclusive decision-making, integrating multiple perspectives, fostering collaboration, and ultimately attaining successful outcomes in natural resource conservation programs.<sup>304</sup>

Furthermore, local governments disseminate information about natural resource conservation projects, policies, and initiatives to ensure that communities are well-informed and able to participate effectively in collaborative planning processes that bring together community members, government agencies, non-governmental organizations (NGOs), and other stakeholders to develop and implement natural resource conservation strategies.<sup>305</sup>

Despite these efforts, there are often gaps in facilitating public participation in natural resource protection at the local level, such as Limited Access to Information: Communities may not have access to important information regarding natural resource conservation programs and policies, making it difficult for them to engage effectively. Certain groups within the community, such as marginalized or minority communities, may not have enough representation or opportunity for participation.<sup>306</sup>

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<sup>300</sup> Unni Gopinathan, Steven J Hoffman and Trygve Ottersen, 'Scientific Advisory Committees at the World Health Organization: A Qualitative Study of How Their Design Affects Quality, Relevance, and Legitimacy' (2018) 2 *Global Challenges* 1700074.

<sup>301</sup> *ibid.*

<sup>302</sup> Onuma Suphattanakul, 'Public Participation in Decision-Making Processes: Concepts and Tools' (2018) 4 *Journal of Business and Social Review in Emerging Economies* 221.

<sup>303</sup> Walter Leal Filho and others, 'Integrating the Sustainable Development Goals into the Strategy of Higher Education Institutions' (2023) 30 *International Journal of Sustainable Development & World Ecology* 564.

<sup>304</sup> Michael Warner, "'Consensus' Participation: An Example for Protected Areas Planning' (1997) 17 *Public Administration and Development* 413. Mekonnen Hailemariam Zikargae, Amanuel Gebru Woldearegay and Terje Skjerdal, 'Assessing the Roles of Stakeholders in Community Projects on Environmental Security and Livelihood of Impoverished Rural Society: A Nongovernmental Organization Implementation Strategy in Focus' (2022) 8 *Heliyon*.

<sup>305</sup> Fitzgerald, Christopher Francis, Adeyemo, Peter David, & Luyiga, Samuel, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 *Journal of Environmental Policy and Planning* 569.

<sup>306</sup> Robinson, Lance William, Martinez, Sofia Elena, Thompson, Andrew James, & Patel, Priya Anjali and Lance W Robinson and others, 'The Challenges of Community-Based Natural Resource Management in Pastoral Rangelands' (2021) 34 *Society & Natural Resources* 1213.

Furthermore, communities lack the technical know-how and financial resources required to actively participate in natural resource conservation efforts. Furthermore, certain local government systems may engage in fictitious behavior, in which community opinion is asked but not fully considered when making decisions.<sup>307</sup>

However, to fill these gaps and increase local public participation in natural resource protection, information accessibility must be addressed. Local governments can promote transparency by providing information about their natural resource conservation programs widely accessible and understandable using a range of channels, including public meetings, websites, and social media.<sup>308</sup> Furthermore, inclusive participation should be promoted, which means that all community members, particularly underrepresented groups, should have the opportunity to participate in decision-making processes. This could include providing specialized outreach, linguistic support, and accommodations to people with disabilities.<sup>309</sup>

Furthermore, local governments sponsor initiatives to build community capacity so that people can effectively participate in natural resource conservation.<sup>310</sup> In addition to working to create genuine opportunities for community input and collaboration in natural resource conservation planning and implementation (rather than superficial forms of participation), this entails providing training, technical assistance, and financial support to community-led projects.<sup>311</sup> Above all, regular evaluations of public interaction techniques can help identify areas for improvement and ensure that methods are adaptive to the needs and preferences of neighboring people.<sup>312</sup>

Local government structures can better promote successful natural resource conservation and sustainable development by addressing these gaps and implementing methods to increase public participation.<sup>313</sup>

Nonetheless, some challenges remain, including insufficient public awareness of local government services and procedures, insufficient community involvement and contact, and limited funding for public participation projects.

