



REPUBLIC OF UGANDA

**BUILDING A FOUNDATION FOR SUSTAINABLE WILDLIFE TRADE
IN UGANDA**

**A REVIEW OF THE NATIONAL WILDLIFE TRADE POLICIES IN SUPPORT OF
THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF FAUNA AND FLORA (CITES)**



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

MINISTRY OF WATER AND ENVIRONMENT

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TRADE AND INDUSTRY**

**IN COLLABORATION WITH UGANDA EXPORTS PROMOTION BOARD/NATIONAL BIOTRADE
PROGRAMME, ADVOCATES COALITION FOR ENVIRONMENT AND DEVELOPMENT
(ACODE) AND THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)**



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The preparation of this report was coordinated by two Government agencies, namely the Department of Wildlife Conservation in the Ministry of Tourism, Trade and Industry which is the CITES Management Authority for Uganda and NEMA the National Focal Point for the Convention on Biological Diversity (CBD) jointly implementing the project on behalf of the Government of Uganda. Overall project coordination was by NEMA while the Department of Wildlife Conservation in the Ministry of Tourism, Trade and Industry provide technical backstopping on matters concerning CITES. This collaboration has set the foundation for future work between the two Government agencies especially on matters concerning implementation of CITES and CBD in the country.

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FORWARD

The National Environment Management Authority (NEMA) and the Department of Wildlife Conservation in the Ministry of Tourism, Trade and Industry implemented project the review of the National Wildlife Trade Policies in Support of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) on behalf of Government of Uganda. The overall objective of the project was to contribute to the creation of an enabling policy environment that supports public - private sector partnerships and contribution to wildlife conservation through sustainable use of wildlife resources.

The study has shown that wildlife trade in Uganda has potential for growth and can yield substantial economic, social and conservation gains for the country. In addition there is growing interest among private actors to exploit this fast growing business opportunity. The review of the wildlife trade policies has made it possible for Government to assess the impacts of the existing policies governing wildlife trade by identifying gaps and weaknesses in the policies and proposing recommendations to address these gaps which in turn will enhance trade in wildlife.

Implementation of the recommendations from this study will contribute to Government effort in promoting sustainable trade in wildlife resources. The existing working partnership between the relevant agencies of Government provides the linkage for making the appropriate policy reforms aimed at strengthening the public-private sector participation in wildlife trade and conservation of wildlife resources. I would like therefore to thank the European Union (EU) and the Geneva International Academic Network (GIAN) for financial support and also to thank the United Nations Environment Programme (UNEP) for the technical assistance.

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Executive Summary

Since 1986, Uganda has invested significant socio-economic and political reforms aimed at creating a new momentum for economic growth and good governance. Nowhere else has the depth of these reforms been visible that in the environment and natural resources sector (ENR Sector). From the creation of new political institutions such as the designation of a special ministry of natural resources as early as 1987, the National Resistance Movement create a range of statutory and administrative institutions to ensure the sustainable management of Uganda's environment and natural resources wealth. In the case of wildlife fauna and flora, these reforms were epitomized in the creation of the National Environment Management Authority (NEMA) in 1995, the Uganda Wildlife Authority (UWA) in 1996 and, the National Forestry Authority (NFA) and the District Forestry Services (DFS) in 2003.

Uganda has a rich fauna and flora heritage characterized by significant diversity, species endemism and other unique characteristics. These resources provide a significant opportunity upon which a sustainable and vibrant international trade regime could be developed as a sustainable management and conservation strategy. However, Uganda's national laws and its membership of the Convention on International Trade in Endangered Species of the Fauna and Flora (CITES) imposes obligations on the state to ensure that trade in wildlife does not negatively impact on the status of wildlife in the country.

Consequently, as trading activities in wildlife trade have picked up since the beginning of the 1990s, this review sought to analyze the potential socio-economic and environmental impacts of wildlife trade in the country. The study was undertaken as an independent review aimed at providing Government with a comprehensive analysis of the key issues in wildlife trade in Uganda. It also sought to generate and examine existing data and practice and provide policy options for the developed of an environmentally sensitive, socially sound and economically viable wildlife trade regime in the country.

The Uganda Wildlife Trade Review was conducted in 2007-2008 under the auspices of the National Environment Management Authority and the Ministry of Trade, Tourism and Industry (MTTI). Financial support for the Review was provided by the European Union through the UNEP-UNCTAD Capacity Building Task Force and the Geneva International Academic Network. The study was conducted through a participatory methodology including workshops, fieldwork and case studies. This report highlights the following key issues emerging from the study:

Trade in wild fauna and flora date back to the colonial period beginning around 1910 and picking up in the 1950s and 1960s. Existing data, for example, shows that a total of 294 tons of wild rubber valued at £74,650 was exported between 1902 and 1919. Between 1923 and 1929, an estimated 2,082,000 cubic feet of timber including mvule, mahogany and other species were traded. Timber trade topped 11,273,334 cubic feet for the period 1930 and 1950 and 8,689 tons for a 3 year period from 1958 and 1960. Over the same period, sales of wild animal derivatives including ivory, rhino horns and hippo teeth are estimated to have been in the range of £98,048 for the period 1920 and 1924. Trade data for the same products shows sales amounting to £40,405 for the Financial Year 1959/1960. Trade data for the 1960s shows increased trade and revenue from both wild fauna and flora. For example, sale of game licenses and ivory earned the Government of Uganda some £486,266.83 in 1969. Exports of forest products also rose from £328,501 in 1965 to 387,893 in 1967.

Although trade plummeted during the 1970s and 1980s, this data shows a promising potential for trade in wildlife fauna and flora. This potential is again demonstrated by trade trends that have emerged since the beginning of the 1990s. The enactment of the Uganda Wildlife Statute in 1996 and the attempts to formulate a national wildlife policy created a new momentum for wildlife trade. In the area of wild fauna, the Wildlife Use Programme has hitherto provided the framework within which wildlife trade is being conducted, regulated and promoted. The report reviews the existing legal and policy framework for wildlife trade and observes that sustainable wildlife trade in Uganda is constrained by, among other things:

- Existence of a burgeoning global illegal trade. In the absence of effective documentation of illegal wildlife trade in Uganda, such trade could undermine national efforts to develop a sustainable national wildlife trade regime;
- There are glaring data gaps that need to be bridged to enable evidence-based decision-making with regard to trade in wildlife fauna and flora. Key data gaps include absence of ecological data, data on production systems as well as data on markets.

The study identified the range of potential negative and positive social, economic and environmental impacts. Based on the case studies, it is observed that wildlife trade has potential to create conservation incentives for local communities and local authorities around protected areas. The report also proposes a range of mitigation measures that may be pursued to address the potential negative impacts of wildlife trade.

Finally, the study identifies the following issues that need to be addressed to strengthen the basis for wildlife trade in the country and recommends how they can be addressed:

- 1) The growing pressure on protected areas as evidenced in continuous government attempts to degazette or change land uses of these areas undermines the system of wildlife trade in the country. The legal and ecological integrity of protected areas provide the reservoir for wildlife fauna and flora resources and is therefore bedrock for a dynamic and sustainable wildlife trade regime in the country. Consequently, Government should desist from taking actions that undermine the integrity of these protected areas;
- 2) The current institutional framework (Figure --) lacks a proper mechanism for coordination and provides no meaningful interface with the agriculture sector. Since development policy is heavily biased towards the agriculture sector, there is need to reconfigure the institutional framework and in particular creating appropriate coordination mechanism to ensure that agricultural policy interventions supports wildlife trade. Lack of coordination also accounts for the absence of working relationships with other key actors such as institutions responsible for the access to genetic.
- 3) The current legal and policy framework for wildlife trade needs to be reviewed and strengthened to support sustainable wildlife trading activities. The Wildlife Statute, for example, should be amended to address issues of ownership of species and specimens, create an appropriate legal basis for public-private partnerships in wildlife ventures and incorporating appropriate provisions to meet CITES obligations. Although the 1999 wildlife policy has hitherto operated as the de facto policy instrument, it is important that Government moves expeditiously to reformulate and promulgate a new policy. This provides an opportunity for addressing the range of issues raised in this report.
- 4) There is need to clearly demarcate institutional mandates and responsibilities with particular reference to issues of trade promotion, trade regulation and trade promotion. At the moment, these functions are fused within the network of institutions in the sector especially those under the trade ministry. A clear delineation of mandate would promote coordination, efficiency and accountability. The Biotrade Programme provides a unique model that may be emulated and institutionalized as part of a strategy to ensure that scaling up wildlife trade meeting the social, economic and environmental objectives.

- 5) Finally, to ensure that decision-making will be based on clear and convincing scientific evidence, it is important that three core mandates be clearly delineated among the responsible institutions with clear intent to create checks and ensure responsibility and accountability. These are:
- Regular collection and dissemination of data. This should cover ecological data as well as data on wildlife production system;
 - Development of clear monitoring indicators. These should cover, *inter alia* wildlife sustainability indicators; resource stability and productivity indicators; equity indicators measuring community benefits from and responses to wildlife conservation; and number of *in situ* and *ex situ* wildlife enterprises.
 - Clear separation of mandates over policy formulation, regulatory roles and trade promotion roles. The fusion of these mandates in one Ministry may in future compromise the transparency and integrity of the decision making process. The increasing involvement of the private sector actors in the sector comes with the potential to circumvent regulatory controls unless effective mechanisms for accountability are in place and enforced.

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ACRONYMS

| | |
|-------|--|
| ACODE | Advocates Coalition for Development and Environment |
| CAR | Central Albertine Rift |
| CITES | Convention in International Trade in Endangered Species of Fauna and Flora |
| CPI | Community Protected Area Institution |
| GIAN | Geneva International Academic Network |
| ICCN | Institut Congolais pour la Conservacion de la Nature |
| IITC | Inter-Institutional Trade Committee |
| IUED | Graduate Institute for Development Studies |
| LATF | Lusaka Agreement Task Force |
| LG | Local Government |

| | |
|--------|--|
| LMNP | Lake Mburo National Park |
| MFNP | Murchison Falls National Park |
| MFPED | Ministry of Finance, Planning and Economic Development |
| MOU | Memorandum of Understanding |
| MTAs | Material Transfer Agreements |
| MTTI | Ministry of Trade, Tourism and Industry |
| MWE | Ministry of Water and Environment |
| NEMA | National Environment Management Authority |
| NGOs | Non-Government Organization |
| ORTPN | Office Rwandais Tourisme et des Parcs Nationaux |
| PEAP | Poverty Eradication Action Plan |
| PSC | Project Steering Committee |
| PSD | Private Sector Development |
| PSFU | Private Sector Foundation Uganda |
| UEPB | Uganda Export Promotion Board |
| UIA | Uganda Investment Authority |
| UNCTAD | United Nations Conference on Trade and Environment |
| UNEP | United Nations Environment Programme |
| UPE | Universal Primary Education. |
| UWA | Uganda Wildlife Authority |
| WURP | Wildlife Use Rights Programme |

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CHAPTER 1: INTRODUCTION

1.1 Introduction

Uganda is blessed with a wealth of natural resources ranging from a favorable climate, rich and fertile soils, natural forests, swamplands, water bodies and a variety wild animal and plant species. The wide altitudinal variations which which characterize most of the country provide suitable habitat for a wide number of plant and animal species. Among others, Uganda is home to a healthy population of over 5,950 chimpanzees, at least 50% (350) of the global population of the rare and endangered mountain gorilla (*Gorrilla gorilla beringei*), over 10% (1006) of the world's species of birds and an estimated 4600 plant species. Over 10% of Uganda's surface area is set aside as wildlife protected areas. It is estimated that over 50% of Uganda's wildlife still live outside wildlife protected areas and is therefore largely found private land and open rangelands.

Prior to 1900 and before the introduction of colonial legislation, access to wild fauna and flora mainly in the form of hunting, collection of medicinal plants and other forms of resource extraction was regulated through customary rules and practices of the local communities. However, beginning around the 1920s, the colonial authorities embarked on a system of wildlife protection based on the British protected area system of wildlife and forest reserves. For example, the Game Ordinance was introduced in Uganda in 1926, a National Parks Ordinance was introduced in 1952, while a nation-wide system of forest reserves was established across the country starting mainly with the 1940s.¹ The post-independence governments of the 1960s continued with the same colonial policy of protection. During the 1970s and 1980s, the network of protected forests and wildlife areas which had emerged as the cornerstone for conservation activities served from political instability and the breakdown of the public service institutions that were mandated to manage these resources.

However, since taking leadership of the country in 1986, the National Resistance Movement (NRM) Government put in place a number of policies, legal and institutional reforms to ensure that the management of Uganda's natural resources is in tandem with national development policy objectives and this is consistent with her international obligations and commitments. The Government undertook major reforms during the 1990s resulting into the incorporation of conservation objectives in the Uganda Constitution which was promulgated in 1995.

¹ For a detailed account, see Godber Tumusabe, Arthur Bainomugisha and Onesmus Mugenyi, 2008. Land Tenure, Biodiversity and the Post-Conflict Transformation in Acholi Sub-Region: Resolving the Property Rights Dilemma. ACODE, 2008 (Unpublished).

This report analyzes the trends in trade in wildlife fauna and flora in Uganda and examines the opportunities and challenges for promoting a sustainable national wildlife trade regime consistent with Uganda's obligations under the Convention on International Trade in the Endangered Species of Flora and Fauna (CITES) and other related international agreements regulating such trade. Uganda ratified the Convention on July 18, 1991 and the Convention entered force on October 10, 1991.

The Wildlife Trade Policy Review Project received financial support from the European Union under the auspices of the UNEP-UNCTAD Capacity Building Task Force and the Geneva International Academic Network (GIAN). The project was jointly implemented by the National Environment Management Authority (NEMA), the Ministry of Tourism Trade and Industry and the Uganda Export Promotion Board/National BioTrade Programme.

1.2 Objectives, Scope and Methodology

1.2.1. Objectives of the Uganda Wildlife Sector Policy Review

This report is an outcome of a study conducted under the auspices of the the project entitled "Enhancing Capacities to Review National Wildlife Trade Policies in Support of the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora." The Project was undertaken with financial support from the European Union under the auspices of the UNEP-UNCTAD Capacity Building Task Force and the Geneva International Academic Network. The project was designed and intended to contribute to the creation of an enabling policy environment for sustainable trade in wildlife flora and fauna in the country. The project provides a framework within which a comprehensive review of wildlife trade policies in Uganda was undertaken and alternative policy scenarios for sustainable wildlife trade examined.

The purpose of the project was to respond to wildlife threats posed by increased global trade so as to enhance the implementation of CITES in the conservation of wildlife at the national level.

The specific objectives of the project were to:

- a) Review the performance of all the current policies relating to wildlife trade (fauna and flora) and identify gaps and opportunities for their improvement;
- b) Identify opportunities for policy harmonization between trade, wildlife and environment conservation/management objectives;
- c) Define policy options to support implementation of the current policies promoting sustainable use of wildlife resources;
- d) Enhance awareness and understanding of national legislation for wildlife and related international regulations among the private and public sectors; and

- e) Enhance capacities of Government policy making agencies to undertake policy reviews and design strategies to support implementation of the recommendations.

1.2.2. Scope of the Study

This study focuses on the review of wildlife trade in Uganda. It reviews existing policies, laws and practices pertaining to trade in wild animal and plant species within the context of CITES and relevant Ugandan legislation. Based on the existing literature, the study reviews trends in wildlife trade practices since Uganda attained independence in 1962 to the present. The major focus of the study is on the review of the status of current policies, legislation and institutional framework for wildlife trade in the country. Particular attention is also given to current practices and trends on the implementation of wildlife use rights programme which has hitherto provided the operational framework for wildlife trade in the country. For the purposes of this study, wildlife life refers to all non-domesticated plants (flora) and animals (fauna) and other organisms including their derivatives. Although neither the CITES Convention nor Ugandan legislation has an all inclusive definition of wildlife, it is tenable to suggest that the term “wildlife” would cover the full range of wild flora and fauna species found naturally in a wild state, whether indigenous to Uganda or not and whether raised in captivity or not.² It is this broad definition that provides the scope of wildlife trade issues addressed in this report. .

1.2.3 Methodology

The study adopted a methodology that was designed to enlist the widest participation of all key stakeholders in wildlife conservation, management and trade.. A Project Steering Committee (PSC) comprising of experts from government agencies, NGOs and the private sector was established with the National Environment Management Authority (NEMA) acting as its Secretariat. The PSC was responsible for providing overall technical guidance to the review process to ensure that the project achieves its objectives. A capacity building workshop was organized prior to the collection of information from stakeholders on the review of national wildlife trade policies in support of CITES to inform stakeholders about the project which made it possible for stakeholders to contribute to defining the scope of the study.

The Advocates Coalition for Development and Environment ACODE was designated by NEMA to take lead in conducting the review. An inception report was prepared and presented to the PSC where it was discussed and adopted and on the basis of which ACODE embarked on the study. As part of capacity building, ACODE enlisted the participation of relevant technical staff from the participating institutions who acted as counterpart professionals in conducting the study. The participation of these professionals was intended to enhance analytical skills of the relevant officers while

² For definitions of selected terms relevant to trade in Wildlife, see Convention on International Trade in Endangered Species of Wildlife Fauna and Flora, Article 1.

drawing on their rich practical experience to inform the study. The draft study report was presented and discussed by the PSC and by the broad cross section of stakeholders at a workshop organized for this purpose. These study methods were drawn from the framework for reviewing national wildlife trade policies developed jointly by CITES Secretariat, UNEP, UNCTAD and the University of Geneva's Institute for Development Studies (IUED).

In addition, the existing body of literature on wildlife trade was reviewed. This was intended to establish the status of wildlife trade in Uganda, identify trends that are relevant for policy and decision making, and situate the current discussion in the broader international debate on wildlife trade. Consequently, the study relied largely on Uganda Government official documents, the decisions of CITES and the general literature on the subject. The absence of studies on wildlife trade that are specific to Uganda save for those undertaken in the context of the National Biotrade Programme was a particular limitation to the use of this methodology.

Finally, the study relied on public consultations with stakeholders through formal and informal meetings. In addition, specific case studies of existing wildlife trade initiatives were identified and undertaken. These case studies provided empirical information that was used to carryout an analysis of the trends identified from the literature and the public consultations.

CHAPTER 2: BACKGROUND AND POLICY CONTEXT

2.1. Country profile

The Context of wildlife resources governance and wildlife trade ought to be considered against the background of Uganda's geophysical, demographic, ecological and macro-economic background. Uganda's land area (estimated at 241,500km²) consists of 35% farmland, 21% grassland, 20% forest/woodlands, 6% bushland and 3% of urban areas. Approximately 15% of the total land area is covered by fresh water bodies. The total population of the country is currently estimated at 30 million people with over 90 percent of the population living in rural areas. At an estimated annual growth of 3.3 percent, Uganda's population is estimated to reach 56.7 million by 2025 and 128.0 by 2050.³

Uganda's economy is largely agrarian with agriculture dominating the economy as a major source of GDP and employment. Nearly 90% of the population lives in rural areas where agriculture is the predominant activity. Agriculture output comes exclusively from an estimated 4.5 million smallholder farmers, 80% of whom own an average

³ UNFPA, 2007, World Population Report 2007, United Nations, New York.

landholding of less than 2 ha. The bulk of the producers are scattered small-scale subsistence farmers who engage in non market-oriented production and predominantly use rudimentary technologies.⁴ There are however concerted efforts to transform the sector towards commercial orientation with the Plan for the Modernization of Agriculture (PMA)⁵ providing the overall strategic framework within which transformative activities are being planned and implemented.

Land resources are finite, fragile and non-renewable. However, they constitute the main capital for the people of Uganda. Uganda is well endowed with natural resources including lakes, rivers, wetlands, forests, national parks, wildlife reserves and rangelands among others. The following have been gazetted by Government to enhance management of natural resources: 10 National Parks, 12 Wildlife Reserves, 6 Wildlife sanctuaries, 10 Community Wildlife Areas, 506 Central Forest Reserves (covering a total area of 1,173,753 ha) and local forest reserves (4,957 ha). The full list of these protected areas is shown in Annex 1.

Government has moved further and gazetted two national parks – Bwindi Impenetrable National Park and Mt. Rwenzori Mountains National Park as world heritage sites while Queen Elizabeth National has been gazetted as a Man and Biosphere Reserve. There are also advanced discussions are to gazette Mt Elgon National Park as a trans-boundary Biosphere Reserve. Lake George and Lake Nabugabo have been gazetted as Ramsar Sites.

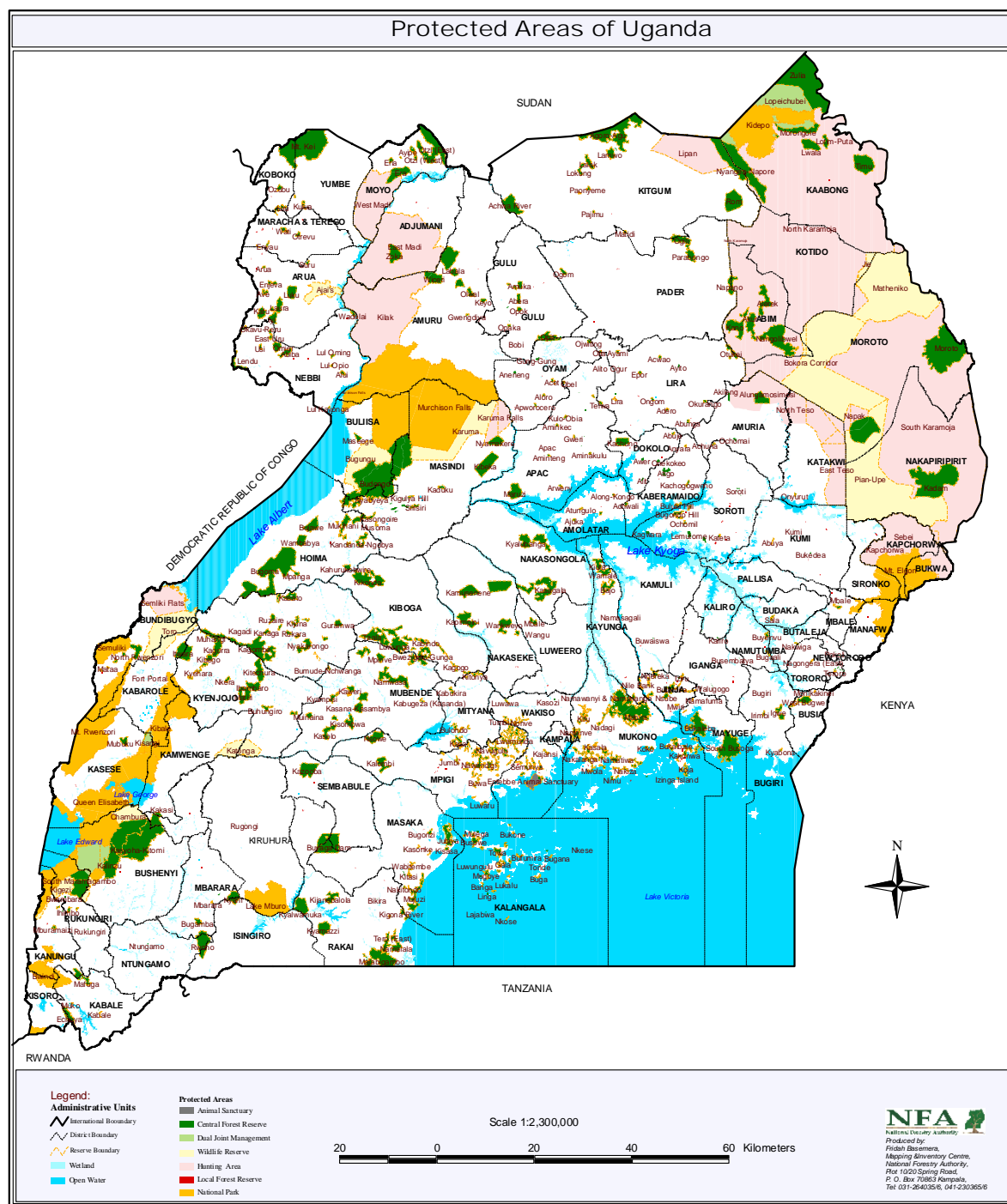
Eight additional sites have been proposed for gazette as Ramsar site and these are: Sango-Bay-Musambya Islands-Kagera Wetlands System, Lake Mburo-Nakivali Wetland System, Lake Opeta Wetland System, Mabamba Bay Wetland System, Nabajuzi Wetland System, Lake Bisina Wetland System, Lake Nakuwa Wetland System, Lutembe Bay Wetland System and Murchison Falls Wetland Systems. It is important to note that protected area systems contribute to sustainable wildlife trade by creating a permanent reservoir for future breeding and other wildlife production related activities. The table below shows some of the areas of the biodiversity hot spots while Figure 1 shows the nationwide network of Uganda's protected areas.

Table 1: Key biodiversity hotspots in the country

⁴ The majority of subsistence farmers do not use productivity enhancement technologies such as fertilizers, agro-chemicals, improved seed varieties, etc.

⁵ The Plan for Modernization of Agriculture (PMA) was launched in 2000 and contains a package of interventions and reforms in seven priority areas including agricultural advisory services, agro-processing, environment and natural resources management, agricultural education, infrastructure development. See Republic of Uganda, 2000. Plan for Modernization of Agriculture. Ministry of Finance, Planning and Economic Development (MoFPED)/Ministry of Agriculture, Animal Industry and Fisheries (MAAIF). Kampala. To date, the most comprehensively implemented priority area is agricultural advisory services and the National Advisory Services Programme (NAADS).

| Location | Purpose |
|---|--|
| Mgahinga Gorilla National Park | Mountain Gorilla (<i>Gorilla gorilla berengei</i>) and other regionally and globally important species |
| Bwindi Impenetrable National Park | Mountain Gorilla (<i>Gorilla gorilla berengei</i>) and other regionally and globally important species |
| Rwenzori Mountain National Park | Bay duiker (<i>Cephalophus leucogaster</i>) |
| Sango Bay wetland and forest ecosystem | Biodiversity of global importance |
| Kibaale National Park | Regional and globally endemic species |
| Dry mountains of Karamoja- Napak, Kadam, Timu, Morungole, moroto | Regional and globally endemic species |
| Lake Victoria | Cichlid and Nile perch species (alien species invasion) |
| Papyrus Swamps of Lake Edward, George and Bunyonyi | Endemic papyrus (<i>Chloropeta gracilirostris</i>) |
| Mount Elgon National Park | Regional and globally endemic species |
| Source: National Biodiversity Strategy and Action Plan, 2002 | |



and wildlife in particular are the fundamental basis for Uganda's economy and livelihood security.

2.2. National Policy Context for Wildlife Trade

2.2.1. The Constitution and the Wildlife Sector Policy

The foundation for wildlife trade in Uganda is the 1995 Constitution. While not specifically addressing wildlife trade, the Constitution establishes the fundamental legal basis for ownership and regulation of all activities related to wildlife as well as other related resources. In this regard, ownership of national parks and other protected areas is vested in the people of Uganda and the state is obligated to hold those resources as trustees of the citizenry.⁶ The fundamental constitutional basis for regulating trade in wildlife is to be found in section XIII of the National Objectives and Directive Principles of State Policy enshrines constitutional commitment to with regard to the protection of natural sources.

The Constitution provides that "The State shall protect important natural resources, including land, water, minerals, wetlands, oil, fauna and flora on behalf of the people of Uganda." The environmental objectives in the constitution also enjoin the State to ensure that the utilization of Uganda's natural resources are managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans.⁷ Although the Uganda Wildlife Act⁸ was enacted and came into force almost exactly one year after the promulgation of the 1995 Constitution,⁹ it is not easy to discern the extent to which the relevant provisions of the Constitution influenced the provisions of the wildlife legislation on ownership of wildlife.

As already alluded to, article 237(2) of the Constitution, *inter alia*, vests national parks and game reserves in the people of Uganda and the State holds them on the basis of a trustee-beneficiary arrangement. According to the Uganda Wildlife Act, "The ownership of every wild animal and wild plant existing in its wild habitat in Uganda is vested in the Government on behalf of, and for the benefit of, the people of Uganda."¹⁰ The Act provides for the lawful ownership of wildlife by individuals. Section 3(2) this

⁶ Constitution of the Republic of Uganda, 1995 (as amended), Article 237(2). See also National Objectives and Directive Principles of State Policy. Uganda Constitution, 1995 (as amended).

⁷ *Ibid*, Part XXVII

⁸ Cap 200, Laws of Uganda, Revised Edition, 2000. For part of the legislative history of the Act, see: Uganda Wildlife Statute, No. 14 of 1996; Game (Preservation and Control) Act, Cap 226; and the National Parks Act, Cap 227.

⁹ The commencement date of the Constitution is August 1, 1996.

¹⁰ Uganda Wildlife Act, Cap 200. Laws of Uganda, Revised Edition, 2000. Section 3(1). Section 3(2) which provides for lawful ownership of wildlife by individuals is the statutory basis for trade in wildlife species.

provides that “Where any wild plant or wild animal is lawfully taken by any person, the ownership of that plant or animal shall, subject to the Act, vest in that person.” Section 3(3) further provides that “If any protected species is lawfully taken under a permit or a license issued or wildlife use right granted or issued under the Act, the ownership of that animal or plant shall, subject to the Act and to the terms and conditions of the license, vest in the licensee or right holder.”¹¹

The Uganda Wildlife Act is therefore the main sector legislation upon which trade in wildlife is regulated. The Act was enacted and came into force in 1995. The Act addresses issue of wildlife ownership,¹² provides for the institutional arrangements for wildlife management and general measures applicable to the management of wildlife,¹³ outlines mechanisms for the creation of wildlife conservation areas,¹⁴ and the management of problem animals.¹⁵ Of critical relevance to this study, the Act establishes a regime of Wildlife Use Rights (WUR)¹⁶ and incorporates provisions for the regulation of international trade in species and specimens.¹⁷

One of the major innovations brought by the Act was the recognition and establishment of a legal regime within which extractive use of wildlife resources could be pursued in a more sustainable and regulated manner. Consequently, the following extractive uses are recognized and provided for under the Act: wildlife ranching; hunting; wildlife farming; and trade in wildlife and wildlife products.

The Act established a wildlife use rights regime classified in six different categories.¹⁸ These six different categories include: hunting (class A), farming (class B), ranching (class C), trade (Class D), Education and experimentation (Class E), and General Extraction (Class F): in any wildlife management area or any other area so declared but not in national parks or wildlife reserves. Part V of the Act contains elaborate provisions on wildlife use rights covering specific issues including application procedures, compliance requirements, transferability and wildlife use rights management. The

¹¹ Section 3(4) of the Act is a transition clause which provides for the continued vesting of lawfully acquired wildlife in individual persons if such law full acquisition was obtained before the coming into force of the Act.

¹² *Ibid*, section 3

¹³ *Ibid*, Parts II and III

¹⁴ *Ibid*, Part IV

¹⁵ *Ibid*, Part IX

¹⁶ *Ibid*, Part VI

¹⁷ *Ibid*, Part X

¹⁸ Both the Uganda Wildlife Act and the Uganda Wildlife Policy defines “wildlife use right” as a right granted to a person, community or organization to make some extractive utilization of wildlife in accordance with a grant under Part VI” of the Act.

introduction of wildlife use rights was intended to address the extraction issues associated with wildlife by creating a system that encouraged sustainable utilization while under-cutting illegal exploitation of wildlife resources.

Although the Act came into force in 1996, wildlife use rights were never implemented until around 2000 and hence no meaningful legal trade existed in wildlife during that time. In 1999, the Uganda wildlife Authority developed a national wildlife policy to provide the policy framework for the implementation of the Act and generally the sustainable management of wildlife resources in the country.¹⁹ Although it is generally accepted that the policy has never been approved by Cabinet, it is now perceived and used as the *de facto* policy framework for wildlife management. It is the combination of this policy document and the Wildlife Act 2000²⁰ that provides the specific legal and policy framework for the governance of the wildlife sector including the regulation of international trade in wildlife.

The Uganda Wildlife Policy, 1999 elaborated more on the rationale and content of wildlife use rights. In this regard, the Policy stated that “Wildlife use rights are intended to promote the sustainable management of wildlife resources within an approved management plan, with the incentive to manage the wildlife coming from the viability of the enterprise.”²¹ According to UWA, the justification for wildlife utilization is based on the following key factors:

- a) The realization that wildlife protectionism alone will not sustain conservation;
- b) The need to involve local communities, local governments and private sector in the conservation and management of wildlife;
- c) The need to provide incentives to landowners and local communities to conserve wildlife on their land;
- d) The need for ex-situ conservation and management of wildlife as one way of enhancing populations for wildlife utilization;
- e) The need for wildlife to contribute to poverty reduction which is a key priority area of Government of Uganda.

The policy objective on wildlife use rights is “To promote sustainable extractive utilization of wildlife by facilitating the involvement of land owners and users in managing wildlife on private land.”²² And it is under this objective that trade in wildlife species and specimens are being pursued.

¹⁹Republic of Uganda, 1999. The Uganda Wildlife Policy. Ministry of Tourism, Trade and Industry. Kampala. June 1999.

²⁰ Wildlife Act, Cap 200. Laws of Uganda, Revised Edition, 2000. The Act is a replica of the Wildlife Statute, 1996 (14/1996).