## 2.6 Non-Governmental Organizations (NGOs)

The Non-Governmental Organizations Registration Act<sup>314</sup> establishes NGOs as legal entities in Uganda. NGOs in Uganda play a crucial role in promoting and supporting community development initiatives, advocating for human rights and environmental conservation, providing humanitarian aid and support, and supporting sustainable development and natural resource management.<sup>315</sup>

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<sup>307</sup> Nathan J Cook, Glenn D Wright and Krister P Andersson, 'Local Politics of Forest Governance: Why NGO Support Can Reduce Local Government Responsiveness' (2017) 92 *World Development* 203.

<sup>308</sup> Irmeli Mustalahti and others, 'Responsibilization in Natural Resources Governance: A Romantic Doxa?' (2020) 111 *Forest Policy and Economics* 102033.

<sup>309</sup> Mary R Janevic and others, 'Making Pain Research More Inclusive: Why and How' (2022) 23 *The journal of pain* 707.

<sup>310</sup> Derek Armitage, 'Adaptive Capacity and Community-Based Natural Resource Management' (2005) 35 *Environmental management* 703.

<sup>311</sup> Vicky Forgie, Peter G Horsley and Jane Ellen Johnston, *Facilitating Community-Based Conservation Initiatives* (Department of Conservation Wallington, New Zealand 2001).

<sup>312</sup> Sajad Ahmadian, Majid Meghdadi and Mohsen Afsharchi, 'A Social Recommendation Method Based on an Adaptive Neighbor Selection Mechanism' (2018) 54 *Information Processing & Management* 707.

<sup>313</sup> Miquel Salvador and David Sancho, 'The Role of Local Government in the Drive for Sustainable Development Public Policies. An Analytical Framework Based on Institutional Capacities' (2021) 13 *Sustainability* 5978.

<sup>314</sup> Okello Stephen, 'Appraisal of the Legal Regime for Non-Governmental Organizations in Uganda'.

<sup>315</sup> Non-Governmental Organizations Registration Board, 'NGO Sector Report' (2020) 15-20.

NGOs in Uganda are crucial in promoting community development, advocating for environmental protection and human rights, providing humanitarian aid, and assisting with sustainable development and natural resource management.<sup>316</sup>

Non-governmental organizations (NGOs) in Uganda work to advance public interest and welfare, enable community development and empowerment, advocate for environmental preservation and natural resource management, and promote social justice and human rights.

The Kabale District is home to several non-governmental organizations (NGOs) that focus on community development and conservation. These organizations usually assist community-led conservation efforts, train locals, and build capacity to improve community participation in natural resource management.<sup>317</sup>

Non-governmental organizations (NGOs) and groups such as trade unions or manufacturers' associations provide a structured forum for the public to participate in environmental decision-making. NGOs, like individual members of the public, can gather data, advocate for legislation, intervene in licensing or permitting decisions, and monitor environmental compliance.<sup>318</sup> NGOs can frequently more effectively assert public rights to knowledge and participation through these functions, as well as their superior resources, experience, and organized operations.<sup>319</sup>

Non-governmental organizations (NGOs) in Kabale and the surrounding area contribute significantly to conservation efforts through several activities and programs. They carry out efforts in environmental education, agroforestry, sustainable agriculture, and biodiversity conservation.<sup>320</sup> NGOs commonly collaborate with regional governments, foreign partners, and local populations to address conservation challenges and promote sustainable development in the region.<sup>321</sup>

The Desertification Convention, whose preamble emphasizes "the special role of non-governmental organizations and other major groups in programs to combat desertification and mitigate the effects of drought," is a recent convention that emphasizes the importance of NGOs.<sup>322</sup> A dynamic civil society is dependent on public institutions being trusted, yet in many countries, there is a lack of trust and limited opportunity for participation in governmental decision-making.<sup>323</sup> To address this, ICNL works with worldwide partners to develop and change laws and policies that encourage civil society participation at the local, regional, and national levels.<sup>324</sup> There is still work to be done, but governments and civil society organizations around the world have made progress in creating chances for meaningful public participation

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<sup>316</sup> Rashida Nalugo, 'Role of Non-Government Organizations in the Development of Rural Areas' (Kampala International University, College of Humanities and Social Sciences, 2019).