²¹ Uganda Wildlife Policy, 1999, pg 20

²² *Ibid*, pg 22

Besides the specific policy governing wildlife conservation and exploitation discussed above, there are a number of other policy instruments and official government documents which contain policy elements that impact on wildlife trade. In particular, the National Environment Policy contains elaborate ground rules for the management of Uganda's natural resources including wildlife and wildlife protected areas. The policy which puts particular emphasis on sustainable utilization of natural resources provides a basis for wildlife trade enterprises that espouse principles of sustainable environmental management.²³

2.2.2. Regulations on Access and Benefiting Sharing

In 2005, Uganda adopted a set of regulations to govern access to and the sharing of benefits from the exploitation of Uganda's natural biological resources.²⁴ While these regulations cover the full range of biological resources, they also impact directly on trade in wildlife species. The Regulations address key issues such as institutional mandates, rights over genetic resources, protection of special categories of species, application procedures, genetic resources in transit and generally the transfer of genetic resources from Uganda by way of a Material Transfer Agreement (MTA).

Regulation (4) of these regulations provides, *inter alia*, that "These Regulations apply to access to genetic resources or parts of genetic resources, whether naturally occurring or naturalized, including genetic resources bred for or intended for commercial purposes within Uganda or for export, whether *in situ* conditions or *ex situ* conditions." These regulations set out detailed procedures for access to and the sharing of benefits from Uganda's biological resources. The practical question therefore is whether wildlife trade falls within the ambit of the rules and is therefore subject to similar procedures. In this regard, the provisions of section 4(3) suggest that the procedures are applicable. The rules provide thus: "(3) For the avoidance of doubt, a license granted for the use or export of genetic resources under any other law shall take into consideration the provisions of these Regulations." ²⁵

²³ Republic of Uganda, 1994. The National Environment Policy for Uganda 1994. Ministry of Natural Resources, Kampala.

²⁴ See The National Environment (Access and Benefit Sharing) Regulations, 2005. SI No. 30 of 2005

²⁵ The only applicable exception seems to be that regarding plant breeding under section 4(2)(c).

2.2.3. Other sector policies impacting on wildlife trade

On the other hand, the National Forestry Policy and the National Forestry and Tree Planting Act provide a policy and legal framework within which exploitation of wild fauna and flora within forest reserves can be exploited and harnessed for economic development. However, the Act raises a substantial legal question with respect to wildlife resources or their derivative articles traded and taken out of Uganda's national jurisdiction. These policy instruments and laws are focused mainly on conservation and different forms of extractive utilization. They neither explicitly sanction nor prohibit trade in wildlife. Rather, implicit in the language used is that regulated trade can be used to promote sustainable natural resources management while addressing poverty among communities that live around protected areas.

Until recently, Uganda did not have a written policy to govern national and international trade. However, a national trade policy formulation process which has been ongoing for the last three years has culminated into an official articulation of the national trade policy.²⁶ The stated vision of Uganda's trade policy is "To transform Uganda into a dynamic and competitive economy in which trade sector stimulates the productive sectors, and to trade the country out of poverty, into wealth and prosperity." While the draft trade policy covers a broad range of trade policy issues, a number of specific principles and priorities suffice specific mention because of their central relevance to this study. First, the policy points out that one of the guiding principles of trade is to "Be mindful of the negative social and economic effects that might come with growth in trade, and ensure that mitigating measures and policies are put in place." In the same manner, the policy sets out on the priorities of Uganda's trade policy as to "Boost capacities of the socially and economically disadvantaged sections of the community to trade." Implicitly, these policy statements suggest that policy makers are sensitive to the potential negative effects of an accelerated trade regime. It is also tenable to argue that environmental considerations of potential increases in wildlife trade are implicit on the policy's references to equity considerations.²⁷

Finally, one of the key emerging issues that may impact on wildlife trade is the ongoing oil exploration and exploitation activities. As shown in **Box -all** the major prospecting activities are taking place in the Albertine Rift, home two of Uganda's major national parks: Queen Elizabeth National Park and Murchison Falls National Park. The pressure on the wildlife protected areas system could have significant implications on future decisions regarding wildlife trade.

²⁶ Republic of Uganda (2007), National Trade Policy: Trading Out of Poverty, Into Wealth and Prosperity. Ministry of Trade, Tourism and Industry, Kampala, March 2007. According to Ministry of Trade Officials, the draft policy is yet to be approved by Cabinet.

²⁷ It is also important to recognize that the Trade Diagnostic Integrated Study (TDIS) -which is the most comprehensive review of Uganda's trade and trade policy regime to date, do not provide information on wildlife trade. See Republic of Uganda (2006), Diagnostic Trade Integrated Study. November 2006 (Vol. 1 & 2).

It is important to recognize that a National Oil and Gas Policy has been developed to govern the exploitation of oil and gas in the country.²⁸ The policy states that the protection of the environment and biological diversity is one of the key guiding principles that underpin the national oil and gas policy. The environmental objective of the policy is “to ensure that oil and gas activities are undertaken in a manner that conserves the environment and biodiversity.” A critical analysis of the proposed strategies and actions does not show how the conflict between wildlife conservation objectives and oil exploitation would be resolved. There are no specific commitments to preserve the ecological and legal integrity of the protected area system in the region in the face of the potentially negative environmental impacts of oil exploitation.

Using the policy and legislative framework discussed above, Government is implementing programmes on wildlife trade. The next section explores the practice in the implementation of the wildlife use rights as well as the roles of institutions in the implementation of the programme.

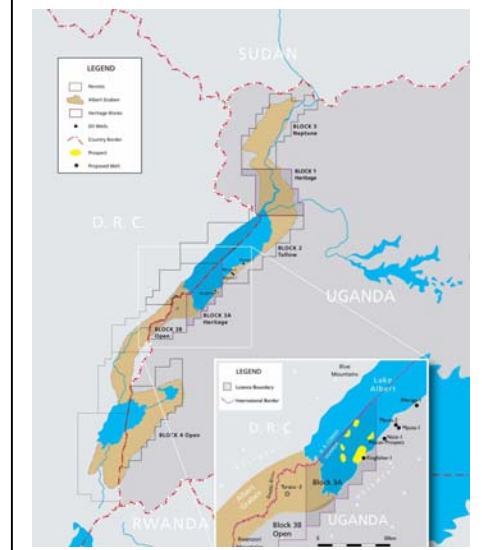
2.3. The UWA Wildlife Use Rights Programme

The Wildlife Use Rights Programme was initiated in 2001. This programme entails a number of pilot projects across the range of wildlife use rights that are provided for under the Act which are discussed below.

2.3.1. Class A Wildlife Use Rights: Hunting

According to the available information, the first pilot project concerned a grant by UWA of license to Game Trails (U) Ltd (GTU) to undertake the professional sport-hunting in collaboration with Rurambira Wildlife Association. The project is a sport hunting project classified as Class A Wildlife Use Right located in the areas around Lake Mburo National Park. The rationale for piloting the project was that a combination of livestock husbandry, sport hunting activities and wildlife management within the rangeland outside LMNP would provide the best land use option that would yield higher economic and conservation returns than what the pastoralists were generating from livestock management alone. Therefore, the pilot project was to provide lessons that

Box 2: Oil Prospecting Blocks in Albertine Graben, 2008 (Tullow Oil)



²⁸ Republic of Uganda (2007), National Oil and Gas Policy for Uganda-Final Draft, Ministry of Energy and Mineral Development, June 2007.

would guide UWA management in taking a decision on whether to take up sport hunting as a conservation tool in protecting wildlife outside PAs.

The programme is managed through a memorandum of understanding/agreement between UWA and the three parishes namely Rurambira, Rwakanombe and Nyakahita on one hand and GTU on the other hand. The purpose of the pilot project was to test the feasibility of community based sport hunting as wildlife conservation and management strategy by UWA. A detailed analysis of the project activities and lessons learnt are presented in more detail in section 3 of this report.

2.3.2. Class B Wildlife Use Rights: Farming

The Uganda Crocs Ltd represents a good example of a Class B wildlife use rights. Under this category, the private sector and individuals are encouraged to engage in wildlife farming so that they can breed wildlife species and benefit from the sale of products such as meat, skin, derivatives and animal species themselves. The Uganda Crocs Ltd was authorized in 1991 to annually collect 4000 crocodile eggs (*Crocodylus niloticus*) from the banks of the Victoria Nile, in Murchison Falls National Park (MFNP). Under the agreement, 5% of the eggs collected were to be hatched and the hatchlings subsequently returned to the wild on attaining a body length of 1.2 to 1.5m. The contract was to last 10 years with a provision for renewal for another 5 years on the cessation of the original contract.

The company was subsequently issued a Class B Wildlife Use Right beginning February 2005. A Memorandum of Understanding has been signed by UWA and the company regarding the collection of crocodile eggs from Murchison Falls National Park. Investment at the project site in Buwama is now estimated at about US\$ 2 million. The long-term strategy of the company is to establish its own breeding stock at the farm to reduce pressure on the wild crocodiles, setting up a tannery in order to process skin instead of the current wet salted skins that are being exported, and process the crocodile meat for sale locally and internationally.

Other wildlife farms that have been licensed by UWA are shown in Table 2 below.

| Table 2: Licensed Companies Participating in the Wildlife Use Rights Programme | |
|---|---|
| Name of license holder/Company | Use Right Class |
| Hasena Investments Ltd. | D (breeding and trade in wildlife – birds) |
| Navina Exports Ltd | D (breeding and trade in wildlife – reptiles) |

| | |
|--|---|
| Uganda American Pet Exchange | D(breeding and trade in wildlife – reptiles) |
| On Tour (U) Ltd | D (breeding and trade in wildlife – reptiles and birds) |
| Tropical Fauna Ltd | D (breeding and trade in wildlife – reptiles and birds) |
| Nature Cons Uganda | B (butterfly farming) |
| Ms. Josephine Asaete (Sole Proprietor) | B (butterfly farming) |
| Ostrich Kakuuto Mixed Farm | B (Rearing ostriches) |
| Uganda Domesticated Ostrich Ltd | B (Ostrich farming) |
| Mbugwe Game Ranch | C (Ranching) |
| Sam’s Restaurant | D (Import of Game Meat) |
| SMICO Skin Craft Industries Ltd | D (Old stock Hippo teeth trade) |
| Ranchers Ltd | D (Game meat import) |
| Kiwatule Recreation Centre | E (Wildlife for Education) |
| Davico Express Ltd | D (Trade) |
| Bukasa-Mbugwe Islands Game Ranches | C (Ranching) |

It is important to note that the term “farming” is not defined under the Wildlife Act. However, its usage in the Act as well as in practice suggests that it is used interchangeably with breeding. The popularly used but contentious term under CITES is “captive breeding.”²⁹ “Captive breeding is generally defined as the process of breeding [rare](#) or [endangered species](#) in human controlled environments with restricted settings, such as wildlife preserves, [zoos](#) and other [conservation](#) facilities. In some cases, the process is construed to include release of individual [organisms](#) to the wild, when there is sufficient natural [habitat](#) to support new individuals or when the threat to the [species](#) in the wild is lessened.”³⁰

²⁹ For example see Decision 11.102 and Resolution Conf. 11.14 regarding animal species bred in captivity.

³⁰ For a more detailed discussion on the meaning and conservation impacts of “captive breeding” see J.L. Kelly, A.E. Magurran and C. Macías García (2006), *Captive breeding promotes aggression in an endangered Mexican Fish* in Biological Conservation 133 (2006), 169-177. Elsevier.

It is still not clear whether all activities and this Class of use rights would be regarded as “captive breeding” in the context of CITES or whether it is actually broader. Nevertheless, clarification of the relationship is essential in ensuring appropriate compliance with the relevant CITES decisions on captive breeding.

2.3.3. Class C Wildlife Use Rights: Ranching

Under this class, private companies are encouraged to enter concessions with UWA to manage wildlife-protected areas in collaboration with UWA and the District Local Governments. An example of the category of this wildlife use rights regime is represented by the grant given to Albert Safaris Ltd for the management of Kabwoya Wildlife Reserve. The Agreement creates a partnership arrangement where the company will manage the Reserve jointly with UWA and part of the revenues generated will be paid to the communities and the district government. It is important to note that the term “ranching” as used in the Wildlife Act is substantially different from the meaning ascribed to it under the CITES. Under the Convention, “ranching” means “the rearing in a controlled environment of specimens taken from the wild.”³¹ Resolution 11.16 recommends that all Parties to the Convention should prohibit trade in products of ranching operations unless such trade complies with all the terms, conditions and requirements of the approved ranching proposal for the population concerned. The Resolution also recommends a systematic reporting process made to the CITES Secretariat through annual reporting.

Inconsistence in the application or use of terms may create problems with respect to reporting, reporting procedures and standards. It is therefore important that any future policy and legal reforms should attempt to ensure harmony and consistence on the use of terms under national legislation.

2.3.4. Class D Wildlife Use Rights: Trade in Wildlife and wildlife products

Individuals and companies are given licenses to collect various non-endangered wildlife species for export. The wildlife is collected outside protected areas. Although UWA charges export fees for wildlife species exported, communities benefit directly in that they are involved by the license holders in the capture and maintenance of the holding grounds.

³¹ See Resolution Conf. 11.16 Ranching and Trade in Ranches Specimens of Species Transferred from Appendix I to Appendix II.

2.3.5. Class E Wildlife Use Rights: Using wildlife for research and educational purposes

All Ugandan students are allowed free entrance into protected areas for educational purposes. In addition Uganda students are not charged fees while conducting research in protected areas. Protected areas have continued to provide research opportunities to Ugandan students. UWA has developed a policy on research and monitoring to guide research in protected area areas. External researchers pay a fee for carrying research in wildlife protected areas and their research proposals have to be cleared by the Uganda National Council for Science and Technology before they start conducting the research.

2.4. International context of wildlife trade

The premier international legal instrument for regulating international trade in wildlife is the Convention on International Trade in Endangered Species of Fauna and Flora (CITES).³² The Convention was adopted in Washington, D.C on March 2, 1973 and entered into force on July 1, 1975.³³ Over the years, wildlife trade has been regulated and modified through the regular Conferences of Parties to the Convention. Uganda's acceded to the CITES on 18th July 1991 and ratified it on 16th October 1991. There are currently a total of 138 Parties to the Convention.

The Convention's conservation goals are to: monitor and stop commercial international trade in endangered species; maintain species under international commercial exploitation; and assist countries toward sustainable use of species through international trade. Wildlife trade is regulated through controls and regulations on species listed in three Appendices. The Convention creates a system of joint control on trade which is shared between States that export and those that import wildlife species and products. The listing of a particular species in one of the Convention's 3 appendices is based on its potential vulnerability to trade and its conservation status. Consequently, the Convention:

- ***Prohibits all international commercial trade*** in wild plants, animals and their derivative products when they are threatened with extinction and hence listed in Appendix 1;
- ***Regulates approved non-commercial trade*** in the species and specimens listed in Appendix I to the Convention. The only allowable non-commercial trade is for scientific and conservation purposes;

³² Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, Washington, DC ; as amended at Bonn on June 22, 1979 and at Gaborone on April 30, 1983

³³ For procedure of entry into force of CITES, see Article XXII and Article XVII.

- *Regulates, through a system of permits* trade in species listed under Appendix II which are considered not to be currently threatened with extinction but could become threatened if trade in those species were not strictly regulated.
- *Establishes a framework for collaboration* among CITES Parties in regulating species that a Party may consider threatened and may want to enlist the support of other parties in regulating its trade.

At present, there are approximately 5,000 fauna species and 25,000 flora species covered by CITES. As the trade impact on a species increases or decreases, the COP decides – based on technical input from the Plants and Animals Committees – whether or not the species should be shifted between or removed from Appendices. CITES also regulates international trade through a system of permits and certificates that are required before specimens enter or leave a country.

In addition to the goals and general obligations of the Convention,³⁴ the Parties to CITES incur a number of obligations related to enforcement and compliance. The following specific obligations may be used to determine the level of compliance with the Convention:

- Designating a Management Authority and a Scientific Authority;³⁵
- Annual reporting on CITES related trade (Article VIII(7));
- Biennial reporting on legislative, regulatory and administrative measures taken to enforce the Convention;
- Agreed deadlines for submitting national reports;³⁶

Since the ratification of the Convention, the enactment of the National Environment Statute in 1995 and the Wildlife Statute in 1996 provided the first major legislative opportunities for incorporation of CITES implementing provisions in national legislation. The National Environment Statute provided for general environmental management measures covering biological diversity, forests, wildlife and genetic resources. Even without specific reference to international trade in fauna and flora, these provisions provided the initial legal basis for developing a CITES implementation regime in the country.

The National Environment Statute also made provisions for the application of international treaties and conventions in Uganda. These provisions are contained in

³⁴ For general measures required of the Parties, see Article VIII.

³⁵ Article IX

³⁶ Resolution Conf. 11.17 (Rev. CoP14)

section 106 of the National Environment Act. In this regard, the Act provides for the procedure by which an international agreement or convention can be made applicable in Uganda once it is ratified.³⁷ According to the prescribed procedure, implementation of an international treaty or convention in Uganda is to be effected by an Order made by the responsible minister and signified by a Resolution of Parliament.