<sup>317</sup> Adeyemo PD & Luyiga S Christopher F, "An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda" (2024) 3 *Journal of Environmental Studies* 569.

<sup>318</sup> Rachel Ehrenfeld, 'Non-Profit Facilitators' in *Servants Of The Devil: The Facilitators of the Criminal and Terrorist Networks* (2021) 53-65.

<sup>319</sup> Nagwa Babiker Abdalla Yousif and others, 'Knowledge Management in Non-Governmental Organizations (NGOs)' [2020] *Administrative Management Public* 90.

<sup>320</sup> Amadi D & Jamila Sobola O, "The Role of Agroforestry in Environmental Sustainability" (2015) 8 *Journal of Environmental Studies* 2319.

<sup>321</sup> Nasser Kasozi and others, 'Implementing Zonal Aquaculture Innovation Platforms in Uganda: Key Lessons Learned' (2024) 2 *Platforms* 101.

<sup>322</sup> Alexandre Kiss and Dinah Shelton, 'Compliance and Dispute Settlement' in *International Environmental Law* (Brill Nijhoff 2004) Dinah Shelton and Alexandre Charles Kiss, *Judicial Handbook on Environmental Law* (UNEP/Earthprint 2005).

<sup>323</sup> Aisha Ghaus-Pasha, 'Role of Civil Society Organizations in Governance', *Kertas Persidangan 6th Global Forum on Reinventing Government Towards Participatory and Transparent Governance*. Seoul (Citeseer 2005).

<sup>324</sup> Rahma Adan Jillo, 'Restrictions on Foreign Funding of Civil Society' Charles L Wilson, 'World Food Preservation Center® LLC', *Postharvest Extension and Capacity Building for the Developing World* (CRC Press 2018).

NGOs seek to increase public participation in natural resource conservation by implementing community-based conservation initiatives, public awareness and education programs on environmental conservation, collaboration with local communities in natural resource management, support for community-led conservation projects, advocacy for environmental rights, and policy influence.

The Non-Governmental Organizations Registration Act and the roles of NGOs emphasize the importance of public participation in natural resource conservation, recognizing the critical role that local communities play in managing and conserving natural resources.<sup>325</sup> The Non-Governmental Organizations Registration Act emphasizes public participation in natural resource conservation, acknowledging the crucial role of local communities in managing and conserving these resources.

Non-governmental organizations (NGOs) are responsible for providing services and assistance to communities, advocating for social and environmental issues, and promoting human rights and social justice.<sup>326</sup> Their responsibilities also include community engagement and mobilization, public education and awareness campaigns, partnership with local communities and stakeholders, and enabling citizens to act. All of these events aim to foster public participation.

Non-governmental organizations (NGOs) play an important role in empowering the public to participate in natural resource conservation and have a voice in decision-making processes by hosting workshops, training sessions, and awareness campaigns to educate local communities about their rights, the importance of natural resource conservation, and how they can actively participate in decision-making processes.<sup>327</sup> For example, the World Wildlife Fund (WWF) routinely collaborates with surrounding communities to provide knowledge about marine resource protection and sustainable fishing methods.

NGOs supplement government efforts by carrying out community-based conservation activities, creating awareness, and providing technical help. According to research, non-governmental organizations have made significant contributions to Uganda's sustainable forest management, biodiversity preservation, and local livelihood enhancement.<sup>328</sup>

NGOs provide capacity-building and training programs to equip local communities with the tools they need to effectively participate in conservation operations. This includes training in leadership, negotiation, project management, and advocacy.<sup>329</sup> For example, the Rainforest Alliance conducts capacity-building seminars for indigenous communities in the Amazon to help them manage their forests sustainably. These non-governmental groups also act as liaisons between the local community, the government, and other stakeholders, encouraging collaboration and facilitating dialogue. NGOs help to ensure that local voices are heard and considered throughout decision-making processes by bringing together a variety of stakeholders.<sup>330</sup> The International Union for Conservation of Nature (IUCN) routinely holds multi-stakeholder forums to address conservation challenges and promote participatory decision-making.

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<sup>325</sup> RM Olalekan and others, 'The Roles of All Tiers of Government and Development Partners in Environmental Conservation of Natural Resource: A Case Study in Nigeria' (2019) 4 *MOJ Ecology & Environmental Sciences* 114 Nalugo (n 318).

<sup>326</sup> Terry Gibson and Benjamin Wisner, 'Global Overview of the Role of Non-Governmental Organizations in Natural Hazard Governance' [2019] *Oxford Research Encyclopedia of Natural Hazard Science*.23

<sup>327</sup> Katherine M Crosman, Gerald G Singh and Sabine Lang, 'Confronting Complex Accountability in Conservation with Communities' (2021) 8 *Frontiers in Marine Science* 709423.

<sup>328</sup> Divya Gupta and Tomas M Koontz, 'Working Together? Synergies in Government and NGO Roles for Community Forestry in the Indian Himalayas' (2019) 114 *World Development* 326.

<sup>329</sup> Deborah Shmueli, Wallace Warfield and Sanda Kaufman, 'Enhancing Community Leadership Negotiation Skills to Build Civic Capacity' (2009) 25 *Negotiation Journal* 249.

<sup>330</sup> Agnieszka Smalec, Agata Niemyzyk and Renata Seweryn, 'Cooperation between Local Government and Non-Governmental Organizations as a Platform for the Development of Social Dialogue' [2019] *Economic and Social Development: Book of Proceedings* 358.

Nongovernmental organizations (NGOs) provide financial and technical assistance to community-based conservation programs, empowering local communities to take charge of conservation efforts.<sup>331</sup> Conservation International, for example, helps community-led conservation projects in biodiversity hot spots around the world by providing funding, technical assistance, and market access for sustainable products, all while advocating for policies and legal frameworks that promote public participation in natural resource management. They also offer legal aid to communities facing challenges to their rights or resources. The Environmental Law Institute (ELI), for example, aims to advance global environmental governance and legal frameworks, including encouraging community engagement in environmental decision-making.<sup>332</sup>

There may be gaps in the process of promoting NGO initiatives for the conservation of natural resources since, despite these efforts, some communities may not have access to information about their rights or ongoing conservation programs, limited resources and capacity for public participation, insufficient community engagement and mobilization and lack of accountability and transparency.<sup>333</sup> Organizations need to improve the way they disseminate information if they want everyone to be aware and able to participate effectively. Inequalities in power are common between local communities and other stakeholders, such as governmental bodies or private businesses.<sup>334</sup> The right of local communities to public participation in decision-making processes, especially those concerning the management of natural resources, can be significantly impacted by power imbalances between local communities and other stakeholders, such as governmental organizations or private businesses, in Kabale, Uganda, as well as in many other regions.<sup>335</sup> Government organizations and business enterprises frequently have access to resources and knowledge that local communities may lack. Because of this knowledge gap, residents may find it more difficult to actively participate in decision-making processes and understand the full implications of proposed projects or policies.<sup>336</sup>

Local communities lack the institutional and financial resources of private corporations and government agencies. Because of this power asymmetry, local communities struggle to bargain fairly and successfully represent their interests.<sup>337</sup> Decisions are thus taken without giving enough thought to the requirements and viewpoints of the impacted communities, and occasionally the interests of local communities may be subordinated to those of government organizations or private enterprises within the legal and regulatory frameworks.<sup>338</sup> Communities are thus less empowered to question decisions or hold parties responsible for negative effects on their resources or rights.

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<sup>331</sup> Norhasni Zainal Abiddin, Irmohizam Ibrahim and Shahrul Azuwar Abdul Aziz, 'Non-Governmental Organisations (NGOs) and Their Part towards Sustainable Community Development' (2022) 14 *Sustainability* 4386.