On the other hand, the Wildlife Statute which was enacted in 1996 made more elaborate provisions on trade in wildlife fauna species. Among other things, it enjoined the Uganda Wildlife Authority with the responsibility “to control internal and external trade in specimens of wildlife.”³⁸ Sections 65-67 on the other hand empower the executive director of UWA to regulate international trade in species and specimens through the issuance of permits.³⁹

In 1996, Uganda also ratified the Lusaka Agreement on 12th April 1996. The *Lusaka Agreement* is the only existing practically oriented co-operative enforcement instrument assisting the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other Biodiversity related agreements at regional level.

The Lusaka Agreement was adopted basing on a number of factors including the recognition that the conservation of wild fauna and flora is essential to the overall maintenance of Africa’s biological diversity and that wild fauna and flora are essential to the sustainable development of Africa. The Lusaka Agreement was also based on the fact that there is need to reduce and ultimately eliminate illegal trade in wild fauna and flora and that illegal trade in wildlife has been made more sophisticated through the use of superior technology and trans-boundary transactions and should be addressed through commensurate national, regional and international measures. Parties to the Agreement include Congo (Brazzaville), Kenya, Tanzania, Uganda, Zambia and the Kingdom of Lesotho. The objective of the Lusaka Agreement is to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a Lusaka Agreement Task Force (LATF) as the Secretariat for cooperative enforcement operations directed at illegal trade in wildlife for this purpose.

In the context of CITES, ‘wildlife’ refers to all wild species of animals and plants including fish and timber. According to CITES and its jurisprudence, the term ‘trade’, covers four specific transactions: export, import, re-export and introduction from the sea.⁴⁰ Wildlife trade, therefore, involves the consumptive and non-consumptive export, import and re-export of wild species of animals and plants. Wildlife trade is diverse,

³⁷ Also see The Ratification of Treaties Act, No. 5 of 1998.

³⁸ S.5(j)

³⁹ See also The Draft Wildlife (Endangered Species Convention) Regulations, 1999 (unpublished).

⁴⁰ Convention on International Trade in Endangered Species (CITES), Article 1.

ranging from live animals and plants to a vast array of wildlife products derived from them, including leather goods, wooden musical instruments, tourist curios and medicines, clothing, collector items, ornamental plants, manufacturing and constructing materials, and genetic resources.

The two major categories of traded items are live specimens of wild species and products derived from the wild wildlife. The international trade in live specimens is dominated by reptiles, birds and ornamental fish, but also includes mammals and invertebrate species like scorpions, butterflies and spiders. Although it has existed for very long now, wildlife trade has been carried out informally over much of the past. It however only recently received formal recognition and continues to gain strength and importance both locally and internationally.

Indeed, International wildlife trade is growing larger and larger with time. It is estimated to be worth over US\$ 158,000 million a year. CITES lists a total of 827 traded species in Appendix I; 32,540 species in appendix II and 291 species in Appendix III. This gives an overall total of 33,658 wildlife species traded worldwide in all of the three appendices. The list includes large numbers of mammals, birds, reptiles, amphibians, fish, invertebrates and plants together with products derived from them. The key countries involved in international wildlife trade are China, India, Indonesia, Malaysia, Thailand, Brazil, United States, Japan and the European Union. A large number of other developed and developing countries also carry out trade in wildlife species and their products, both locally and internationally.

The general direction of wildlife trade flow however is from developing to developed countries, implying that huge amounts of wildlife products are transited from developing to developed countries every year, through international trade. The problem with this is that enormous exploitation of wild species, if not regulated, creates a significant threat to biodiversity, creating a risk of extinction of some of the traded species.

Uganda is also drafting legislation for enforcement of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.⁴¹ This law will establish the Lusaka agreement national bureau, spell out its functions and provide for other general procedures including reporting. It is expected that this law should become effective at the same time as the one for CITES. Uganda is also currently developing national legislation aimed enhancing enforcement of CITES at the national level. The law will specify mechanisms for monitoring wildlife trade and enforcement of CITES, specify offences and penalties and provide for reporting mechanisms, court action and other general procedures.

⁴¹ Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, Lusaka, September 8, 1994

UWA has a Law Enforcement Unit based in Kampala responsible for among others coordinating operations aimed at reducing and ultimately eradicating illegal wildlife trade. The unit staff inspects wildlife consignments at ports of entry and exit. At the regional level the unit collaborates with Lusaka Agreement Task Force (LATF) for information sharing and joint operations. The unit also closely works with Uganda Customs, Uganda Police (has assigned CID Liaison Officer to handle cases related to wildlife management) and other law informant organs in curbing illegal trafficking of wildlife and products as ensuring compliance of the licensed companies.

Furthermore UWA has constituted a multidisciplinary wildlife use right committee composed of wildlife biologist, researchers, veterinary doctors and social scientists that is responsible for guiding and facilitating implementation of the wildlife use rights programme. In addition to this, UWA is planning a training program for law enforcement agencies (Customs, Uganda Police). UWA has received Identification Manuals for Southern African species from the CITES Secretariat. The Secretariat also provided a CD on CITES for Customs which will be a key tool to use during training sessions. UWA is also in the process of developing manuals, leaflets and posters, which will be displayed at ports of entry and exit as well other relevant public centers.

UWA signed two Memorandum of Understanding (MoU) with two protected area authorities: Office Rwandais Tourisme et des Parcs Nationaux (OTPTN) of Rwanda in October 2005; and Institut Congolais pour la Conservacion de la Nature (ICCN) of the Democratic Republic of Congo in November 2007. The MoUs provides a framework for trans-boundary collaborative management of the Central Albertine Rift (CAR). A Strategic Plan for the Trans-boundary protected areas and the entire CAR landscape has been developed as a framework to guide this collaboration over the next ten years.

2.5. National Institutional Framework for Wildlife Trade in Uganda

Trade in wildlife life is a generally complex transaction largely on account of the classification of the species that may be traded and the widespread illegal activities associated with such trade. Consequently, the success of any wildlife trade regime may largely depend on the nature of the national and international institutional arrangements and how such institutions work together in a coordinated and reinforcing manner. In general, institutions with mandate for wildlife trade in Uganda can be grouped into four broad categories. Political institutions are those that are created largely for the purpose of the effective political functioning of the Executive. This category mainly includes ministries which are created by a President. This means that these ministries can be changed or restructured any time by the President or by a new Government coming into power.⁴² The second category of institutions is those established by administrative authority. Such institutions, mainly administrative

⁴² See Article 111 and 113 of the Constitution of Uganda, 1995 (As Amendended)

departments in ministries are created for the effective functioning of the relevant ministries. Under the Constitution, the major function of a ministry is to assist Cabinet in formulating policies for the relevant sectors. However, administrative departments in practice engage in day-to-day administration and enforcement of legislation and other governmental functions. Like the ministries, administrative departments within these ministries can be changed or restructured through administrative action.

The third category of institutions is those established by law and can therefore only be dissolved by legislative action. Statutory agencies such NEMA or Uganda Wildlife Authority often tends to have more permanency and clearly defined statutory mandates. Finally, there is a category of institutions that play a more supporting or operational role. These do not have any political, administrative or statutory mandates but provide supporting roles to agencies and departments to which they are affiliated. The Uganda Wildlife Education Centre and the Ngamba Island Chimpanzee Sanctuary and Conservation Trust fall under this category. The range of institutions responsible for wildlife trade are shown in Figure 2 below and described in this section.

2.5.1. Uganda Wildlife Authority (UWA)

Uganda Wildlife Authority is charged with the control of and management of wildlife in general in Uganda.⁴³ Its mission is to conserve in perpetuity the resources within national parks and other wildlife areas and to enable the people and the global community to derive ecological, economic and aesthetic and educational benefits from all wildlife resources. UWA has the mandate to collect, analyze and provide data and information on the available types of species, their populations and trends, types and trends of wildlife trade activities. UWA carries out regular aerial and ground surveys to establish wild animal populations. As the Mandated Institution and Scientific Authority UWA is able to determine trends in exploitation and carry out non-detriment findings and respond in time in case monitoring of impacts of extraction of species for trade is detrimental to their survival in the wild.

2.5.2. The Ministry of Water and Environment (MWE)

The Ministry of Water and Environment (MWE) has an extensive mandate on wildlife resources because of its policy and political responsibilities for water and environment. While it is generally responsible for formulating policies on environment and water, it also oversees the National Environment Management Authority and the National Forestry Authority (NFA). The Ministry's Forestry Inspection Division (FID) is also responsible for ensuring the functioning of the District Forestry Services (DFS) which are essential for the management of Local Forest Reserves and wildlife flora species on private land. FID is also the Scientific Authority on wild flora and is therefore

⁴³ The Authority is established under Part II of The Uganda Wildlife Act, Cap 200, Laws of Uganda, 2000 Edition.

responsible for ensuring that there is evidence upon which trade in wildlife flora species should be based.

Figure 2: The Institutional Architecture for Wildlife Management and Trade in

| Political | Administrative | Statutory | Supportive/Operation |
|--|--|---|---|
| Ministry of Trade, Tourism and Industry (MTTI) | Department of Wildlife Conservation Uganda Export Promotion Board | Uganda Wildlife Authority (UWA) Uganda Institute of Ecology | Uganda Wildlife Education Centre Trust Ngamba Island Chimpanzee Sanctuary and Conservation Trust |
| Ministry of Water and Environment | Forestry Sector Support Services Wetlands Inspection Department (WID) | National Environment Management Authority National Forestry Authority District Forestry Service | Rhino Fund and Rhino Breeding Sanctuary |
| Ministry of Agriculture, Animal Industry and Fisheries | Department of Fisheries Resources Fisheries Research Institute | | |
| Ministry of Finance, Planning and Economic Development | | Uganda National Council for Science and Technology Uganda Revenue Authority (Customs) | |
| Ministry of Internal Affairs | | Uganda Police | |
| Ministry of Education and Sports | Department of Business, Technical, Vocational Education | | Uganda Wildlife Training Institute |

2.5.3. The National Environment Management Authority

The National Environment Management Authority (NEMA) is established under the National Environment Management Act.⁴⁴ The mandate of the Authority over wildlife trade is derived from both the National Environment Act and The National Environment (Access to Genetic Resources and Benefit Sharing) Regulations.⁴⁵ Under the Regulations, the National Environment Management Authority has four specific mandates: the formulation of a national policy on access to genetic resources; carrying out public awareness campaigns; developing guidelines for access to, and export of genetic resources; and ensuring compliance and enforcement of the regulations.

With the exception of the requirements for benefit sharing which is an essential ingredient of the Wildlife Rights Use Programme, there is no evidence that the rest of the requirements stipulated under Part III of the Regulations are being followed. On the contrary, different licensing arrangements have been adopted which removes the current trade activities out of the ambit of the Regulations.

2.5.4. National Council for Science and Technology

The National Council for Science and Technology is established under the National Council for Science and Technology Act. However, The National Environment (Access to Genetic Resources and Benefit Sharing) Regulations⁴⁶ gives these two agencies shared mandates in the implementation of the Regulations. Under the Regulations, the National Council for Science and Technology is designated as the “Competent Authority” for purposes of the implementation of the Regulations.⁴⁷ As the Competent Authority, the Council is charged with the mandate to, *inter alia*: handle applications regarding access to Uganda’s biological resources; coordination of activities of lead agencies; ensuring that material transfer agreements contain sufficient provisions for the sharing of benefits arising out of use or application of genetic resources. However, this study revealed that the Council is not engaged in the current trade transactions on wildlife trade.

2.5.4. The Ministry of Tourism, Trade and Industry (MTTI)

The mandate of MTTI is to “formulate and support of strategies, plans and programmes that promote and ensure expansion and diversification of tourism, trade, cooperatives,

⁴⁴ Cap 153, Laws of Uganda, 2000 Edition.

⁴⁵ The National Environment (Access to Genetic Resources and Benefit Sharing) Regulations, Statutory Instrument (SI) No. 11 of 2005.

⁴⁶ *Ibid*

⁴⁷ *Ibid*, Regulation 5

environmentally sustainable industrialization, appropriate technology, conservation and preservation of national natural and cultural heritage, to generate wealth for poverty eradication and benefit the country socially and economically.

The Ministry plays a major role in wildlife trade issues especially because it is home to the wildlife sector. Consequently, MTTI is the CITES Management Authority that administers the Convention on International Trade in Endangered Species. As the CITES Management Authority, it is responsible for controlling external Trade in wildlife specimens. This is mainly through issuing CITES permits if there is scientific evidence from the scientific authorities (UWA, The Forest Sector Support Department, Fisheries Department in the Ministry of Agriculture Animal Industry and Fisheries) that trade in such species shall not be detrimental to the survival of the species in the wild.

Capacity limitations in the Ministry of Tourism, Trade, and Industry (MTTI) have resulted in other ministries (most notably the Ministry of Finance, Planning, and Economic Development (MFPED)) stepping in to fill the vacuum of trade policy making. Capacity limitations of MTTI have also undermined the effectiveness of the Inter-Institutional Trade Committee (IITC). The functioning of IITC could be improved by having committee meetings chaired by members from outside GOU, and by providing training to IITC sub-committee members.

IITC should be given legal status so it can raise donor funds for specific studies and projects. These efforts should displace the proposal in the functional analysis plan of setting up a separate liaison group (the Export Growth Group). In light of its capacity weaknesses, it is commendable that MTTI completed a draft National Trade Policy that was discussed with stakeholders. The other step in addressing this challenge is ongoing implementation of the Functional Analysis Plan to strengthen the capacity of MTTI.

2.5.5. Uganda Export Promotion Board (UEPB)

This is an institution charged with expanding the trade possibilities of Uganda, especially in the international market. It has been the focal government agency in the development of the wildlife trade sector strategy meant to enhance trade and investment in biological resources while also ensuring sustainable utilization. Since export development in most developing countries including Uganda is mostly concerned with addressing supply side constraints, the effectiveness of the Uganda Export Promotion Board (UEPB)—hitherto focused on market entry services—could be enhanced by a stronger supply-side focus to better meet private sector demands. This could entail restructuring of UEPB into an independent entity, such as a corporation, with its board composed primarily of active exporters, and with greater linkages to producers.

2.5.6. Uganda Investment Authority (UIA)

Uganda Investment Authority is responsible for providing information and streamlining the process of investing in all sectors in Uganda.⁴⁸ The Authority provides investors and potential investors with guidance on the prospects that exist in several sectors of the economy, including wildlife trade.

2.5.7. Uganda Revenue Authority

The Uganda Revenue Authority (URA) is the Government agency responsible for tax collection and tax administration including control of Uganda's customs entry points.⁴⁹ Its network of customs entry points is an essential and integral part of any regime for the effective control and regulation of trade in the country. However, at the moment, there working relationship between the Authority's department of customs and the CITES Management Authority. Nevertheless, there is apparent goodwill and readiness for these agencies to work more closely to ensure effective monitoring of trade in wildlife species.⁵⁰

All of these institutions work together to collect, analyze, publicize and store data on wildlife trade in Uganda. However, they are faced with a number of problems resulting to low capacities in data collection, analysis and storage. Some of these problems include:

- a) Insufficiency of funds for embarking on data collection and analysis exercises;
- b) Inadequacy of technical resources such as technical data management systems and personnel to collect, accurately analyze and appropriately manage data;
- c) Lack of appropriate and efficient technological resources such as data entry and output devices, relevant data management software.
- d) Such short falls have resulted into irregularities such as inaccurate recording and processing, lack of timeliness, wrong classification and other problems in data collection and analysis.

Thus to increase their capacity in data management (collection, analysis and storage) and therefore avoid distorting data on wildlife trade, these institutions need to acquire adequate funds, technical personnel, appropriate machinery and software for data storage, analysis and management.

⁴⁸ The Uganda Investment Authority is established under The Investment Code Act, Cap 92

⁴⁹ The Authority is established under the Uganda Revenue Authority Act, Cap 196, Laws of Uganda, 2000 Edition.

⁵⁰ According to the Uganda Revenue Authority Official who participated in the Project Steering Committee meeting that discussed the first draft of this study, areas that require improvement include timely notification of issuance of export, re-export or import permits, increasing awareness about CITES documentation. See notes of the Project Steering Committee meeting held on March 13, 2008.

Beyond these mainstream institutions, there are a host of other agencies that exercise mandates that relate to wildlife resources that are traded in Uganda. In particular, the following institutions deserve specific mention: The Department of Fisheries Resources is responsible for the management of fishery resources including enforcement of fisheries legislation.⁵¹ The Wetlands Inspection Division in the Ministry of Water and Environment has mandate over all wetland resources in the country. Wetlands are an important habitat for a wide range of wildlife species including aquatic and semi-aquatic species.⁵² Finally, under the decentralization framework, local governments are increasingly being involved in the governance of the country's wildlife and other natural resources. But most importantly, local governments can play a significant role in the management of wildlife fauna and flora resources especially on private lands which fall outside the mandate of many of the statutory and administrative agencies. However, there is no clear and specific role of local governments in the current wildlife trade architecture in the country.

CHAPTER 3: TRENDS IN WILDLIFE TRADE IN UGANDA

3.1. Trends in wildlife trade: From the Colonial Period to 1990

During the pre-colonial period, many communities engaged in wildlife hunting for food, spot and other provisions such as clothing. However, there is no record as to any trade or exchange transactions regarding wildlife life. On the contrary, the colonial authorities (1900-1962) changed the hitherto community-based wildlife based activities by creating a restricted access regime based on protected areas. Throughout the colonial and the post independence period up to the creating of the Uganda Wildlife Authority in 1996, the Uganda National Parks (UNP), the Game Department (GD) and the Forestry Department (FD) remained the key public service institutions responsible for the management of wildlife.

Existing reports and studies show uneven trends in legal and illegal wildlife trade in the country for the period 1962 up to the end of the 1990s.

Makumbi and Manyindo have studied key trends in wildlife trade in Uganda from the ap60s to the present based on the official reports of the Game Department and the Forestry Department. They observe that a total of 294 tons of wild rubber valued at £74,650 was exported between 1902 and 1919. Between 1923 and 1929, an estimated

⁵¹ Fisheries Act, Cap 197

⁵² See Republic of Uganda (1995), National Policy for the Conservation and Management of Wetland Resources. Ministry of Natural Resources, Kampala.

2,082,000 cubic feet of timber including mvule, mahogany and other species were traded. Timber trade continued to grow topping 11,273,334 cubic feet for the period 1930 and 1950 and 8,689 tons for a 3 year period from 1958 and 1960.⁵³

Over the same period, sales of wild animal derivatives including ivory, rhino horns and hippo teeth are estimated to have been in the range of £98,048 for the period 1920 and 1924. Trade data for the same products show sales amounting to £40,405 for the Financial Year 1959/1960.⁵⁴

Trade data for the 1960s shows increased trade and revenue from both wild fauna and flora. For example, sale of game licenses and ivory earned the Government of Uganda some £486,266.83 in 1969. Exports of forest products also rose from £328,501 in 1965 to 387,893 in 1967.

Since the introduction of the colonial legislation around the 1920s up to the 1950s, major legislative enactments regarding wildlife management took place during the 1970s. In 1972, the leopard was rescheduled from the Second to the First Schedule of The Game (Preservation and Control) Act⁵⁵ thereby prohibiting the hunting of the leopard under Supplementary License.⁵⁶ In 1974, two major legislative instruments were promulgated. Legal Notice No. 1 of 1975 proclaimed a six weeks amnesty requiring all persons in illegal possession of ivory, rhino horn, hippo teeth, leopard and lion skin to hand them to Government. On the other hand, The Prohibition of the Burning of Grass Decree was introduced to regulate the burning of grass in forest reserves often carried out by hunters and honey collectors.⁵⁷

In 1975, the Game (Preservation and Control) Act was amended by Decree to bar the transfer of legally obtained ivory from hunter to buyer. The Decree also terminated the powers of the Minister to waive the right to Government to the ownership of ivory acquired in contravention of the provisions of the Game (Control and Preservation) Act; in self-defense or by accident. It was also decreed that all privately-owned ivory

⁵³ Irene Makumbi and Jacob Manyindo (2000), Wildlife Trade and the Implementation of CITES in Uganda. Research Report Series # 1. Uganda Wildlife Society. Kampala. (pg 607)

⁵⁴ *Ibid*, pg5

⁵⁵ Cap 198, Laws of Uganda, 1964 Edition.

⁵⁶ See The Game (Preservation and Control) (Amendment of First and Second Schedule) Order, 1972. SI No. 56.

⁵⁷ See Decree No. 5 of 1974.

reverted to Government. Finally, in 1975, Government attempted to arrest the intensity of illegal poaching for ivory which had become prevalent as a result of the breakdown of law and order that was characteristic of the 1970s. The Economic Crimes Tribunal Decree⁵⁸ was amended to transfer the trial of the offense of killing an elephant to the Military Tribunal.⁵⁹

All these legislative enactments reflect the intensity of the problem of controlling illegal wildlife trade at the time. In spite of this problem, legal wildlife trade remained prevalent and a significant source of government revenue. Mukumbi and Manyindo observe that between 1970 and 1973, the total number of animals killed on license increased by an average of approximately 45% each year, with the licensed killing of elephants increasing by an average of 37% as shown in table 2 below.

Table 2: Animals Killed on License in the 1970s

| Year | No. of Elephants Killed on License | Total No. of Animals Killed on License |
|------|------------------------------------|--|
| 1970 | 237 | 2,398 |
| 1971 | 355 | 2,810 |
| 1972 | 444 | 3,454 |
| 1973 | 602 | 6,737 |
| 1974 | 521 | 2,599 |
| 1975 | 236 | 2,755 |
| 1976 | - | 2,278 |
| 1977 | - | 417 |
| 1978 | - | 175 |
| 1979 | 4 | 68 |

Source: Game Department, 1971 – 1979 (Reproduced from Makumbi and Manyindo, (2000).

Both the decline in the total number of animals killed as shown in Table 2 above and the decline in revenue for the period 1970-1979 as shown in Table 3 below clearly

⁵⁸ Decree No. 2 of 1975

⁵⁹ See The Economic Crimes Tribunal (Amendment) Decree, No. 14 of 1975.

demonstrate the crisis that faced Uganda's wildlife sub-sector sector. This decline was largely on account of the political instability, insecurity and the breakdown of public service institutions during this period.⁶⁰ This crisis is also evidenced by the fact that there was no significant trade in wild flora products recorded for the same period.⁶¹

Table 3: Uganda Government Revenue from Wildlife Trade in the 1970s

| Year | Licences & All Permits (Shs) | Ivory, Rhino Horn, etc. (Shs) | Game Meat and Trophies (Shs) | TOTAL (Shs) |
|------|------------------------------|-------------------------------|------------------------------|--------------|
| 1970 | 638,288.50 | 2,468,024.85 | 504,549.60 | 3,610,862.95 |
| 1971 | 820,676.45 | 861,058.05 | 364,229.35 | 2,045,963.85 |
| 1972 | 905,107.25 | 910,257.80 | 188,413.00 | 2,003,778.05 |
| 1973 | 778,848.25 | 850,889.30 | 219,099.00 | 1,848,836.55 |
| 1974 | 727,467.10 | 687,854.00 | 82,665.00 | 1,497,986.10 |
| 1975 | 715,805.50 | 1,359,092.00 | 41,600.00 | 2,116,497.50 |
| 1976 | 648,723.00 | 937,557.50 | 113,939.00 | 1,700,219.50 |
| 1977 | 508,261.50 | - | 90,429.00 | 598,690.50 |
| 1978 | 236,276.50 | 470,744.00 | - | 707,020.50 |
| 1979 | 31,830.00 | 17,740.00 | 12,100.00 | 61,670.00 |

Source: Game Department, 1970 – 1979

Like the rest of the economy, the wildlife sub-sector did not begin to recover from the instability and insecurity of the 1970s and the first half of the 1980s. Even though the NRM Government took over power in 1986 marking the beginning of relative stability, it took almost 10 years for the sub-sector to begin sustained recovery. The creation of the Ministry of Environment and Natural Resources in 1987 provided much needed political capital to focus on major restructuring of public service institutions in the environment and natural resources sector. Consequently, trading activities during this period was largely restricted to trade in live animals and plants as shown in Table 4 below.

⁶⁰ For a detailed discussion of the impact of these factors on conservation in Uganda, see Okoth-Ogendo and Godber Tumushabe (Eds.), (1999), *Governing the Environment: Political Change and Natural Resources Management in Eastern and Southern Africa*. Acts Press, Nairobi, 1999.

⁶¹ For a detailed account of illegal wildlife trade during the period, see Makumbi and Manyindo (2000), *ibid.*

Table 4: Live Animal and Plant Exports or Re-Exports from Uganda

| Year | Species | Applicable CITES Appendix | Quantity | Destination |
|--|----------------------|---------------------------|----------|-------------|
| 1981 | Orchids | | 50 | USA |
| 1982 | De Brazza's Monkey | II | 10 | UK |
| 1983 | Grey Parrot | II | 1 | UK |
| 1984 | Grey Parrot | II | 2 | UK |
| 1985 | De Brazza's Monkey | II | 2 | Japan |
| | Colobus Monkey | II | 4 | Japan |
| | Unidentified Parrot* | | 1 | Rwanda |
| | Grey Parrot | II | 1 | Italy |
| | Grey Parrot | II | 1 | USA |
| 1986 | Chinese Leopard Cat* | | 4 | USA |
| | De Brazza's Monkey | II | 10 | UK |
| | Grey Parrot | II | 1 | Denmark |
| 1987 | Shoebill | II | 2 | Belgium |
| | Shoebill | II | 1 | Netherlands |
| | Grey Parrot | II | 3 | USA |
| | Saddle-billed Stork | III | 3 | Netherlands |
| | Marabou Stork | III | 18 | Netherlands |
| | Hadada | III | 18 | Netherlands |
| 1989 | Grey Parrot | II | 2 | Italy |
| | | | 3 | UK |
| Source: Makumbi & Manyindo, (2000); | | | | |
| James Lutalo, (2008) for applicable CITES Appendix | | | | |
| * | Not certain | | | |

It is important to recognize that Uganda acceded and ratified CITES in 1991. It is therefore instructive to see the level of commitment on the part of the various Governments to regulate trade in wildlife fauna and flora albeit with varying degrees of success. In effect, the accession to CITES at the time when major reforms were going on in the environment and natural resources sector provided impetus and an opportunity to incorporate specific provisions for the implementation of the Convention in national legislation arising out of this reform effort.⁶²

3.2. Trends in Wildlife Trade: From 1990 to the Present

As already alluded to above, comprehensive reforms in the environment and natural resources sector in the early 1990s resulted into a new constitutional, legal and institutional framework that has become the lynchpin for wildlife trade in the country. With the enactment of the Uganda Wildlife Statute in 1996 and the National Forestry and Tree Planting Act in 2003, an appropriate legal framework was established on the basis of which trade in wild fauna and flora could evolve. Consequently, the current wildlife trade initiatives ought to be analyzed against the backdrop of the Wildlife Use Programme which has been implemented by the UWA to date.

The rationale for the wildlife trade is based on the principle of incentives and value. However, UWA is aware of the need to minimize continuous exploitation from the wild and hence the emphasis on captive breeding of the 20% for on-farm breeding. It is hoped that over time, collection from the wild will stop altogether and that the people would rely on artificially propagated stock. The Wildlife Use Rights Program (WURP) has led to increased private sector participation in conservation efforts, and increased benefit sharing.

At the district level, the District Environment Officers have been used as key partners in the implementation of the WURP as significant use right activities are concentrated at the districts. UWA also has law enforcement and community conservation units based in Kampala responsible for among others coordinating operations aimed at reducing and ultimately eradicating illegal wildlife trade. The staff from these two sections together with UWA field staff and district officials inspect wildlife consignments at ports of entry and exit. At the regional level the units collaborate with Lusaka Agreement Task Force (LATF) for information sharing and joint operations. The units also closely works with Uganda Customs, Uganda Police and other law informant

⁶² See for example Government of Uganda (1994), National Environment Action Plan, Ministry of Environment and Natural Resources, Kampala; Government of Uganda (1994), The National Environment Policy for Uganda. Ministry of Environment and Natural Resources, Kampala.

organs in curbing illegal trafficking of wildlife and products as ensuring compliance of the licensed companies.

To date, there are six known wildlife exporters in Uganda, generating an estimated revenue of US\$ 3 million per year. Available statistics indicate that during 2000-2006, a total of 69 species of birds, 12 species of chameleons, 6 species of tortoises and turtles, 11 species of lizards and 19 species of snakes were exported. During this period, an actual total of 13,176 birds; 11,169 chameleons, 3,977 tortoises and turtle; 1,167 lizards, gecko and skinks; and 2,881 snakes were captured for export. These data indicate that birds make more than one-third of the exports, followed by lizards and snakes. The value of global trade in birds, reptiles and amphibians which are Uganda's main wildlife exports is small (*estimated at US\$ 66 million*) worldwide, contributing just 0.44% of wildlife trade compared to trade in other wildlife commodities such as ornamental fish, mammal furs and fur products, and animal reptile skins products (US\$ 750 million).

Uganda has no record of trade in ornamental fish, animal fur and fur products. It however has record crocodile skin sales from Uganda Crocs Ltd totaling \$ 245,424.98 between 1993 and 2006.⁶³ This makes the wildlife sector very small as compared to other small components of the agricultural sector like cotton, which fetches US\$ 16 million, and much smaller than tourism, which records over US\$160 million. There is also the challenge of widespread illegal trade which is unregulated and is not monitored.

Table 5: Bird species exports between 2000 and September 2006

| Common name | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Sep 2006 |
|---------------------------------------|------|------|------|------|------|------|----------|
| Red headed lovebird | 66 | 200 | 0 | 100 | 50 | 0 | 0 |
| Black crown | 216 | 160 | 0 | 382 | 190 | 100 | 0 |
| Black bellied Fire finch | 0 | 327 | 138 | 44 | 0 | 0 | 0 |
| Double toothed barbet | 75 | 370 | 0 | 8 | 0 | 0 | 0 |
| Brown necked parrot | 140 | 200 | 0 | 0 | 0 | 0 | 0 |
| African Citril | 150 | 41 | 132 | 100 | 150 | 150 | 0 |
| White rumped seed eater (Grey Canary) | 0 | 0 | 188 | 0 | 0 | 180 | 0 |
| Yellow fronted Canary | 200 | 214 | 588 | 638 | 566 | 0 | 0 |
| Brimstone serin | 300 | 76 | 235 | 290 | 200 | 109 | 0 |
| | | | | | | | |

⁶³ Crocodile meat has local markets in Kampala hotels and Restaurants, which include Quality Cuts, Farmers Choice, Carnivore, Sam's Restaurant and Ranchers. Quantities (kgs) of meat supplied can't be ascertained but is estimated at between 200-250 kg for each outlet per year. The price varies from approximately \$4-\$6 per Kilogram. International meat exports have not been initiated because of the difficulties in complying with International Standards.

The data represents the trend in the exports of top bird species between 2000 and September 2006. The data shows gradual changes in exports of some species and irregular fluctuations in the numbers of birds of the other species exported during the 2000-2006 period. It is notable that the exports generally increased for most of the bird species from 2000 through to 2003, declined slightly in 2004 and then sharply in 2005, till no exports were recorded in September 2006. The initial increase in the numbers of birds exported between 2000 and 2003 can be attributed to freedom in the sector at the initial stage at which trade was permitted for huge numbers of animals so as to attract and encourage individuals and enterprises to engage in the trade.

The onset of the decline in the numbers of birds exported could have been caused by unfavorable conditions in the market, outbreak of the bird flu, decline in bird populations resulting from destruction of habitats such as forests, current phenomenon of climatic change, and intense illegal trade for both subsistence and commercial purposes. Such conditions could have discouraged stakeholders and increased regulation in bird exports, inevitably resulting to decline of trade in bird species.

Table 6: Reptile species exports during 2000-september 2006 (chameleon species)

| Scientific name | Common name | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Sep 2006 | Total |
|-----------------------------|--|------|------|------|------|------|------|----------|-------|
| <i>Chameleo rudius</i> | Rwenzori side stripped(Coarse) chameleon | 90 | 215 | 0 | 0 | 0 | 0 | 0 | 305 |
| <i>Chameleon bitaneatus</i> | Montane chameleon | 330 | 1027 | 300 | 300 | 260 | 0 | 180 | 2,397 |
| <i>C. dilepsis</i> | Flap necked chameleon | 170 | 525 | 200 | 0 | 150 | 0 | 208 | 1,253 |
| <i>C. elliot</i> | Montane Chameleon | 245 | 1028 | 200 | 170 | 480 | 0 | 288 | 2,411 |
| <i>C. gracilis</i> | Graceful chameleon | 140 | 230 | 100 | 0 | 0 | 0 | 150 | 620 |
| <i>C. hoelneli</i> | Helmeted chameleon | 339 | 937 | 300 | 100 | 380 | 0 | 265 | 2,321 |
| <i>C. adolfifrideric</i> | Ituri forest chameleon | 128 | 565 | 0 | 0 | 0 | 0 | 0 | 693 |
| <i>C. carpenteri</i> | Rwenzori Mountain chameleon | 404 | 315 | 0 | 0 | 0 | 0 | 0 | 719 |

Apart from *Chameleo carpenteri* (Rwenzori Mountain chameleon), exports in all of the other chameleon species exhibited a sharp increase between 2000 and 2001. There was then a general decline in the number of chameleons exported between 2002 and 2004, resulting into a complete halt in exports of chameleons in 2005. The data presented however shows that exports resumed in 2006 in most of the chameleon species, except for the *Chameleo rudius* (Rwenzori side stripped/Coarse chameleon), *Chameleo*

adolphi (*Ituri forest chameleon*) and *Chameleo carpenteri* (*Rwenzori Mountain chameleon*) species.