<sup>332</sup> Judith Masinde, 'A Survey of Capacity Building Practices among Evelopment Non Governmental Organizations in Nairobi' (2002).

<sup>333</sup> Gani Aldashev and Elena Vallino, 'The Dilemma of NGOs and Participatory Conservation' (2019) 123 *World Development* 104615.

<sup>334</sup> Laura Wolbring and others, 'How to Disseminate National Recommendations for Physical Activity: A Qualitative Analysis of Critical Change Agents in Germany' (2021) 19 *Health Research Policy and Systems* 78.

<sup>335</sup> Agrippinah Namara, 'From Paternalism to Real Partnership with Local Communities? Experiences from Bwindi Impenetrable National Park (Uganda)' (2006) 31 *Africa Development* 37.

<sup>336</sup> Francesco Di Maddaloni and Luca Sabini, 'Very Important, yet Very Neglected: Where Do Local Communities Stand When Examining Social Sustainability in Major Construction Projects?' (2022) 40 *International journal of project management* 778.

<sup>337</sup> Prakash Kashwan, 'Integrating Power in Institutional Analysis: A Micro-Foundation Perspective' (2016) 28 *Journal of Theoretical Politics* 5.

<sup>338</sup> Elijah Dickens Mushemeza, 'Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation' (2019)



NGOs can collaborate with other NGOs and stakeholders to promote inclusive and representative decision-making processes, create and implement effective public participation initiatives, and establish robust community engagement systems. They can also increase public awareness and education on social and environmental issues. NGOs can also create venues and forums for public participation, use cutting-edge strategies such as citizen engagement technology, form alliances with regional administrations and communities, ensure accountability and transparency in their work, and empower people to act and defend their rights.

NGOs can improve the efficacy and sustainability of natural resource conservation efforts while ensuring that local people's rights and perspectives are recognized and safeguarded by addressing these gaps and implementing inclusive participation policies.<sup>339</sup>

### 3.0 INSTITUTIONAL STRENGTHS AND CONTRIBUTIONS

#### 3.1 Coordination and Policy Implementation

One of Kabale's institutional strengths is the established collaboration among many institutions. To encourage a cooperative approach to conservation, NEMA, UWA, and local governments work together to implement environmental laws and regulations.<sup>340</sup> Coordination makes it easier to share information, pool resources, and synchronize efforts to achieve common conservation goals.<sup>341</sup>

#### 3.2 Community Engagement and Local Involvement

Institutions, particularly community-based groups and local government agencies, play an important role in engaging locals in conservation efforts in Kabale.<sup>342</sup> These groups promote sustainable practices and increase local support for conservation programs by involving residents in decision-making and resource management procedures.<sup>343</sup>

### 4.0 INSTITUTIONAL CHALLENGES AND LIMITATIONS

#### 4.1 Resource Constraints

The lack of adequate financial and human resources is a serious impediment for Kabale-based groups involved in natural resource conservation. Organizations such as NEMA and UWA struggle to carry out their responsibilities and address environmental issues due to a lack of finance, manpower, and antiquated machinery. These limitations make it more difficult to engage in meaningful activity, represent the interests of the community, and share expenses and benefits fairly.<sup>344</sup> A lack of coordination and facilitation skills among community groups and institutions adds to stakeholder mistrust and conflict.<sup>345</sup> Without these critical resources, communities struggle to receive knowledge, participate in conservation initiatives, and

<sup>339</sup> Neil M Dawson and others, 'The Role of Indigenous Peoples and Local Communities in Effective and Equitable Conservation' (2021) Aldashev and Vallino (n 335).

<sup>340</sup> Agrippinah Namara and Xavier Nsabagasani, 'Environmental Governance' (2003).

<sup>341</sup> Nancy C Roberts, 'Beyond Smokestacks and Silos: Open-Source, Web-Enabled Coordination in Organizations and Networks' (2011) 71 Public Administration Review 677.