Table 7: Reptile species exports during 2000-september 2006 (tortoise and turtle species)

| Scientific name | Common name | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Sep 2006 | Total |
|----------------------------|----------------------------|------|-------|------|------|------|------|----------|-------|
| <i>Geocholone pardalis</i> | Leopard tortoise | 127 | 2,175 | 400 | 600 | 0 | 40 | 0 | 3,342 |
| <i>Kinixy's belliana</i> | Bell's hinged tortoise | 415 | 0 | 0 | 0 | 0 | 0 | 0 | 415 |
| <i>Kinixy' erosa</i> | Common (forest) tortoise | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 150 |
| <i>Pelomedusa subrufa</i> | African helmet turtle | 30 | 20 | 0 | 0 | 0 | 0 | 0 | 50 |
| <i>Pelusios gabonensis</i> | African forest turtle | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| <i>Trionyx triunguis</i> | Nile soft shelled terrapin | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |

Exports in tortoise and turtle species have generally been low since the official decision by UWA allowing trade in wildlife in 2000. Besides the *Geocholone pardalis* (Leopard tortoise) species which is the most highly exported species of tortoises, exports in the rest of the other species sharply dwindled or ceased at all soon after 2000 where upon no exports were recorded up to September 2006. A fluctuation in the number of exported tortoises was recorded for *Geocholone pardalis* (Leopard tortoise) species, with intermittent increases and drops in the number of tortoises licensed for export between 2000 and 2006. Cessation in the exportation of tortoise and turtle species was largely due to dwindling populations of the species.

Continuous destruction of tortoise and turtle habitat ecosystems such as wetlands and forests which are increasingly being converted into settlement and farmland largely account for the dwindling numbers of this species. Although now specific research has been conducted, it is also believed that dramatic climatic changes are also having a negative impact on the availability of the species. Reduction in tortoise and turtle populations has also resulted from rampant indiscriminate poaching of the species for subsistence purposes such as traditional medicinal uses and commercial uses in illegal trade. Such reduction in tortoise and turtle species have had a tightening effect on quotas and licensing, seriously reducing the volumes of tortoise and turtle products exported, and hence the values that accrue from their exportation.

Table 8: Reptile species exports during 2000-september 2006 (lizards, skinks and gecko species)

| Scientific name | Common name | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Sep 2006 | Total |
|-------------------------------------|---------------------|------|------|------|------|------|------|----------|-------|
| <i>Adolfus vauereselli</i> | Garden lizard | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 100 |
| <i>Hamidactylus frenatus</i> | Common House Gecko | 100 | 0 | 0 | 0 | 0 | 0 | 70 | 170 |
| <i>Lygodactylus luteopicturatus</i> | Yellow headed gecko | 0 | 150 | 0 | 0 | 0 | 0 | 0 | 150 |
| <i>Mabuya varia</i> | Variable skink | 0 | 250 | 0 | 0 | 0 | 0 | 0 | 250 |
| <i>Riopa femandi</i> | Fire skink | 351 | 0 | 0 | 0 | 0 | 0 | 0 | 351 |

According to the data, exports in lizards, skinks and geckos are also generally low. Trade in these species was active in 2000 and 2001 but came to a halt between 2002 and 2005 during which no animals were licensed for export. The *Hamidactylus frenatus* (Common House Gecko) species was the only species licensed and exported in 2006. However, only a very low total of 70 animals of the species were licensed for export.

Table 9: Reptile species exports during 2000-september 2006 (snake species)

| Scientific name | Common name | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | Sep 2006 | Total |
|--------------------------|-------------------------|------|------|------|------|------|------|----------|-------|
| <i>Antheris hispidus</i> | Rough scaled bush viper | 36 | 182 | 0 | 0 | 0 | 15 | 20 | 253 |
| <i>Antheris nitschei</i> | Black and green viper | 87 | 130 | 0 | 50 | 0 | 15 | 0 | 282 |
| <i>Bitis arietans</i> | Puff adder | 20 | 30 | 50 | 0 | 0 | 0 | 0 | 100 |
| <i>B. gabonica</i> | Gabon viper | 118 | 170 | 0 | 50 | 0 | 10 | 25 | 373 |
| <i>B. nascornis</i> | Rhino viper | 130 | 150 | 0 | 350 | 0 | 10 | 0 | 123 |
| <i>Dasypeltis scaber</i> | Common egg eater | 96 | 110 | 0 | 110 | 0 | 10 | 44 | 370 |
| <i>D. jamesoni</i> | Jameson's Mamba | 52 | 34 | 50 | 0 | 0 | 0 | 19 | 155 |
| <i>Naja melanoleuca</i> | Forest cobra | 45 | 60 | 0 | 50 | 0 | 0 | 0 | 155 |
| <i>Python sebae</i> | African rock python | 0 | 150 | 0 | 0 | 0 | 0 | 0 | 150 |

Exports in snake species have also shown a general downward spiral between 2000 and 2006. All of the top snake species recorded a substantial increase between 2000 and 2001. There were no exports in 2002 except for the *Bitis arietans* (Puff adder) and *Dasypeltis jamesoni* (Jameson's Mamba) species each of which recorded a total of 50 snakes. There were no exports in 2004 while exports were generally very low in 2005 and 2006. Besides birds, reptiles and amphibians, there is a significant scale of trade in insects, predominantly butterfly pupae. Statistics indicate that during 2003-2006 a total of 78,880 butterfly pupae belonging to 17 different butterfly species were exported.

3.2. Case Studies

3.2.1. The National Biotrade Programme

The term 'BioTrade' refers to those activities of collection/production, transformation, and commercialization of goods and services derived from native biodiversity (genetic resources, species and ecosystems), under criteria of environmental, social and economic sustainability. The BioTrade Initiative was conceived by UNCTAD in 1996 to promote trade in biodiversity products and services. The governments of Bolivia, Colombia, Ecuador, and Peru in Latin America have since taken advantage of the initiative to commercialize their diverse biological resources. In May 2003, Uganda Export Promotion Board through the Ministry of Tourism, Trade and Industry requested for support from UNCTAD to introduce the initiative in Uganda with the aim of promoting the trade as part of the country's export diversification efforts, promote sustainable utilization of the resource base on which the products and services are dependent, improve livelihoods of the rural communities, create employment, among others⁶⁴

The introduction of the BioTrade Programme in Uganda was influenced by among others: Government's focus on export diversification; Uganda's rich biodiversity, Uganda's ratification of related international instruments like the Convention on Biological Diversity (CBD), and the CITES; and poverty eradication being Uganda's priority concern as demonstrated through PEAP (Poverty Eradication and Action Plan) and PMA (Plan for modernization of Agriculture). The two poverty alleviation frameworks emphasize the need for the critical management and use of the environment and its natural resources, which is a core focus of the BioTrade Programme. The programme has 5 inter-related objectives;

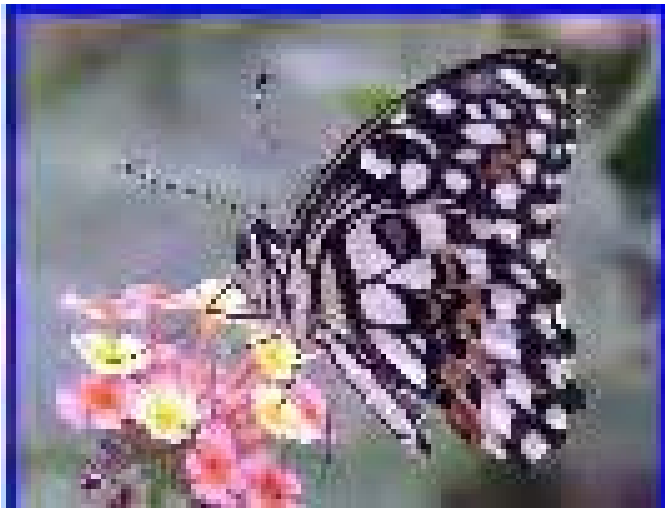
- a) create a favorable policy, regulatory, and incentive based climate for the sustainable production of natural ingredients
- b) support SMEs to commercially produce natural ingredients based on social and ecological sustainability principles.
- c) improve the supply and trade in permitted wildlife species, while assuring of sustainability and generating social benefits.
- d) increase eco-tourism while promoting conservation and improving community livelihoods.
- e) promote carbon sequestration initiatives for increased biodiversity conservation, sustainable development and poverty alleviation.

Biotrade activities are generally oriented towards the production, transformation and commercialization of products derived from the sustainable use of native biological

⁶⁴ UEPB, 2003

resources, or to the provision of services derived from such resources. Biotrade products may include those coming from wild collection or from cultivation practices. The latter refers to products derived from cultivation of native species (domesticated and wild varieties) through activities such as agriculture or aquaculture. In this case, cultivation is considered as a strategy to assure the conservation of concerned species and their ecosystems. Products derived from wild collection include products such as fauna (e.g. ornamental fish), fauna derivatives (e.g. crocodile leather or meat) and flora (e.g. medicinal plants).

The National Biotrade Initiative gives special emphasis to the sustainable use of native biological resources; promoting productive strategies and activities that support sustainable use and conservation in areas with high biodiversity value and the generation and equitable sharing of economic benefits with local and indigenous communities. The programme focuses on the sectors of Natural Ingredients, Eco-tourism, Carbon Trade and Wildlife Trade. The Programme has supported the development of a sector strategy with the operational objective of harnessing and developing Uganda's potential to produce natural products for cosmetic and pharmaceutical use in national and international markets.



The strategy for the Natural Ingredients Product Group focusing on food, cosmetics and pharmaceutical components has also been developed under the programme. Ten companies in the product areas of shea nut, plant extracts, food ingredients and selected final products have been enlisted to participate in the programme at different levels. These have since been trained on quality management for natural ingredients,

and provided international exposure and training on promotion of natural ingredients into the European Union (for only those that are export ready). In addition to these ongoing initiatives, the Biotrade Programme has earmarked wildlife trade as a potential area of focus. The Programme is supporting the development of a strategy to promote trade in wildlife that is sustainable and responsive to the social and environmental dimensions of development.

3.2.2. Zika Forest Community Butterfly Farming Initiative

Butterfly Farming is one of the private sector initiatives resulting from the re-introduction of wildlife trade in Uganda and specifically the opening up of wildlife utilization for commercialization as a conservation strategy for species outside

protected areas and also for poverty alleviation for the majority of Ugandans living adjacent and with biodiversity.

Nature Cons Uganda was licensed in 2002 to farm butterflies for export through their small farm establishment in Najjera Buwate in the suburbs of Kampala. The company produced an average of 200 pupae every month based on an egg collection and reproduction process.



Any attempt however to increase numbers on the farm resulted into disease outbreaks that required clearing out all stock and allowing for a resting period of 2 weeks before farming could be resumed again. This affected production and on consulting with research partners the enterprise was offered a solution to produce in natural conditions and specifically forest conditions. The problem gave rise to the community out-grower

production initiative with a view to reduce disease outbreaks and assure continual supply of pupae for the export market.

In 2003, the company secured permission to use the Zika Forest (20 kms on Kampala/Entebbe Road) for this purpose and selected 3 households living adjacent to the forest to participate in the trial project. On average, each farmer produced 300 – 400 pupae every month that were collected on a weekly basis and constituted about 40% of total export volumes.

Table 10: Range of species being traded

| Scientific Name | Common Name |
|--------------------------------|---------------------------------|
| <i>Papilio dardanus</i> | Mocker Swallowtail |
| <i>Papio phorcas</i> | Green Banded Swallowtail |
| <i>Papilio demodocus</i> | Citrus Butterfly |
| <i>Papilio nireus</i> | Narrow Green Banded Swallowtail |
| <i>Papilio lormieri</i> | Lormier's Swallowtail |
| <i>Hypolimnias misippus</i> | Diadem/ Mimic |
| <i>Hypolimnias salmacis</i> | Blue Diadem |
| <i>Hypolimnias monteironis</i> | Black Tipped Diadem |
| <i>Amauris niavius</i> | Friar |
| <i>Junonia oenone</i> | Dark Blue Pansy |
| <i>Junonia chorimene</i> | Golden Pansy |
| <i>Precis octavia</i> | Gaudy Commodore |
| <i>Danaus chrysippus</i> | African Queen |
| <i>Hypolimnias deceptor</i> | Deceptive Egg Fly |
| <i>Charaxes varanes</i> | Pearl Charaxes |
| <i>Hypolimnias antheson</i> | |
| <i>Charaxine butterflies</i> | |
| <i>Graphiam butterflies</i> | |
| <i>Salamis butterflies</i> | |

(Source: Nature Cons Uganda Report 2006)

Eggs were collected from Zika and Mabira forests and matured into larvae and ultimately pupae. The site was modified to attract butterflies through planting of trees, flowers and shrubs, and a small fly-house constructed for breeding purposes. The company also collects small numbers of pupae from the out-growers during the off-market season period to the farm, and left to emerge into butterflies in the fly house. This is a preservation strategy to ensure that those species of market preference are available at the beginning of the marketing season.

The market for butterfly pupae is seasonal, with no orders available in the winter period (November–February) making the typical supply calendar as March to October. In the off buying season, the company however has continued to buy fewer quantities of pupae from the farmers as a strategy to keep the farmers active and also to preserve those species of market preference. It is also responsible for market identification and servicing of the export market for pupae produced. The proprietor of Nature Cons is a biologist and with sufficient knowledge and expertise in butterfly biology. These have established contacts with Entomologists and other biology scientists in Uganda and

Kenya on butterfly breeding and diseases, and have continued to consult and interact with these in the course of their business.

The company organizes the production of pupae through the community out-growers and also on their farm establishment in Najjera. Nature Cons selected three households living adjacent to Zika Forest to initiate the butterfly out-grower production scheme. These were trained on butterfly production and breeding over a 4 month period and also provided with inputs including sweep nets, and plastic breeding cages and constructed holding shelves for placement of the breeding cages.

The out-growers in Zika forest collect eggs and caterpillars from the forest into breeding cages and these are fed on plant material until they develop into pupae. It is important that each of the out-growers is a distance from the others to avoid transmission of any diseases. Each of the farmers therefore manages a separate 'breeding site' in the forest where they have replanted shrubs and flowers to attract the butterflies, and also trees to create the ideal temperatures for butterfly breeding.



The out-growers are specifically involved in the following activities: pupae production; biodiversity monitoring through records of most occurring and threatened species; replanting of flowers, shrubs and trees favorable for butterfly farming; and keeping out unauthorized persons entering the forest through reporting to the local councils. Nature Cons plans to increase the number of out-growers to about 10 farming

households in the next 2 years as market prospects improve. UWA supervises the butterfly farming activity through periodic visits to the production sites and inspection of all exports of pupae.

Nature Cons pays Ushs 500/= (est. \$0.3) as farm gate price for each pupae collected from the farmers. This translates into an average monthly income of Ushs 200,000/- (approx USD 120) for each household. The farmers were also provided with starter inputs for butterfly production and breeding at no cost. They have been provided with skills on butterfly farming. In terms of ecological benefits, replanting of shrubs and flowers for butterfly breeding by the farmers is contributing to enrichment planting in Zika Forest. Furthermore, Nature Cons and the farmers have also generated more information on the ecological status of the forest in terms of available species and indication of quantities which has led to increased community knowledge and involvement in forest resource management and biodiversity monitoring. The butterfly farming has had the following economic benefits:

- a) Diversified income sources resulting into increased earnings for participating households,
- b) Participating households have investments into other income generating projects such as piggery to assure continued income generation.
- c) Nature Cons generated additional income which has been invested into improvements for the holding grounds in Najjera.

3.2.3. Sport Hunting in Kiruhura District

Sport Hunting is a Class A wildlife Use Right under the Uganda Wildlife Act. One of the most successful pilot initiatives of sport hunting has been undertaken in the Lake Mburo area in the Western Uganda district of Kiruhura. This was formerly a Game Reserve characterized with acacia vegetation and inter-linking lakes, and open areas suitable for animal grazing. About 300 families lived in the Game Reserve and these were primarily cattle keepers.

In 1982 Lake Mburo National Park was gazetted by Government to protect the wildlife and the entire human population evicted which created hostility between Government and the local communities. A compromise was however reached in 1986 to reduce the park by 50%, now occupying 37,000ha, and the communities have continued to use the remaining degazetted land for grazing. This area is however under threat of conversion to agriculture, and this was one of the factors considered in earmarking the area for community sport hunting.

Game Trails Uganda Ltd, a professional hunting company was licensed in June 2001 to operate the sport hunting activity in collaboration with the communities. The initiative was designed as a pilot to test the feasibility of community based sport hunting as a wildlife management tool and also to contribute to poverty alleviation. A Memorandum of Understanding was signed between the parties to benefit 120 households. The Uganda Wildlife Authority provides overall oversight and supervisory functions for the proper execution of the agreement.