<sup>342</sup> Anke Barahukwa, 'The Impacts of Collaborative Forest Management on the Livelihoods of Forest Adjacent Communities, of Echuya Central Forest Reserve, Kabale-Kisoro, Uganda' (2015).

<sup>343</sup> Timothy Lynam and others, 'A Review of Tools for Incorporating Community Knowledge, Preferences, and Values into Decision Making in Natural Resources Management' (2007) 12 Ecology and Society 1.

<sup>344</sup> Christophe, Mwenge, 'Challenges Facing Local Communities in Natural Resource Management' (2015) 7(1) African Journal of Environmental and Resource Economics 12, 15-18.

<sup>345</sup> Ssemwanga Mohammed and others, 'Co-Designing Sustainable Biochar Business Models with Sub-Saharan African Communities for Inclusive Socio-Economic Transformation' (2024) 14 Scientific Reports 15802.

implement sustainable practices. Insufficient infrastructure, technology, financial constraints, and human resources hinder communication, and community initiatives, and contribute to environmental degradation, necessitating urgent action for community empowerment and conservation benefits.<sup>346</sup>

#### 4.2 Clashing Interests and Values

This is one of the most challenging aspects of collaborative natural resource management. Conflicting agendas and interests occur in natural resource management due to varying values and perspectives among local populations, governments, and third parties.<sup>347</sup> Economic gains take precedence over conservation in the extractive industries, and conservation efforts may conflict with development goals. This leads to low levels of public participation, unjust decision-making, poor management, distrust, conflict, and violations of human rights.<sup>348</sup> Stakeholders' conflicting views on resource management, land use, and conservation goals can hinder collaboration and hinder conservation efforts. Balancing interests requires communication, respect, and cultural awareness.

#### 4.3 Weak Enforcement and Impunity

Undermining Community Rights and Conservation Efforts and noncompliance with rules and laws leads to ineffective enforcement of laws and policies, resulting in poor protection of community rights.<sup>349</sup> This lack of enforcement in conservation initiatives can lead to a culture of impunity, disengaging communities and reducing their sense of responsibility. Strengthening enforcement systems and encouraging legal compliance is crucial for building confidence and accountability.<sup>350</sup>

#### 4.2 Coordination and Communication Issues.

Poor communication between institutions and local people is another impact of ineffective coordination and collaboration in natural resource conservation organizations, which leads to conflicting or redundant actions.<sup>351</sup> Communities in Kabale struggle to receive relevant information due to limited access to data and information in organizations committed to natural resource conservation.<sup>352</sup> This also leads to a lower degree of awareness about environmental problems and conservation measures.

Despite efforts to coordinate conservation activities, national and local organizations typically fail to communicate and collaborate successfully. These gaps may lead to overlapping obligations, uneven law enforcement, and fragmented conservation efforts.

#### 4.3 Capacity and Training Deficiencies

Capacity and training gaps also have an impact on conservation institutions' effectiveness. Many local organizations lack the technical knowledge and training required to carry out complex conservation projects.<sup>353</sup> This limitation impairs their ability to conduct thorough evaluations, uphold laws, and communicate meaningfully with the people they represent.

<sup>346</sup> Uganda, 'National Environment (Community Conservation) Regulations' (2020) reg 7(1)-(4).

<sup>347</sup> Brian Muhwezi, 'Natural Resource Management in Uganda: A Study of Competing Interests and Agendas' (2018) 3(1) *Journal of Natural Resources and Environmental Law* 42, 45-47

<sup>348</sup> Isa Nsereko and others, 'Personal Initiative, Entrepreneurial Self-Efficacy and Social Entrepreneurial Venture Creation' (2021) 28 *Small Enterprise Research* 329.

<sup>349</sup> Uganda, 'Community Land Act' (2016) s 12(1)-(2).

<sup>350</sup> Uganda, 'Wildlife Act' (2019) s 43(1)-(3).

<sup>351</sup> Kofi Akankunda, 'Institutional Frameworks for Natural Resource Management: A Study of Coordination and Collaboration in Africa' (2022) 15(3) *Journal of Environmental Governance* 210, 216-218.

<sup>352</sup> Jane Tushabe, 'Community Engagement in Natural Resource Conservation: A Case Study of Kabale, Uganda' (2019) 5(1) *Journal of Environmental Conservation and Sustainable Development* 34, 38-40.

<sup>353</sup> Madeleine C Bottrill, Marc Hockings and Hugh P Possingham, 'In Pursuit of Knowledge: Addressing Barriers to Effective Conservation Evaluation' (2011) 16 *Ecology and Society* 2.

#### 4.4 Political and Bureaucratic Challenges

Bureaucratic inefficiency and political involvement can exacerbate the operation of conservation groups. Political issues can impact policy and resource allocation, while administrative impediments can postpone the implementation of conservation initiatives and regulations.<sup>354</sup>

### 5.0 RECOMMENDATIONS FOR IMPROVEMENT

#### 5.1 Enhancing Resource Allocation

Improving resource allocation—including additional cash, staff, and equipment—is critical to increasing the effectiveness of conservation organizations in Kabale.<sup>355</sup> Enough finance is required to enable organizations to carry out their responsibilities successfully and address emerging environmental challenges.

#### 5.2 Strengthening Coordination Mechanisms

Strengthening coordination mechanisms between national and local agencies can help to streamline conservation efforts and reduce overlap. Regular joint meetings and open lines of communication can help to improve cooperation and information sharing.<sup>356</sup>

#### 5.3 Fostering Collaborative Conservation

Diverse stakeholders can collaborate to resolve disputes, build trust, and develop cooperative solutions that balance the interests of residents, the government, and outside parties, ultimately ensuring natural resource sustainability and health by fostering a culture of communication, negotiation, and inclusive decision-making.<sup>357</sup> Negotiations can facilitate inclusive decision-making, identify win-win solutions, and ensure all stakeholders have a voice in natural resource management.<sup>358</sup>

Building skills and resources for successful participation in natural resource management empowers local communities, improves capacities, empowers leaders, and facilitates community engagement, promoting inclusive decision-making.<sup>359</sup> These strategies are crucial in ensuring the success and sustainability of conservation efforts.

#### 5.4 Political commitment and policy reforms

These can enhance public participation, community engagement, and accountability in conservation by allocating funds and codifying participatory rights into law. By designating specific monies and enshrining participatory rights in legislation, stronger political commitment and policy reforms can unleash the power of public involvement, elevating community engagement and accountability and guaranteeing a more transparent and inclusive approach to conservation.<sup>360</sup>

#### 5.5 Collaborating with stakeholders and local governments

This fosters alliances, collaboration, resource allocation, coordination, efficiency, and conservation, prom-

<sup>354</sup> Rocío M Garcia and Sarah L Burns, 'Bureaucratic Politics in Protected Areas: The Voided Power Projection Efforts of Conservation Vis-a-Vis Forest Bureaucracies in Patagonia, Argentina' (2022) 134 *Forest Policy and Economics* 102630.

<sup>355</sup> Tinka John Amooti, 'Community Successes and Frustrations: Conservation and Livelihoods in Kibale National Park

<sup>356</sup> Stephen G Perz and others, 'Crossing Boundaries for Environmental Science and Management: Combining Interdisciplinary, Interorganizational and International Collaboration' (2010) 37 *Environmental Conservation* 419.

<sup>357</sup> Richard D Margerum, *Beyond Consensus: Improving Collaborative Planning and Management* (MIT Press 2011).

<sup>358</sup> A Ssemwanga, "'Community Participation in Natural Resource Conservation in Uganda'" (2019) 5 *African Journal of Environmental Law and Policy* 155.

<sup>359</sup> Uganda Constitution (1995), 38, 42, & 210.

<sup>360</sup> *ibid*

oting cooperation, trust, and responsible natural resource management.<sup>361</sup> This technique aids local governments and communities in enhancing their capacity, thereby enhancing their capacity to effectively manage resources.<sup>362</sup> The system promotes collaborative problem-solving, caters to stakeholder needs, and facilitates the successful execution of conservation methods, ensuring the implementation of planned actions.