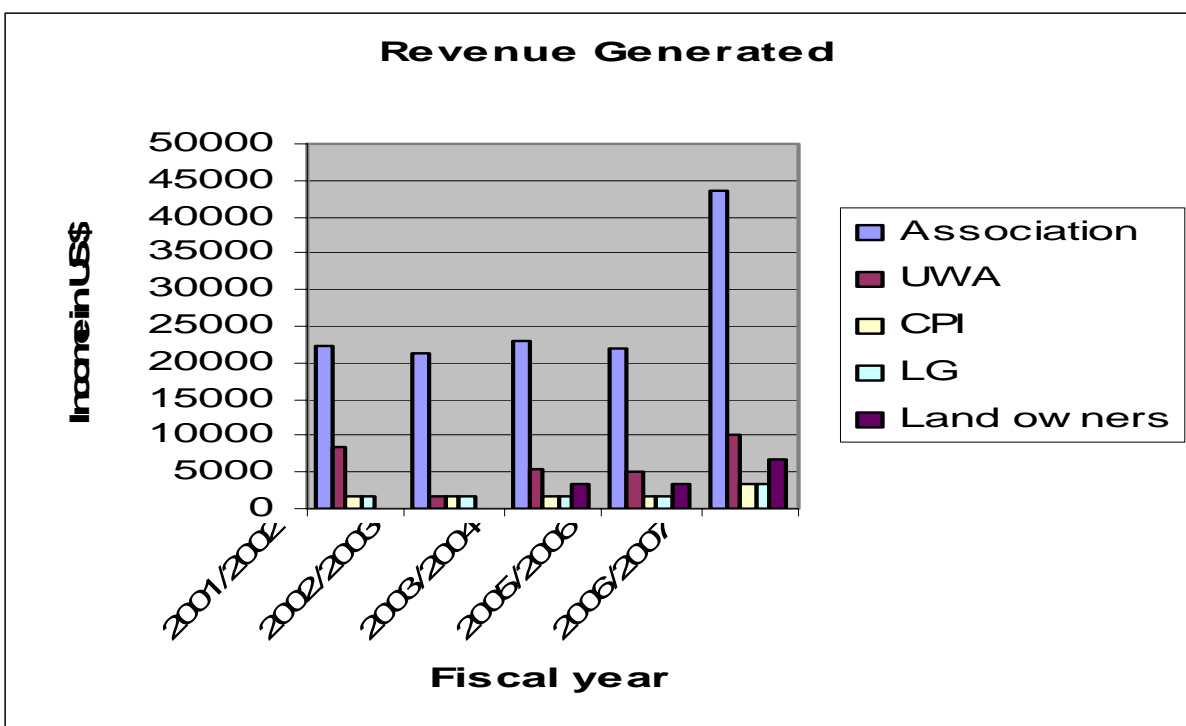
This project represents a unique partnership of the range of stakeholders involved in wildlife management and how such stakeholders can work together in a mutually beneficial partnership to promote sustainable management of wildlife while addressing issues of access and benefit sharing. The project brings together a multiplicity of actors: ***Game Trails (U) Ltd*** is a Ugandan private company. The Company is responsible for the marketing, planning and implementation of the hunting activity including payment of hunting fees to UWA. The company also provides accommodation and hospitality services to the clients (hunters). Three community associations: **Rurambira Wildlife Association; Nyakahita Wildlife Management Association and Rwankombe Wildlife Management Association** act as vehicles for community involvement and advocacy.

In addition to the community associations, the project also involves the participation of **private land owners**. A total of 6 blocks located in Rurambira Parish were demarcated by UWA for the hunting activities. These blocks are either comprised of private land or Government owned ranches. On the other hand, the *Nyashabya Sub-County* local administration and the *Community Protected Area Institute (CPI)* are involved in the project mainly engaged in planning, implementation and monitoring of project activities. Community participation is at 4 levels; Local Government, Associations, CPIs and Land Owners, providing majority participation in the hunting activity. These are active in the planning, including defining the benefit sharing scheme, and these also in the hunting expedition to assure consensus on where the animal falls, and also take the carcass of the animal for consumption.

UWA is represented by the Chief Park Warden of Lake Mburo National Park provides the overall oversight and supervisory function for the implementation of the project. In addition, UWA is responsible for the demarcation of the hunting blocks, sensitization of the communities earmarked for participation, defining the operational guidelines, and implementation of the benefit sharing scheme as agreed under the Memorandum of Understanding and in accordance with the Act. The species that are hunted under the initiatives are shown in the table below.

Available information shows that total of USD 181,500 was generated in the period May 2001 to Sept 2006, and the community association earned USD 117,982 (65%). The rest of the revenue is shared among the other stakeholders in the following proportions: Nyashabya Sub-county (5%); CPI (5%); Land owner where the carcass falls (10%); and Uganda Wildlife Authority (15%). The Figure below is a graphic representation of the monetary benefit accruing to the various stakeholders under the revenue sharing scheme of the sport hunting in Lake Mburo National Park.

This initiative is considered by the majority of the actors as a successful initiative. In addition to the revenues accruing to the stakeholders under the Revenue Sharing Scheme, the community also derives other economic benefits by sharing the carcass or even supplying food stuffs to the camping site managed by Game Trails (U) Ltd. The project has led to increased community participation in conservation activities around the national park. Community members participate in the species monitoring activities by UWA and also in the hunting expeditions.



Specific social benefits include community mobilization for effective local governance, participatory community planning, and social development projects such as investments in the construction of facilities at Nyanga and Kashenshero Primary schools. The Sub-county has been able to get a complimentary budget for its development activities including investment in Universal Primary Education (UPE). An increasing trend in wildlife population for selected species has been registered over the period as shown in the table below:

Table 11: Wildlife Population Trends of Selected Species in Lake Mburo National Park

| Species | 1999 | 2002 | 2003 | 2004 | 2006 |
|---------|-------|-------|-------|-------|-------|
| Zebra | 2,249 | 2,665 | 2,345 | 4,280 | 5,968 |
| Buffalo | 486 | 132 | 1,259 | 946 | 1,115 |

| | | | | | |
|-----------|-------|-------|-------|-------|-------|
| Waterbuck | 598 | 396 | 899 | 548 | 1,072 |
| Hippo | 303 | 97 | 272 | 213 | 357 |
| Impala | 1,595 | 2,956 | 2,374 | 3,300 | 4,705 |

(Source : UWA, 2007)

3.3. Constraints to Wildlife Trade in Uganda

Wildlife trade in Uganda has been constrained by the general deteriorating trends of the country's biodiversity over the years. A report on the state of Uganda's biodiversity 2000 showed that the rate of biodiversity loss was high (estimated at 1% per year). This has largely been attributed to the rampant degradation of natural ecosystems. This has also been complicated by the lack of incentives to offset costs incurred by farmers to promote tolerance towards wildlife. The effect of this has been a reduction and irregular fluctuation of the number of tradable species and their populations, impacting significantly on wildlife trade in the country. Trophy/sport hunting and commercial export of live wildlife was suspended countrywide 1979/80 to allow wildlife population to re-build to viable levels. Countrywide, this was achieved for most of the wildlife areas and species. Other constraints include:-

- a) Weak institutional capacity, weak enforcement of regulation and low human resource capacity in areas such as breeding, handling multiplication, resource monitoring, resource assessments and distribution.
- b) Poor transport and handling of wildlife products, reducing their value
- c) Fluctuation of prices both locally and in the international market, coupled with limited skills costing of products
- d) Lengthy licensing and inspection procedures
- e) Widespread illegal trade - More than 50% of the wildlife resources and the associated ecological process and life support functions are still found, outside the Wildlife Protected Areas, mostly on privately owned land, and therefore difficult to monitor.

The wildlife resources and other biodiversity on privately owned land still survive either because of the good will of the local communities through their culture and tradition, or because these communities cannot afford to clear their land for other development options. However, in most cases agriculture is seen as more competitive and economically lucrative than wildlife conservation. Uganda proposed to CITES CoP14, a precautionary combined problem animal control intervention and sport-hunting of 28 leopards for the whole country. This figure will be subject to review both internally and at the CITES CoP15, depending on the outcome of the implementation of the approved quota of 28 leopards management intervention.

3.4. Illegal Wildlife Trade

One of the major challenges for a successful wildlife trade regime is illegal trade mainly in the sense that it can undermine legitimate and legal trade. Illicit or illegal trade is estimated to be worth at least US\$5 billion or potentially in the excess of US\$20 billion. Generally, lucrative wildlife commodities traded globally include tiger parts, caviar, elephant ivory, rhino horn, medicinal plants, ornamental fish, exotic birds and reptiles. A recent Newsweek article citing the US State Department figures estimates that the market value of illegal trade at US\$400 a pound. Similarly, the value of illegal trade in the following items is stated as follows: rhino horn (up to US\$25,000 per pound of borne); shark skins, exotic birds (up to US\$90,000 for a Lear's macaw); reptile skin, bushmeat and other illegal wildlife products estimated at around US\$10 billion annually.⁶⁵

There is no coherent documentation of illegal wildlife trade in Uganda. This means that it is not possible to ascertain neither the value of such trade nor the extent of its impact on the wildlife resource base. What is clear though is that for the country to exploit the wildlife resource base through sustainable trade, it is important that appropriate institutional, legal and administrative mechanisms be put in place to minimize the potential effect of illegal trade. In particular, the capacity of regulatory, law enforcement and resource monitoring agencies will need to be strengthened.

3.5. Data Needs for Sustainable Wildlife Trade in Uganda

To sustain wildlife trade in Uganda, there is need for sufficient and readily available data especially for CITES species in Appendix I and II for all prospecting individuals and enterprises, and all interested parties. Unfortunately there exist a number of data gaps that need to be bridged. The current and future data needs in wildlife trade include:

3.5.1. Ecological data

Specific and accurate data is needed on estimates of existing wildlife species, their populations and trends, their habitats and life spans and production or yielding capacities. Ecological data is relevant for improvement of the management of wildlife species. It is useful for assessment and monitoring of species and their utilization, regulation of the trade, and can serve as technical data for proper decision making during determination of quotas and during licensing. This is relevant especially for ranches and or traded CITES species.

The CITES Resolution on ranching and trade in ranches specimens of species transferred from Appendix I to Appendix II requires specific reporting regarding trade

⁶⁵ Newsweek International Edition (March 10, 2008), Extinction Trade, available at <http://www.newsweek.com/id/117875>

in ranched species.⁶⁶ Accordingly, each Party that has made successful proposal to transfer a population of a species in Appendix I to Appendix II for ranching purposes should submit to the CITES Secretariat annual reports on all relevant aspects of each approved ranching operation. The relevant data of each approved ranching that should be included in the report to CITES include the following.

- i. Status of the wild population of the species concerned;
- ii. Number of specimens (eggs, young or adults) taken annually from the wild;
- iii. An estimate percentage of the production of the wild population that is taken for the ranching operation;
- iv. Number of animals released back to the wild and their survival rates estimated on the basis of survey and tagging program if any;
- v. Mortality rates in captivity and causes of such mortality;
- vi. Production sales and exports of the products;
- vii. Conservation programs and scientific experiments carried out in relation to the ranching operation or the wild population concerned.

There is need for financial resources for research and monitoring of the species population in the wild and monitoring the survival of the young ones that are bred in captivity and later released in the wild.

3.5.2. Data on production systems

Data is needed on the nature of existing wildlife production systems. Such data should describe the number of individuals, enterprises or companies involved in wildlife trade; the nature of their trade, including products they deal in and their capacities. Data on employed and potentially available processing technologies is also needed. Data is also needed on the extent of legal and illegal trade in the country. This data is helpful in determination of the volume of production and its value, and also assists current and prospective dealers to assess their input needs to enable them maximize production volumes and the derivative values out of the existing wildlife resource envelop. This data is also useful in helping wildlife trade regulators to decide on the number of collectors to sustainably engage in the business.

3.5.3. Data on the market

Exact, accurate and analytical data on both the local and international market of wildlife products is very vital for sustainable wildlife trade in Uganda. Data on the current and future nature of the market and market dynamics should be availed to all stakeholders and interested parties. This includes data describing, commodity values, market

⁶⁶ Conf. 11.16 (Rev. CoP14), Ranching and Trade in Ranched Specimens of Species Transferred from Appendix I to Appendix II. (Eleventh Meeting of the Conference of the Parties, Gigiri, Kenya, April 10-20, 2000).

availability and size, local and international supply and demand or consumption patterns for wildlife products, and data describing local and international pricing and price structures for each traded and potential species and products. Such data is useful for empowering traders with knowledge of the market and its dynamics, enabling them to set and adopt strategies for sustainable maximization of productivity and value from available wildlife resources.

4. SOCIAL, ENVIRONMENTAL AND ECONOMIC IMPACTS OF WILDLIFE TRADE

A vibrant and sustainable wildlife trade enterprise ought to be based on a proper assessment of the potential negative and positive impacts of wildlife trade. However, the major challenge of undertaking an impact assessment of wildlife trade in Uganda is the fact that there are no clear variables upon which the assessment may be based. To overcome this problem, a set of variables were developed based on the review of the existing policies and legislation governing wildlife. Environmental variables were selected based on their relevance to the resources base, conservation objectives and specific conservation strategies reflected in national policy and legislation. Social variables were selected based on the range of policy and legal instruments that guide social development in the country. Economic variables were selected based on the economic objectives of conservation and poverty eradication. Table 12 below presents the overall assessment of the potential negative and environmental impacts of wildlife trade and potential mitigation measures.

Table 12: Assessment of Environmental, Social and Economic Impacts of Wildlife Trade in Uganda

| Impact | Parameter | Positive | Negative | Mitigation Measures |
|-----------------------|---------------------|--|--|---|
| Environmental Impacts | Biodiversity | Trade could induce good practices that may support conservation of biological diversity. | Potential loss of key biodiversity resources driven by unscrupulous business practices. | Regulation of trade Assessment of harvesting Promote breeding and propagation programs. |
| | Species Diversity | Regulated harvesting of species could accelerate regeneration of traded species and promote species balance. | Potential depletion of selected species could undermine diversity. | Regulation of trade |
| | Genetic Erosion | | Wildlife imports or imports for re-export could lead to introduction of invasive species | Strengthen customs control, sanitary and phytosanitary inspection, etc |
| | Ecosystem integrity | Wildlife trading opportunities could enhance partnerships that will | Rush for resource capture could undermine conservation efforts and | Increase awareness among |

| | | | |
|--------------------------|---|--|---------------------------|
| | encourage the ecological and legal integrity of wildlife ecosystems. | hence the integrity of key ecosystems. | wildlife traders |
| Wildlife crimes | Legal trade could act as a disincentive for illegal wildlife trade. | Legal trade could incentivize illegal trade giving advantage to organized crime. | Deterrent criminal regime |
| Social Impacts | | | |
| Poverty | Wildlife trade can help reduce poverty among traders and participating communities. | Trade driven species depletion could impact on social and economic well being of communities directly dependent on wildlife. | |
| Social equity | Revenue sharing helps communities to appreciate the value of conservation | Elite capture of the trade could lead to socio-economic marginalization of the communities. | |
| Community empowerment | Participation in trading activities helps build confidence and civic competence of participating communities. | | |
| Health | | Tradable species can become carriers for diseases (e.g. Ebola virus). | |
| Economic Impacts | | | |
| Household incomes | Wildlife trade increases household and community incomes. | | |
| Community projects | Community projects get funding from trading initiatives. | | |
| Enterprise opportunities | Wildlife trade provides opportunity as alternative business enterprise. | | |

Since, wildlife trade in the country is only beginning to take roots, these are only indicative of the potential socio-economic and environmental impacts of wildlife trade. The diversity of the species traded and the actors involved may, in fact require a more detailed assessment, perhaps on a species-by-species basis to determine the impact of the trade on both species and the communities involved in this trade. For example, the Box below provides an illustration of the impact of chameleon trade and sport hunting conducted as part of the process of undertaking this review.

As a contribution to this national review of wildlife trade policy in Uganda, IHEID conducted a study of social dynamics related to wildlife trade. This study aimed at understanding the social impacts of trade in two value chain/product at all steps, from the local harvest to the international export. The specific objectives were to 1) Design focused exploratory social dynamic studies complementary to the national policy reviews; 2) Generate a better qualitative understanding of social dynamics with insights on sustainability, poverty alleviation and other national development goals and 3) Inform efforts to strengthen tools and methodologies for assessing social impacts of wildlife trade policies.

Wildlife trade initiative, undertaken as a pilot programme in Uganda, was primarily promote as a conservation tool, through increased social and economic benefits of wildlife utilization. Through this programme, wildlife capture is allowed on private land under certain quotas. This provides an alternative to traditional use of habitat (e.g. agricultural) and an incentive, for landowners, to maintain their land in a natural state and to protect wildlife on their land.

The socio-dynamic study shows that the majority of the actors consider this initiative as a success. However, it highlights a lack of equitable sharing of benefit and transparency along the wildlife trade value chains, as shows in two case study: Trade in live chameleons and trade in Trophy hunting around Lake Mburo National Park.

Companies involved in live chameleon trade (Class B) are allowed to trap animals from the wild, outside the protected areas. These are then kept at the grantees' holding grounds. These grounds are monitored through the collection data forms approved by District Environment Officers and then submitted to UWA by the grantees. At the time of export, formal requests for permission to export are made to UWA, which issues an export permit and conducts export inspections. For CITES-listed species, such as chameleons, a special CITES export permit is required from CITES Management Authority. The appropriate fees are paid to UWA and the relevant returns (customs-stamped documents) are submitted to UWA.

Such trade occurs in the Wakiso district. Companies involved have to pay the annual license fee of US\$ 1'500 and an animal fee of US\$ 2 to UWA. The official trappers may earn up to Ug. Shs 300,000 (US\$ 15) per months, they normally work with local children, mainly to locate the animals, and pay them little money (Ug. Shs 200-300, i.e. US\$ 0.1). The information about companies' income was not publicly available. This "economic" activity is not transparent and the landowners and local communities were, up to very recently, not aware of it. The communities gain nothing, even if the chameleons are located in their very garden and are very abundant.

In addition, the Wakiso District Officers, which are supposed to verify the capture permit from UWA, the trappers or licensee before wildlife capturing, the collected animals, as well as receive the wildlife collection data sheets (that specifies the species collected), supervise the capture,

record species collected and their numbers, have few resources. Facing various constraints, they, for example, had never visited the areas where chameleons are captured, have no idea of the price of chameleons and are not undertaking any inventories or monitoring of the populations. The District Officials sign the wildlife collection data sheets without verifying, seeing, or counting the animals collected.

With respect to the Sport Hunting (wildlife Use Right, Class A) around Lake Mburo area, in the Western Uganda district of Kiruhura, the benefits are more equitably shared among the various stakeholders. They include the Community associations (which receive 65%), the Sub-county (5%), the Community Protected Area Institution (5%), the landowner where the carcass falls (10%), and the Uganda Wildlife Authority (15%). However, the information regarding the income of the safari provider, Game Trails, is not publicly available. In addition, local people that do not have land but live in this area, for example the “Bararo” people, remain excluded from this entire sector and its benefits, even though their activities and life are highly linked and dependent on the natural resources in the same territory. They do not even know of the existence of sport hunting activity and were, up to now, not involved in any policy discussion or conservation project.

Source: Gagnon, S. and Nuwe, J.B., 2008. Wildlife trade policy and social dynamics in Uganda with a focus on Chameleon trade and sport hunting, 2008 (unpublished)

5. OPPORTUNITIES IN WILDLIFE TRADE

Despite its recent legal recognition and small contribution, Uganda has recorded a number of successes such that today, it for instance is the world’s leading exporter of the helmeted chameleon. The country’s wildlife sector’s potential is unmatched but largely unexploited. The sector exhibits promising potential for future growth and expansion and presents vast opportunities for future investment in wildlife, promising more revenue contribution to the national gross domestic product out of increased revenue generation from wildlife use rights and from export of live wildlife species. Real opportunities are currently available in ornamental fish, non-wood forest products, and wildlife farming.

However to achieve growth and expansion in the wildlife sector, and thus to reap more from wildlife trade exports, Uganda needs to check illegal trade, increase the intensity of production (volume) of wildlife commodities and to diversify wildlife trade to include other wildlife species and wildlife products for which it has a high potential such as Non-Wood Forest Products, ornamental fish, animal reptile skins, edible snails, mollusk shells which are globally traded at US\$ 200 million/year and game meat, traded at US\$ 120 million/year. This presents an opportunity to generate more foreign exchange and contribute more to the national gross product than is currently generated.

As a contracting Party to CITES and the Lusaka Agreement on cooperative enforcement directed at illegal trade in wildlife, Uganda has access to advantages such as:-

1. A Technical and scientific framework of multilateral regional and international rules, which prescribe and oversee the mechanism governing international trade in wildlife species, particularly those of conservation concern. The two protocols in effect give security and predictability to performance of species of wildlife involved in trade.
2. Improved access to authorized markets, and building of appropriate capacity, both for dealers in wildlife trade and the Contracting Parties
3. Cooperative enforcement directed at illegal trade in Wild fauna and flora.
4. Domestication of the two protocols will establish a national institutional framework and capacity to initiate plan for and oversee a national development program supporting Uganda's participation in international trade in wildlife species of conservation concern.
5. Domestication of the two protocols will also increase revenue earning for the country, as well as enhance business opportunities for the private sector (including communities), basing on innovation in sustainable conservation of species already experiencing conservation concern, and in particular those that have identifiable and controllable market. The decision in this regard will, beside tourism, create an enabling environment for adding a more competitive economic value to these unique resources, where rural communities are directly involved.

In order to continue benefiting from wildlife trade, the trade has to be regulated so as to prevent the likely adverse or threatening effects of unregulated utilization of wildlife. To ensure sustainable harvest and use of Uganda's wildlife resources, exploitation of wildlife is regulated within an established legal, institutional, and policy framework.

6. EMERGING ISSUES AND IMPLICATIONS FOR POLICY

This study clearly shows incontrovertible evidence that there is growing interest in wildlife trade in Uganda although it is still at a minimal level . This interest is evidenced not only by the wide range of species being traded but also by the steadily increasing numbers and the growing number of wildlife enterprises. There is also anecdotal evidence suggesting that communities engaged in the ongoing wildlife projects are deriving economic and social benefits. However, a number of critical general and specific issues will need to be addressed to make wildlife trade a viable and sustainable enterprise. The following are the key general issues that emerge from this study:

6.1. Growing Pressure on the Wildlife Protected Area System

It is evident that a combination of human and physical factors is imposing significant pressure on the Nation's wildlife protected area system. Over the last decade, population pressure combined with growing needs for land for investment and landless

has led to increased calls for degazettment of certain protected areas. A number of cases such as those involving Pian Upe Game Reserve, Mabira Forest Reserve, Queen Elizabeth National Park and many others point to a worrying trend that could have a negative impact on the status of wildlife which could be invariably undermine wildlife trade. These cases have also pointed to the lack of a coherent approach to degazettment of protected areas hence creating a sense of uncertainty and unpredictability in the management of wildlife in the country. It is important to emphasize that the viability and stability of wildlife species in *in situ* conditions is a condition precedent for a growing and sustainable wildlife trade.

6.2. Emphasis on Agriculture Could Undermine the Wildlife Sector

Agriculture, particular understood as crop and animal husbandry is still seen as the key driver for the growth and transformation of the economy. Since the adoption of the Poverty Eradication Action Plan, agriculture has been put at the centre of Uganda's development strategy. However, neither the Plan for Modernization of Agriculture nor the agriculture zoning scheme provide any specific guidance on wildlife farming as potential enterprises. There is over emphasis on conventional agriculture as compared to wildlife farming which is a fairly new and unconventional farming enterprise sub-sector. This problem is compounded by the fact that wildlife farming and trading is conducted within the realm of conservation and trade and has less interaction with the institutions responsible for agriculture. Consequently, there is a strong sense for reconfiguring the institutional framework for wildlife trade to enable more engagement with those in the agriculture sector.

6.3. Oil exploitation

The ongoing oil exploration in the protected areas or near the protected areas in particular Queen Elizabeth National Park and Murchison Falls National Peak are likely to create serious challenges for wildlife conservation and hence wildlife trade in the country. The extent to which the potential negative impacts of oil exploitation activities on the protected areas are minimized will be important in sustaining a case for international trade in wildlife from Uganda. It is therefore important that the relevant institutions responsible for wildlife trade should seek to ensure effective implementation of the environmental policy strategies articulated in the National Oil and Gas Policy.

6.4. Institutional Coordination

Evidence from the study suggests strong and evolving coordination of the key institutions with the mandate for wildlife trade in the country. All the key institutions are mobilized to promote wildlife trade while addressing the different facets of the enterprise. However, when analyzed in the light of the regulations on access to genetic resources, the current institutional configuration reveals some disconnect in wildlife trade regulation and regulations governing access to genetic resources and benefit

sharing. It is important that trade in wildlife be considered in the context of these regulations given their elaborate provisions both on procedure and the substantive provisions on benefit sharing and documentation.

In addition to addressing these general issues, a sustainable wildlife trade regime has to be pursued along the following policy parameters:

6.5. Wildlife Trade promotion

Evidence from the study already demonstrates efforts by public agencies to promote trade in wildlife life. These efforts are complete by and enthusiastic and growing private sector that is kin to take advantage of the enterprise opportunities that wildlife trade presents. While this is a positive development in macro-economic and conservation terms, increased trade in wildlife if not managed properly can have a devastating effect on the status of wildlife species in the country. It is important that trade promotion be guided by resources sustainability as the fundamental policy objective. Consequently, increases in trade volume, revenues and socio-economic benefits should be a consequence of sound conservation rather than the driving motivation for policy. To achieve this convergence in wildlife conservation and wildlife trade promotion, it is important that the ongoing institutional collaboration between the wildlife agencies and the Uganda Export promotion Board be institutionalized. This may be achieved through a Memorandum of Understanding that helps clarify mandates, set agreed targets and create certainty with respect to areas of collaboration and inter-institutional accountability.

6.6. Wildlife Trade Regulation

At the moment, Uganda Wildlife Authority is effectively discharging its responsibilities with respect to the regulation of wildlife trade. Licensing of wildlife enterprises and wildlife trade transaction must remain an integral part of the regulation agenda. However, a reconfiguration of the current institutional collaboration may be necessary to bring on board institutions such as the National Council for Science and Technology which has the mandate to implement the regulations on access to biological resources. On the contrary, the regulations can be revised to exclude wildlife trade transactions from their scope. However, this may be undesirable in the national interest since the regulations were intended to emphasize Uganda's sovereignty over her biological resources awhile creating mechanisms for benefit sharing. It is therefore that UWA in collaboration with the other relevant agencies clearly define the underlying policy objectives of the currently regulatory regime. A decision also needs to be made as to whether wildlife trade should be brought under the ambit of the access to genetic resources regulations or not. Unless this is clarified, this study suggests that current wildlife trade activities clearly constitute noncompliance with the requirements and procedures set out under the Regulations.

6.7. Wildlife Trade Policy Formulation

It has been observed that the 1999 national wildlife policy was not officially adopted by Cabinet as standard practice would require. However, current practice suggests clear recognition of the policy and the *de facto* policy regime governing the wildlife sector in the country. Nevertheless, a number of policy developments have taken place that would require urgent revisions to the policy to make it consistent with emerging trends and practices. For example, the Ministry of Trade, Tourism and Industry which is the responsible agency for policy formulation in the wildlife sector has just completed the formulation of the National Trade Policy and a Diagnostic Trade Integration Study. Other important developments include: the continuing evolution of the sector wide-wide strategy for the Environment and Natural Resources sector (ENR); the competition of the National Oil and Gas Policy and continuing policy developments in the agriculture sector. These and many developments clearly warrant a complete rethinking of the wildlife sub-sector policy as last formulated in 1999 so that it is brought in tandem with these developments and current practices in the Sub-sector.

6.8. Policy Integration

The single biggest challenge for wildlife trade in Uganda will probably be how to ensure that it is coherent with the broad range of policies that may impact on wildlife management. Wildlife trade spans a range of disciplines including conservation, agriculture, investment, private sector development, institutional mandates, revenue sharing and generally access to and the management of genetic resources. The current efforts to ensure intra and inter-sector coordination in wildlife trade need to be strengthened with a view to create more coordination, coherency and accountability in policy and decision-making.

6.9. Evidence-Based Decision-making

In order to ensure sustainability of the resources base and the viability of wildlife enterprise and wildlife trade, it is important that decisions be based on clear and convincing evidence regarding the status of the resource. A combination of regular monitoring and research will be essential in generating the data that is required for effective decision-making. It is also important that a clear delineation of key institutional responsibilities and mandates regarding wildlife trade be ensured. At the moment, MTTI is responsible for wildlife policy formulation and international trade regulation. The Uganda Wildlife Authority is responsible for the management, conservation and monitoring of wild fauna. The National Forestry Authority is responsible for the conservation and management of Central Forest Reserves. The UEPB is responsible for wildlife trade promotion, while local governments are responsible for the management of local forest reserves. To ensure that decision-making will be based on clear and convincing scientific evidence, it is important that three core mandates be clearly delineated among the responsible institutions with clear intent to create checks and ensure responsibility and accountability.

- Regular collection and dissemination of data. This should cover ecological data as well as data on wildlife production system;
- Development of clear monitoring indicators. These should cover, *inter alia* wildlife sustainability indicators; resource stability and productivity indicators; equity indicators measuring community benefits from and responses to wildlife conservation; and number of *in situ* and *ex situ* wildlife enterprises.
- Clear separation of mandates over policy formulation, regulatory roles and trade promotion roles. The fusion of these mandates in one Ministry may in future compromise the transparency and integrity of the decision making process. The increasing involvement of the private sector actors in the sector comes with the potential to circumvent regulatory controls unless effective mechanisms for accountability are in place and enforced.

7. CONCLUSIONS

Current trends in wildlife trade as evidenced by trade data and the growing number of wildlife enterprises clearly suggest that wildlife trade has potential for growth. The case studies analyzed in this report also show that wildlife trade-based projects have the potential to yield substantial economic, social and conservation gains for the country. It is also apparent that there is growing interest among private actors to exploit that fast growing enterprise opportunity. What is therefore needed is a policy and institutional framework that enhances collaboration, ensures coordination and creates appropriate mechanisms for transparency and accountability in the making of decisions regarding wildlife trade. The existing working partnership between the relevant agencies of Government provides an essential building for making appropriate policy reforms and ensuring that such reforms re-emphasize sustainable management and conservation of wildlife as the fundamental objectives for wildlife trade.

REFERENCES:

I. Makumbi and J. Manyindo (2000), *Wildlife Trade and the Implementation of CITES in Uganda*. Research Report Series # 1. Uganda Wildlife Society. Kampala.

G.W. Tumusabe, A. Bainomugisha and O. Mugenyi, 2008. *Land Tenure, Biodiversity and the Post-Conflict Transformation in Acholi Sub-Region: Resolving the Property Rights Dilemma*. ACODE, 2008 (Unpublished).

J.L. Kelly, A.E. Magurran and C. Macías García (2006), *Captive breeding promotes aggression in an endangered Mexican Fish* in *Biological Conservation* 133 (2006), 169-177. Elsevier.

H.W.O. Okoth-Ogendo and G.W Tumushabe (Eds.), (1999), *Governing the Environment: Political Change and Natural Resources Management in Eastern and Southern Africa*. Acts Press, Nairobi, 1999.

L.M. Corn (1994), *The Convention on International Trade in Endangered Species: Its Past and Future*. Congressional Research Service, Committee for the National Institute for the Environment.

W. Wijnstekers (2000), *The Evolution of CITES: A Reference to the Convention on International Trade in Endangered Species of Wild Fauna and Flora*. CITES Secretariat, Switzerland.

UNFPA, 2007, *World Population Report*, United Nations, New York.

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, Washington, DC ; as amended at Bonn on June 22, 1979 and at Gaborone on April 30, 1983

Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, Lusaka, September 8, 1994

Republic of Uganda, 2000. *Plan for Modernization of Agriculture*. Ministry of Finance, Planning and Economic Development (MoFPED)/Ministry of Agriculture, Animal Industry and Fisheries (MAAIF). Kampala.

Constitution of the Republic of Uganda, 1995 (as amended),

Uganda Wildlife Statute, No. 14 of 1996

Game (Preservation and Control) Act, Cap 226

National Parks Act, Cap 227.

Uganda Wildlife Act, Cap 200. Laws of Uganda, Revised Edition, 2000

Republic of Uganda, 1999. The Uganda Wildlife Policy. Ministry of Tourism, Trade and Industry. Kampala. June 1999.

Republic of Uganda, 1994. The National Environment Policy for Uganda 1994. Ministry of Natural Resources, Kampala.

The National Environment (Access and Benefit Sharing) Regulations, 2005. SI No. 30 of 2005

Republic of Uganda (2007), National Trade Policy: Trading Out of Poverty, Into Wealth and Prosperity. Ministry of Trade, Tourism and Industry, Kampala, March 2007.

Republic of Uganda (2006), Diagnostic Trade Integrated Study. November 2006

Republic of Uganda (2007), National Oil and Gas Policy for Uganda-Final Draft, Ministry of Energy and Mineral Development, June 2007.

Fisheries Act, Cap 197

Republic of Uganda (1995), National Policy for the Conservation and Management of Wetland Resources. Ministry of Natural Resources, Kampala.

The Game (Preservation and Control) (Amendment of First and Second Schedule) Order, 1972. SI No. 56.

The Economic Crimes Tribunal (Amendment) Decree, No. 14 of 1975.

ANNEX I: LIST OF MEMBERS OF THE PROJECT STEERING COMMITTEE

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