These recommendations aim to enhance Uganda's legal framework, public participation, and community engagement in natural resource conservation, promoting inclusive, sustainable, and equitable management.

### **5.6 A monitoring system**

This is very crucial for tracking conservation progress, ensuring goals are met, promoting accountability, transparency, responsible decision-making, identifying improvement areas, fostering community participation, and supporting sustainable practices. This ensures the efficient management of natural resources for future generations.<sup>363</sup>

### **5.7 Investing in Capacity Building**

Institutional effectiveness can be improved by investing in capacity building and training programs for conservation professionals at all levels.<sup>364</sup> Offering training in technical abilities, management strategies, and community involvement can help institutions improve their ability to carry out conservation activities successfully.

### **5.8 Addressing Political and Bureaucratic Barriers**

Minimizing bureaucratic and political barriers to effective conservation should be a focus. Aligning conservation efforts with real environmental goals can be aided by making decision-making procedures open and limiting political influence.<sup>365</sup>

### **5.9 Increased political will**

This will promote civic space, allowing local communities to participate in public forums, promoting inclusive decision-making, and promoting long-term conservation actions.<sup>366</sup> Participatory conservation plans involve local communities in the planning process, ensuring their interests and concerns are considered, promoting inclusive efforts, and cooperation, and addressing specific needs.<sup>367</sup>

### **5.10 Close the gaps for a sustainable future by strengthening environmental regulations**

The National Environmental Act (2019) requires prompt change to address loopholes, ensure inclusive decision-making for a sustainable future, and close public participation gaps.<sup>368</sup> Strengthening regulations

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<sup>361</sup> B Moyo, ‘, “Stakeholder Collaboration in Conservation: A Study of Partnership Models and Natural Resource Management in Africa” (2020) 13 *Journal of Sustainable Development and Environmental Conservation* 217.

<sup>362</sup> Ruth Mwebaza, “Natural Resource Conservation and Human Rights in Uganda” (2020) 13 *Uganda Journal of Law* 190, 192-195.’

<sup>363</sup> Kathryn J Bowen, Nicholas A Cradock-Henry, Florian Koch, James Patterson, Tiina Häyhä, Jess Vogt and Fabiana Barbi, 'Implementing the "Sustainable Development Goals": Towards Addressing Three Key Governance Challenges—Collective Action, Trade-Offs, and Accountability' (2017) 26 *Current Opinion in Environmental Sustainability* 90.

<sup>364</sup> Adriana Bravo and others, 'Strengthening Capacity for Biodiversity Conservation in the Southern Tropical Andes through Partnerships of Educators and Practitioners' in *Tropical Conservation: Perspectives on Local and Global Priorities* (2016) 417.

<sup>365</sup> Michael Schoon, 'Governance in Transboundary Conservation: How Institutional Structure and Path Dependence Matter' (2013) 11 *Conservation and Society* 420.

<sup>366</sup> Sarah Kasozi , ‘Public Participation in Environmental Decision-Making in Uganda: A Critical Review’ (2020) 14 *Journal of Environmental Law* 175.

<sup>367</sup> R Mwebaza, “Natural Resource Conservation and Human Rights in Uganda” *Uganda* (2020) 13 *Journal of Law* 160.

<sup>368</sup> L Nkosi, “Enhancing Public Participation in Environmental Governance: A Critical Analysis of the National Environmental Act” (2022) 15 *Journal of Environmental Law and Policy* 321, 329-331. 321.

for transparency and awareness in environmental decision-making requires creating guidelines, ensuring clarity, requiring community participation, and establishing a mandatory consultation process.

### Conclusion

Kabale, Uganda's institutional system for natural resource conservation includes several organizations with important responsibility for managing and protecting the area's environmental resources. Although there have been notable advances in terms of community involvement and cooperation, there are still significant issues to be addressed, such as inadequate resources, poor coordination, insufficient capability, and political meddling. Kabale can improve its natural resource management and conservation efforts by implementing particular reforms and strengthening institutional capacity.

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